Indigenous Policy (IPJ) publishes articles, commentary, reviews, news, and announcements concerning Native American and international Indigenous affairs, issues, events, nations, groups and media. We invite commentary and dialogue in and between issues.

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Co-Editors:
Phil Bellfy, American Indian Studies Program, Michigan State University, 262 Bessey Hall,
East Lansing MI 48824, (517)432-2193, bellfy@msu.edu.
Thomas Brasdefer, thomasbrasdefe@gmail.com, Web Master.
Thaddieus (Tad) Conner, Mexico State University: conner03@mmsu.edu.
Jonathon Erlen, Ph.D., History of Medicine Librarian, School of Medicine,
University of Pittsburgh (412)648-8927, erlen@pitt.edu.
Leo Killsback, American Indian Studies, Arizona State University, Discovery Hall, Room 356,
P.O. Box 874603, Tempe, AZ 85287-4603, (480)727-0061, lkillsba@asu.edu.
Paula Mohan, Political Science Department, 305 Salisbury Hall, University of Wisconsin,
Whitewater, Whitewater, WI 53190 (262)472-5772 (o), (608)233-2812(h),
paulamohan@gmail.com.
Ignacio Ochoa, M.A., Director, Nahual Foundation / Fundación Nahual, A Think Tank by and for the Indigenous Peoples of the Americas, 2a Avenida Norte 6 B, Antigua Guatemala,
Sacatepéquez, Guatemala. Of: (502)7832-0167, Cell: (502)5985-4954,
ignacio@fundacion-nahual.org, ochoa.ignacio@gmail.com, www.nahualfoundation.org,
www.fundacion-nahual.org.
Michael Posluns, Daytime & Cell: (416)995-8613, mposluns@accglobal.net.
Annalise Romoser (410)230-2800 ext. 2845, aromoser@lwr.org.
Steve Sachs, 1916 San Pedro, NE, Albuquerque, NM 87110 (505)265-9388,
ssachs@earthlink.net, Senior Editor, Coordinator of Editorial Board.
Jay Toth, M.A., Professor of Anthropology, SUNY Fredonia, jtoth@atlanticbb.net.
William (Bill) Taggart, New Mexico State University, Department of Government, Box 30001,
MSC 3BN, Las Cruces, NM 88003, (575)646-4935, witaggar@nmsu.edu.
Mark Trahant, Atwood Journalism Chair, University of Alaska Anchorage,
marktrahant@thecedarsgroup.org.
David Weiden, Assistant Professor of Political Science and Native American Studies,
Metropolitan State University of Denver, King Center 494, Campus Box 43, P.O. Box 173362,
Denver, CO 80217-3362, 303-556-4914, dweiden@msudenver.edu, Book Review Editor
Rick Wheelock, WHEELOCK_R@fortlewis.edu, Editor.

ISN Program Co-Chairs:
Mark Graber (University of Maryland) mgrababella@law.umd.edu
Laura Evans, evansle@u.washington.edu.

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Advisory Council
Our thanks to all the members of the advisory council who review article submissions:
David Armstrong, Phil Bellfy, JoLee Blackbear, Bennis Blue, Stephen Brandon, Patricia Campbell, Ward Churchill, Thaddieus (Tad) Conner, Renee Ann Cramer, Shane Day, Erica Neeganagwedgin, Larry French, Susan Grogan, Burke Hendrix, Sheree Hukill, Lilias Jarding,
IPJ is seeking volunteers to join the Editorial Committee to collaborate with Rick Wheelock, our new Editor in coordinating the refereeing process for submitted articles, sending submissions round to advisory committee members for review, and making final decisions on articles based on reviewers' advice. If you are interested in on the Editorial Committee, please contact Rick Wheelock, WHEELOCK_R@fortlewis.edu.

IPJ invites volunteers to serve on its Advisory Council, refereeing submitted articles. If you are interested in being a reviewer of submitted articles in the IPJ refereeing process, please contact Rick Wheelock, WHEELOCK_R@fortlewis.edu.

Book Review Committee:

IPJ has a book review committee. People wishing to review books, often receiving a free copy to review, and those wishing to have a book review should send a copy, to David Weiden, Assistant Professor of Political Science and Native American Studies, Metropolitan State University of Denver, King Center 494, Campus Box 43, P.O. Box 173362, Denver, CO 80217-3362, 303-556-4914, dweiden@msudenver.edu.

DEADLINE FOR SUBMISSIONS FOR THE NEXT ISSUE IS June 8

INDIGENOUS POLICY PLANS FOR 2017-18 - WE INVITE YOUR HELP AND INPUT

We wish you a fine New Year. Indigenous Policy journal is available on the web with e-mail notification of new issues at no charge. Indigenous Policy puts out two regular issues a year (Summer and Winter), and since summer 2006, what is now a fall issue serving as the Proceedings of the Western Social Science Association Meeting American Indian Studies Section. We are seeking additional editors, columnists and commentators for regular issues, and editors or editorial groups for special issues, and short articles for each issue. We have via our web site, a regularly updated and searchable data base of Ph.D. Dissertations from Universities Around the World on Topics Relating to Indians in the Americas, compiled by Jonathon Erlen and Jay Toth from Dissertation Abstracts, with recent dissertations also listed separately in each of our regular Summer and Winter issues.

As IPJ is a refereed journal, articles may be posted on a different schedule from the rest of the journal. New articles may go up either at the same time as regular issues, or be added to already posted issues, and may or may not remain up when issues change, until replaced by new articles. Notices go out to our list serve when new issues are posted, and when new articles are posted. To be added to the list to receive e-mail notice of new postings of issues, and new postings of articles, send an e-mail to Steve Sachs: ssachs@earthlink.net.

Jeff Corntassel and colleagues put together a special winter 2002 issue with a focus on “federal recognition and Indian Sovereignty at the turn of the century.” We had a special issue on
international Indigenous affairs summer 2004, on Anthropology, Archeology and Litigation – Alaska Style spring 2012, on Exploring the Governance Landscape of Indigenous Peoples and Water in Canada, Spring 2014, and are about to have additional special issues. We invite articles, reports, announcements and reviews of meetings, and media, programs and events, and short reports of news, commentary and exchange of views, as well as willingness to put together special issues.

Send us your thoughts and queries about issues and interests and replies can be printed in the next issue and/or made by e-mail. In addition, we will carry Indigenous Studies Network (ISN) news and business so that these pages can be a source of ISN communication and dialoguing in addition to circular letters and annual meetings at APSA. In addition to being the newsletter/journal of the Indigenous Studies Network, we collaborate with the Native American Studies Section of the Western Social Science Association (WSSA) and provide a dialoguing vehicle for all our readers. This is your publication. Please let us know if you would like to see more, additional, different, or less coverage of certain topics, or a different approach or format.

*IPJ* is a refereed journal. Submissions of articles should go to Rick Wheelock, WHEELOCK_R@fortlewis.edu, who will send them out for review. Our process is for non-article submissions to go to Steve Sachs, who drafts each regular issue. Unsigned items are by Steve. Other editors then make editing suggestions to Steve. Thomas Brasdefer posts this Journal on the IPJ web site: http://www.indigenouspolicy.org.

**GUIDE TO SUBMITTING WRITINGS TO IPJ**

We most welcome submissions of articles, commentary, news, media notes and announcements in some way relating to American Indian or international Indigenous policy issues, broadly defined. Please send article submissions electronically attached to e-mail to Rick Wheelock, WHEELOCK_R@fortlewis.edu, who will send them out for review. All non-article submissions (including Research Notes, which usually are non refereed articles) go via e-mail to Steve Sachs: ssachs@earthlink.net, or on disk, at: 1916 San Pedro, NE, Albuquerque, NM, 87110. If you send writings in Word format, we know we can work with them. We can translate some, but not all other formats into word. If you have notes in your submission, please put them in manually, as end notes as part of the text. Do not use an automated footnote/end note system that numbers the notes as you go and put them in a footer such automated notes are often lost, and if not, may appear elsewhere in the journal, and not in your article, as several writings are posted together in the same file. If you use any tables in a submission, please send a separate file(s) for them, as it is impossible to work with them to put on the web when they are an integral part of a Word text. Some other format/style things are helpful to us, and appreciated, but not an absolute requirement. As we publish in 12 point Times font, with single spacing, and a space between paragraphs, it saves us work if we receive writings that way. Many thanks. We look forward to seeing what you send us.

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**UPCOMING EVENTS**

**ISN PROGRAM AT APSA 2017 in San Francisco, CA, August 31 - September 3, 2017**

The Indigenous Studies Network (ISN) intends to put on at least one panels and a business meeting/networking session at the 2017 American Political Science Association (APSA) Meeting, in San Francisco, CA, August 31 - September 3, 2017. For more information and to submit proposals for papers contact ISN Program Coordinators: Laura Evans,
evansle@u.washington.edu (University of Washington) and Mark Graber (University of Maryland) mgraber@law.umaryland.edu. Deadline for submitting proposals may be in November 2016. More information about the APSA meeting is available, eventually including the program, at: http://www.apsanet.org/.

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WSSA 2017 AMERICAN INDIAN STUDIES SECTION PROGRAM, April 12-15, 2017

The American Indian Studies Section of the Western Social Science Association, at its 59th meeting, expects to again have a full program of panels at the association's meeting at the 2017 conference in San Francisco, CA, at the Hyatt Regency San Francisco (Embarcadero), 5 Embarcadero Center, San Francisco, CA 94111, April 12-15, 2017. Paper/panel proposals for the American Indian Studies Section can either be submitted on line by going to: http://www.wssaweb.com, or by sending them (preferably by E-mail) to AIS section coordinators: Michelle Hale, Michelle.Hale@asu.edu and Tennille Marley: Tennille.Marley@asu.edu. Deadline for proposals, including abstracts, is December 1, 2016. Information, which will eventually include the preliminary program, can be accessed on line at: http://www.wssaweb.com.

A list of Indigenous Language Conferences is kept at the Teaching Indigenous Languages web site at Northern Arizona University: http://www2.nau.edu and also among a large number of linguistic conferences of all types at: http://linguistlist.org/callconf/browse-current.cfm?type=Conf, and for bilingual education in the U.S. (and some beyond) at Dual Language Education of New Mexico: http://www.dlenm.org.

The D'Arcy McNickle Center for American Indian and Indigenous Studies at the Newberry Library, in Chicago, has an on going Newberry Library Seminar in American Indian Studies on Wednesdays from 5:30 - 7:30 pm at the Newberry, 60 West Walton Street, Chicago, Illinois with a meal included. “We will pre-circulate papers to those planning to attend. If you cannot attend and want to read a paper, please contact the author directly. To receive a copy of a paper, email mcnickle@newberry.org or call (312) 255-3552. Papers are available for request two weeks prior to the seminar date. Please include your email address in all correspondence.” There are other occasional events. E-mail: mcnickle@newberry.org or call (312)255-3564 to receive a copy of the paper via E-mail. For more on this and other events at the Newberry Library go to: http://www.newberry.org/mcnickle/AISSeminar.html.

Among 2017 programs are: Friday, May 12, 2017 – Saturday, May 13, 2017, "Violence and Indigenous Communities: Confronting the Past, Engaging the Present," Free and open to the public; no registration required; and Friday, May 26, 2017, "Indigeneity, Gender, and Sexualities: A Scholarly Symposium," Free and open to the public; no registration required.

The University of North Carolina Pembroke, Pembroke, NC runs an on going Native American Speakers Series, usually announced shortly ahead of time, and often at the Museum of the Southeast American Indian, University of North Carolina Pembroke, Pembroke, NC. For more information, email ais@uncp.edu, or call 910.521.6266. Admission to the series is free, and it is open to the public.

The 8th Annual Earth Care Summit may be in January 2017. For details visit: http://www.psr.org/news-events/events/.

Society for the Study of Indigenous Languages of the Americas: SSILA 2017 Annual Meeting held jointly with the 91st Linguistic Society of American (LSA) Meeting is in Austin, TX, January 5-8, 2017. For details visit: http://www.ssila.org/meetings/ssila-2017/.

American Indian Higher Education Consortium (AIHEC): Building Capacity in Linguistics and Endangered Languages at TCUs is January 5-8 at JW Marriott Austin, Austin, TX. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

Physicians for Social Responsibility (PSR), Transformative Climate Communities Workshop in LA is January 19, 2017 in Los Angeles, California. This program, created by AB 2722, invests in impacted communities by transforming their neighborhoods into climate resilient hubs. PSR-LA and our allies are working to ensure that any investments made are truly transformational and bring much needed public health benefits. For details visit http://www.psr.org/news-events/events/.

The 13th International Conference on Environmental, Cultural, Economic, and Social Sustainability is at Biomass and Water Management Research Center, Fluminense Federal University, Niterói, Greater Rio de Janeiro, Brazil, January 19-21 2017. The On Sustainability knowledge community is brought together by a common concern for sustainability in a holistic perspective, where environmental, cultural, economic, and social concerns intersect. For details visit: http://onsustainability.com/the-conference/call-for-papers?utm_source=S16a%20dans%20promo&utm_medium=S16a%20dans%20promo&utm_campaign=S16a%20dans%20promo.


SGAC/TSGAC Self Governance 1st Quarter Advisory Committee Meeting is January 24-26, 2017. For details go to: http://www.ncai.org/conferences-events/national-events.

The 2016-2017 Native American Speakers Series presents: Dr. Ryan Emanuel, Water is Life: An Indigenous Response to Water Challenges in the Lumbee World and Beyond, focuses on both sacred and the scientific aspects of water for Lumbee people and for other indigenous peoples of the region, January 26, 2017 7:00 p.m. at the Museum of the Southeast American Indian, University of North Carolina Pembroke, Pembroke, NC. For more information, email ais@uncp.edu, or call 910.521.6266. Admission to the series is free, and it is open to the public.

WSF2017 The 6th World Sustainability Forum is in Cape Town, South Africa, on 27 and 28 January 2017. For details go to: https://www.linkedin.com/pulse/6th-world-sustainability-forum-matthias-burkhalter?articleId=6059646020671807488.

Physicians for Social Responsibility (PSR), Speaker Training on Climate Change and Nuclear Weapons is January 28, 2017 in Boston, MA. For details visit http://www.psr.org/news-events/events/.
UN Consultation on Participation of Indigenous Governments in UN Processes and Meetings is January 30,- February 1, 2017 in New York City, NY. For details go to: http://www.ncai.org/conferences-events/national-events.

5th International Conference on Language Documentation and Conservation (ICLDC) - a biennial meeting: may be in February 2017. For details visit: http://events.hellotrade.com/conferences/international-conference-on-language-documentation-and-conservation/.


Heritage Language Research Institute 10th International Conference on Language Teacher Education is February 2 - 4, 2017 at UCLA Covel Commons, in Los Angeles, CA. For details go to: http://nhlrc.ucla.edu/

USEF Impact Week is February 6-9, 2017, at Crystal Gateway Marriott, Arlington, VA. For details visit: http://www.ncai.org/conferences-events/ncai-events.

American Indian Higher Education Consortium (AIHEC) 2017 Winter Board Meeting is February 6-9, 2017 in Washington, DC. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

AIHEC 2017 Winter Meeting is February 6-9, 2016 at Washington Court Hotel, Washington, DC. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

American Indian Higher Education Consortium (AIHEC) Historical Trauma Curriculum Training is February 9-11, 2016 in Phoenix, AZ. For details visit: http://www.aihec.org/who-we-are/calendar.htm.


NCAI 2017 Executive Council Winter Session is February 13-17, 2017, in Washington, DC; State of Indian Nations address, February 16. For information visit: http://www.ncai.org/conferences-events/ncai-events.

The Native American-Indigenous Section of the Southwest Popular/American Culture Association 38th Annual Conference is as usual in Albuquerque, NM, February 15-18, 2017. For details go to: http://southwestpca.org/conference/call-for-papers/.


Physicians for Social Responsibility (PSR), Making the Connection 2017 is February 17-18, 2017 in Madison, Wisconsin. This two-day event will focus on many aspects of environmental health as well as addressing them in clinical, advocacy, and research settings. For details visit http://www.psr.org/news-events/events/.

29th Far West PCA/ACA (Popular and American Culture associations), which likely has at least one American Indian section, is February 26-28, 2017; Las Vegas, NV. For information go to: http://www.fwpca.org/.

UN Consultation on Participation of Indigenous Governments in UN Processes and Meetings is February 27-28, 2017 in New York City, NY. For details go to: http://www.ncai.org/conferences-events/national-events.


The 40th Annual California Conference on American Indian Education may be in March 2017. For more information, contact: Achel McBride: (530)895-4212 x 110, Irma Amaro: (707)464-3512, or Judy Delgado at 916-319-0506, judelgado@cde.ca.gov, or go to: http://www.ccaie.org/.

SWCOLT (Conference on Language Teaching) is March 2-4, 2017 in Oklahoma City. For information go to: http://www.swcolt.org/.

Native American Scouting Combine is March 4, 2017 at 100 N McCormick, Oklahoma City, Oklahoma. For details go to: http://www.ncai.org/conferences-events/national-events.


American Indian Higher Education Consortium (AIHEC) Educate, Motivate, Innovate Workshop at the National Environmental Justice Conference and Training Program is March 8-10, 2017 in Washington, DC. For details visit: http://www.aihec.org/who-we-are/calendar.htm.


American Indian Higher Education Consortium (AIHEC) 2017 Spring Board Meeting is March 16-17, 2017 at Best Western Ramkota Hotel and Conference Center Rapid City, SD. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

American Indian Higher Education Consortium (AIHEC) 2017 Student Conference, March 19-17, 2017 at Hilton Garden Inn, Rapid City, SD. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.
SGAC/TSGAC Self Governance 2nd Quarter Advisory Committee Meeting is March 28-30, 2017. For information visit: http://www.ncai.org/conferences-events/ncai-events.

Workshop on Structure and Constituency in the Languages of the Americas (WSCLA 2016) may be in April 2017. For details go to: https://sites.google.com/site/wscla2016/.

Alaska Native Studies Conference 2017 is April 7-9, 2017 at the University of Alaska Fairbanks campus. For information go to: http://alaskanativestudies.org.


45th Annual Symposium on the American Indian may be at Northeastern State University, University Center, Tahlequah, OK, in April 2017. For details visit: http://www.cts.nsuok.edu/NSUSymposium.aspx.

NICWA Annual Conference is April 2-5, 2017 in San Diego, CA. For information visit: http://www.ncai.org/conferences-events/ncai-events.


Federal Bar Association's Indian Law Conference is April 6-7, 2017, at Talking Stick Resort, 9800 E. Indian Bend Road, Scottsdale, AZ 85256. For information visit: http://www.ncai.org/conferences-events/national-events.

Thirteenth Annual Southeast Indian Studies Conference is being held on campus at the University of North Carolina, Pembroke, Pembroke, NC, at the University Center Annex, April 6-7, 2017. Conference details will be posted to the American Indian Studies http://www.uncp.edu/ais/ and Southeast American Indian Studies http://www.uncp.edu/sais/ websites as they become available.

NIGA Indian Gaming Tradeshow & Convention is April 10-13, 2017 at the San Diego Convention Center. For information visit: http://www.ncai.org/conferences-events/ncai-events.

The 9th International Conference on Climate: Impacts and Responses is at Anglia Ruskin University, Cambridge, UK April 21-22, 2017. The Climate Change Conference is for any person with an interest in, and concern for, scientific, policy and strategic perspectives in climate change. It will address a range of critically important themes relating to the vexing question of climate change. Plenary speakers will include some of the world’s leading thinkers in the fields of climatology and environmental science, as well as numerous paper, workshop and colloquium presentations by researchers and practitioners. For details go to: http://on-climate.com/the-conference.

The Western Political Science Association (WPSA) 2016, April 13-15, 2017, is at the Hyatt, Vancouver, BC, and will likely include one or more Race, Ethnicity and Politics panels that could include Indigenous issues. For details go to: http://wpsa.research.pdx.edu/

The 12th Giving the Gift of Language: A Teacher Training Workshop for Native Language Instruction and Acquisition, SILC: Strengthening Indigenous Languages and Cultures: A Teacher Training Workshop for Native Language Instruction and Acquisition is April 14-16, 2016, at Missoula, MT. For information visit: http://www.nsilc.org/index.htm.


350.org is sponsoring the People’s Climate Mobilization, a major march in Washington, D.C., when we will come together with hundreds of thousands of people to reject Trump’s attack on our communities and climate, and push forward with our vision of a clean energy economy that works for all, April 29, 2017. For more information, go to: https://peoplesclimate.org/pledge/?source=350&utm_medium=email&utm_source=actionkit.


The 12th Annual Conference on Endangered Languages and Cultures of the Americas may be in May 2017. For details go to: http://www.cail.utah.edu, or contact Jennifer Mitchell: cail.utah@gmail.com.


The 8th Native American and Indigenous Studies Association Annual Conference may be in May, 2017, in Tucson, AZ. For more information go to: http://naisa.ais.arizona.edu/.

20th Annual Workshop on American Indigenous Languages (WAIL2016) may be in May 2017, at UCSB Department of Linguistics. For information visit: http://www.linguistics.ucsb.edu or http://osl.sa.ucsb.edu/org/nail/WAIL.


21st Navajo Studies Conference may be at Northern Arizona University, Flagstaff, Arizona, may be in May 2017. For details go to: http://www.navajostudies.org.
24th Annual Stabilizing Indigenous Languages Symposium may be at the University of Hawaii at Hilo, in June 2017. Information will become available at www.uhh.hawaii.edu.

AsiaLex 2017 may be in June 2017. For information go to: http://www.adelaide.edu.au/australex/.

The Native American Student Advocacy Institute may be in June 2017. For details visit: http://nasai.collegeboard.org/.

24th Stabilizing Indigenous Languages Symposium may be in June 2017. For information visit: http://sils2016.com.

Fostering Indigenous Business and Entrepreneurship in the Americas Conference: FIBEA 2017 may be in June 2017. For information and to make submissions contact fibea@mgt.unm.edu, or visit http://conferences.mgt.unm.edu/fibea/ or http://fibeamanaus.mgt.unm.edu/defaultENG.asp.

2nd Annual Stabilizing Indigenous Languages Conference and 6th Western Symposium on Language Issues (WeSLI) may be in June 2016. For details go to: http://jan.ucc.nau.edu/~jar/AIE/conf.html.


The Society of American Indian Government Employees (SAIGE) is a national non-profit organization that advocates for American Indian and Alaska Native federal employees. SAIGE 14th Annual National Training Program may be in June 2017. Information is available from the Society of American Indian Government Employees, P.O. Box 7715, Washington, D.C. 20044, www.saige.org.

UCLA American Indian Studies Center Summer in Montana may be in June 2017. For details see: www.aisc.ucla.edu/news/.../Summer%20in%20Montana%20flyer.pdf.

Dene Languages Conference may be in June 2017, and will likely be held in the Southwest, in Apache country. For information go to: http://www.uaf.edu/alc/.

SYLAP 2017 (Shoshonian language summer program) may be in June and July 2017 on the campus of the University of Utah. For details go to: http://shoshoniproject.utah.edu/2015/12/sylap-2016-application/.

The Northwest Indian Language Institute Summer 2017 may be in June 2017, at the University of Oregon, Eugene, OR. For details go to: http://pages.uoregon.edu/nwili/.

7th International Conference on Bantu may be in June 2017. For details go to: http://linguistlist.org/callconf/browse-conf-action.cfm?ConfID=190196.

The **2017 Institute on Collaborative Language Research (CoLang)** may be in June and July 2017. For information about SSILA go to: www.ssila.org

**NCAI 2017 Mid Year Conference** is June 11-14, 2017, at Uncasville, CT. For information visit: http://www.ncai.org/conferences-events/ncai-events.

**7th American Indian and Indigenous Education Conference** is at Northern Arizona University, Flagstaff, AZ, June 16-18, 2016. To get updated information on this conference visit: http://nau.edu/AIE.


**American Indian Higher Education Consortium (AIHEC) Behavioral Health Institute** is at Haskell Indian Nations University, Lawrence, KS, June 19-22, 2017. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

**American Indian Higher Education Consortium (AIHEC) 2017 Summer Executive Branch and Board Meeting** is in Washington, DC., June 20-22, 2017. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

The **2017 Institute on Collaborative Language Research (CoLang)** may be at the University of Alaska, Fairbanks is June 20, 2017. For details go to: http://www.ssila.org.


**9th International 3L Summer School: Endangered Languages: From Documentation to Revitalization** may be in July 2017. For details visit: http://www.ddl.ish-lyon.cnrs.fr/.

**NCAIS Graduate Student Conference at the Newberry Library in Chicago** may be in July 2017. “The Consortium offers graduate students from NCAIS member institutions an opportunity to present papers in any academic field relating to American Indian Studies at the Graduate Student Conference. We encourage the submission of proposals for papers that examine a wide variety of subjects relating to American Indian and Indigenous history and culture broadly conceived. For details go to http://www.newberry.org/.

**NCAIS Summer Institute**, may be in July and August, 2017. For more information go to: www.newberry.org/mcnickle.

**12th Lancaster Postgraduate Conference in Linguistics and Language Teaching (LAEDG 2017)** may be in July 2017. For details go to: http://www.lancaster.ac.uk/fass/events/laelpgconference/index.htm.

**7th Cambridge Conference on Language Endangerment: 'Language Endangerment: Language Contact and Language Change'**, is on 4th July 2017, at the University of

CARLA: The Center for Advanced Research in Language Acquisition has a series of Summer Institutes of different lengths on a variety of topics beginning July 10, 2017. The schedule is available at: http://carla.umn.edu/institutes/2017/schedule.html.


SGAC/TSGAC Self Governance 3rd Quarter Advisory Committee Meeting is July 18-20, 2017. For information visit: http://www.ncai.org/conferences-events/ncai-events.

ACCESS Conference (formerly SKC TCU Summer Meeting) is July 23-28, 2017 at Salish Kootenai College, Pabo, MT. For information go to: http://www.aihec.org/who-we-are/calendar.htm.


The 2017 annual meeting of the Linguistic Association of Canada and the United States, the 44th LACUS Forum may be in August 2017. For details visit: http://lacus.weebly.com.


NAAAS (including The National Association of Native American Studies) International Research Forum may be in August 2017. For details visit: https://www.naaas.org/view-calendar/.

Syntax of the World's Languages VII (SWL VII) may be in August 2017. For details visit: http://swl-7.weebly.com/.

2017 World Indigenous Business Forum may be in August 2017. For details go to: http://wibf.ca/.


AustraLex Conference 2017: Intersections between oral narratives, traditions, lexicography and new media is August 28-29, 2017 at the University of the South Pacific, Rarotonga, Cook Islands. For information visit: http://www.adelaide.edu.au/australex/.
ATNI 63rd Fall Annual Convention 2016 may be in September, 2017. For details visit: http://www.ncai.org/conferences-events.

2017 WINHEC Annual Meeting may be in September 2017. For information visit: http://winhec.org.

AAIA’s Indigenous Annual Meeting and International Repatriation Conference may be in September 2017. For details visit: www.indian-affairs.org.

14th Language is Life Biennial Conference may be in September 2017. For details, visit: http://www.aicls.org/.


4th Language and Language Teaching Conference (LLTC) 2017 may be in September 2017. For details visit: https://sites.google.com/site/usdlltc/.

Colorado Association for Bilingual Education (CABE) Conference may be in September 2017. For details visit: http://www.cocabe.org

46th Annual Meeting of the Linguistic Association of the Southwest may be held at the University of Texas at Austin, in September 2017. For details go to: http://clas.ucdenver.edu/lasso/index.html.


The 13th biannual International Conference on the Mediterranean Coastal Environment may be in October 2017. organized by MEDCOAST. For details contact: medcoast@medcoast.net, http://www.medcoast.net/.

The National Association for Multicultural Education (NAME) may be in October 2017. For details visit: http://www.nameorg.org/.

9th Annual Tusweca Tiospaye 2016 Lakota Dakota Nakota Language Summit and FirstNations Education Summit" may be in October 2017. For details visit: http://tuswecatiospaye.org/.

Annual, Sunrise Gathering on Alcatraz Island: Day of Solidarity with Indigenous People may be in October 2017. For details go to: http://www.iitc.org/conferences-events/community-events/.

7th International Conference on Language Immersion Education may be in October 2017. For details visit: http://www.carla.umn.edu/conferences/LTE2015/.

USERT SPF Annual, hosted by Eastern Band of Cherokee Indians, may be in October 2017. For details go to: http://www.usetinc.org

NAAS 2017 International Research Conference may be in October 2017. For details visit: https://www.naaas.org.

Puliiima 2017 (6th Indigenous Language and Technology Conference) may be in October, 2017. For information go to: http://www.puliiima.com

NIEA Annual Conference is October 4-7, 2017 in Orlando, FL. For details visit: http://www.aihec.org/who-we-are/calendar.cfm.

American Indian Higher Education Consortium (AIHEC) is October 5-7, 2017 in Orlando, FL. For details visit: http://www.aihec.org/who-we-are/calendar.cfm.

The 2016 International Conference of Indigenous Archives, Libraries, and Museums is October 9-12, 2017 (Conference dates are October 11-12) at the Hyatt Regency Tamaya, Santa Ana Pueblo, outside Albuquerque, NM. For information, visit: http://www.atalm.org. Please direct questions to atalminfo@gmail.com.

NCAI 74th Annual Convention and Marketplace is October 15-20, 2017, in Milwaukee, WI. For details visit: http://www.ncai.org/conferences-events/ncai-events.

The Indigenous Studies Area of the Midwest Popular Culture Association at the annual Midwest Popular Culture Association/American Culture Association conference is, October 18-22, 2017 in St. Louis, MO. For more information about the conference please visit the conference website at www.mpcaaca.org/conference.

American Indigenous Research Association Meeting is October 20-21, 2017 in Joseph McDonald Health and Fitness Center, Salish Kootenai College in Pablo, Montana. Preconference workshop is October 19. For details go to: http://americanindigenousresearchassociation.org/meeting/.

SGAC/TSGAC Self Governance 4th Quarter Advisory Committee Meeting is Oct 24-26, 2017. For details visit: http://www.ncai.org/conferences-events/ncai-events.

6th International Conference on Language, Education and Diversity (LED 2017) may be in November 2017. For details visit: https://led.education.auckland.ac.nz.

FALCON Annual Conference may be in November 2017. For information go to: http://falcon.aihec.org/Pages/FALCONHome.aspx

The 9th Annual Honoring Native Foodways may be in November 2017 in the University Center Annex, University of North Carolina, Pembroke. For information go to: https://uncpphoto.smugmug.com/Events/2015/Native-Foodways/.

First Nations Language Keepers Conference may be in November 2017 at the Saskatoon Inn and Conference Centre in Saskatoon, Saskatchewan, Canada. Details area available at: http://www.sicc.sk.ca/.
Tribal Interior Budget Council, November 7-9, 2017 is November 7-9, 2017 at Washington Plaza, 10 Thomas Circle NW, Washington, DC. For details visit: http://www.ncai.org/conferences-events/ncai-events.


American Indian Higher Education Consortium (AIHEC) 2018 Winter Board Meeting is February 12-15, 2018 in Washington, DC. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

National RES Las Vegas is March 5-8, 2018, in Las Vegas, NV. For details visit: http://www.ncai.org/conferences-events/ncai-events.

American Indian Higher Education Consortium (AIHEC) 2018 Spring Board Meeting is March 9-10, 2018 in Rapid City, SD. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

American Indian Higher Education Consortium (AIHEC) 2018 Student Conference is March 11-14, 2018 in Rapid City, SD. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

Federal Bar Association's Indian Law Conference is April 5-6, 2018, at Talking Stick Resort, 9800 E. Indian Bend Road, Scottsdale, AZ 85256. http://www.ncai.org/conferences-events/ncai-events.

NICWA Annual Conference is April 15-18, 2018 in Anchorage, AK. For details visit: http://www.ncai.org/conferences-events/ncai-events.

Breath of Life / Workshop for California Indian Languages may be in June 2018, For details visit: http://www.aicls.org.

NCAI 2018 Mid Year Conference & Marketplace is June 3 - Jun 6, 2018, in Kansas City, MO. For details visit: http://www.ncai.org/conferences-events/ncai-events.
ACCESS Conference is July 30-August 2, 2018. For information go to: http://www.aihec.org/who-we-are/calendar.htm.


American Indian Higher Education Consortium (AIHEC) 2018 Fall Board Meeting is October 9-10, 2018 in Hartford, CT. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

NIEA National Convention is in Hartford, CT, October 10-14, 2018. For details visit: http://www.ncai.org/conferences-events/ncai-events.

NCAI 75th Annual Convention & Marketplace is October 21-26, 2018 in Denver, CO. For details visit: http://www.ncai.org/conferences-events/ncai-events.


ONGOING ACTIVITIES
Steve Sachs

Environmental Activities

UNESCO and the National Centre for Scientific Research (CNRS-France), in partnership with Indigenous Peoples of Africa Coordinating Committee and Tebtebba, organized an international conference on indigenous knowledge and climate change, 2-4 November 2016, Marrakesh, Morocco in conjunction with the UN Climate Conference (COP-22). For go to www.indigenous2016.org.

The Center for Biological Diversity, "Historic Petition: End New Fossil Fuel Leasing on Public Lands," Endangered Earth, July 14, 2016, http://www.biologicaldiversity.org/news/press_releases/2016/keep-it-in-the-ground-07-12-2016.html, reported," This week the Center for Biological Diversity led more than 250 climate, community and tribal organizations in filing a landmark legal petition calling on the Obama administration to halt all new fossil fuel leasing on federal lands -- a step that would align U.S. energy policies with its climate goals and keep up to 450 billion tons of greenhouse gas pollution from entering the atmosphere.

We're calling on Interior Secretary Sally Jewell to place an immediate moratorium on new leases for federally managed, publicly owned oil, gas, tar sands and oil shale, and to expand the current moratorium on new coal leases. It's a critical step to ensure the United
States does its part to meet the global climate commitments we made last year in Paris."

350.org in Australia, http://act.350.org/signup/pfpp-brisbane/?akid=14384.51426.2xTj3p&rd=1&t=4&utm_medium=email, and http://act.350.org/go/11718?t=6&utm_medium=email&akid=14384.51426.2xTj3p, reported June 24, 2016, "The Pollution Free Politics Push has begun! Around the country, hundreds of Australians are taking bold and powerful action to hold their politicians to account for the damage they are doing to our climate and our future.

Just three days in and with the election looming, already we’ve seen everyday people take extraordinary action at electorate offices from coast to coast. Here’s a taster:

On Tuesday, mothers, GPs, priests, students and retirees peacefully occupied Resources and Energy Minister Josh Frydenberg’s electorate office, whilst outside community members rebranded the pro-fossil fuels Minister’s office a climate crime scene.

On Wednesday, over 50 Perth residents queued-in at Finance Minister Mathias Cormann’s office whilst over a dozen people occupied the foyer to call-out Cormann’s pro-coal, anti-climate action agenda. The entire office was locked down in response.

Then today, in the nation’s capital, dozens of Canberrans blocked the entrance to climate blocker Senator Żed Seselja’s office and dropped a banner from above to highlight his climate inaction, as passers-by watched on.

Inspired? If you’re in Brisbane or Sydney, it’s not too late to join more actions like this: Tomorrow Brisbane residents will take a powerful message to climate action blocker Peter Dutton’s office - click here to join them.

And on Saturday, Sydney-siders will stand with Pacific Islanders as they kayak from Western Sydney to Malcolm Turnbull’s home where they’ll call on him to keep fossil fuels in the ground, for good - click here to join them.

The consequences of our politicians’ obstructionism and denial cannot be understated. You can see it in the mass coral bleaching of the Great Barrier Reef, the tightened chests of children who’ve grown up surrounded by coal, the contaminated water of farmers whose land has been drilled by gas companies, the homes struck down by devastating fires spurned by the heat of a thousand mines and wells.

When our politicians fail us, we must step up and find the audacity to set things straight. And what better way to do that in the tradition of peace and non-violence, with our bodies and hearts, taking our messages direct to the places and spaces frequented by those dragging us towards a miserable future.

A minority of people are holding us back but a majority of people are ready to do something about it. It’s a beautiful thing and we thank all of you for being a part of it.

We’ll be in touch next week with a full wrap of the week’s events. In the meantime, you can follow the updates live at:

Pollution Free Politics Push LIVE
The 350 Australia Facebook page
#PollutionFreePolitics
For climate justice,
Charlie for the 350 team"

350.org,
hitps://peoplessclimate.org/pledge/?source=350&utm_medium=email&utm_source=actionkit, announced on January 2, 2017, that April 29, 2017, is "the date of the People’s Climate Mobilization, a major march in Washington, D.C., when we will come together with hundreds of thousands of people to reject Trump’s attack on our communities and climate, and push forward with our vision of a clean energy economy that works for all.

We believe that in this moment of division, turmoil, and fear, it's important to put
forward an alternative vision that inspires and connects. If we don't put forward our own vision -- of an economy built on justice and powered by clean, renewable energy -- then we let fossil-fuel-soaked nationalism, xenophobia, and hatred win. We need to show that more people still believe in our shared vision for the future than in Donald Trump's."

Nika Knight, "Bolstered by New Proof of Asthma Link, Anti-Fracking Groups Plan 'Massive' March at DNC: Our country's leaders 'must take a hard look at the data, acknowledge the harms of drilling and fracking, and stop it before other people become ill'," Common Dreams, July 19, 2016, http://www.commondreams.org/news/2016/07/19/bolstered-new-proof-asthma-link-anti-fracking-groups-plan-massive-march-dnc, reported,

Researchers from Johns Hopkins University have conclusively shown that living close to fracking operations significantly increases asthma sufferers' risks of attacks, adding urgency to the battle against fracking within the Democratic Party as it prepares to convene in Philadelphia next week.

The study, published Monday in JAMA Internal Medicine, looked at 35,000 medical records in Pennsylvania from 2005 to 2012. The state has long been host to a controversial fracking boom, and many have clamored for politicians to pay attention to the industry's irreversible damage to the land and human health.

This study's findings confirm what we have known for years—that fracking is an inherently hazardous process that threatens human health and safety every day. More than 17 million Americans live within a mile of a fracking site, and they are all at risk,' said Wenonah Hauter, founder and executive director of Food and Water Watch.

Indeed, this latest research joins more than 480 peer-reviewed studies that have shown increased health risks and harm from the fracking industry, noted Larysa Dyrszka, a medical doctor and co-founder of Concerned Health Professionals of New York, during a press call Tuesday.

These results were thus 'alarming but not surprising,' Dyrszka said. Locally and nationwide, leaders "must take a hard look at the data, acknowledge the harms of drilling and fracking, and stop it before other people become ill,' Dyrszka added.

And so a large coalition of groups—including environmentalists, labor organizers, peace activists, protesters against nuclear power and "free trade" agreements, public health advocates, and representatives from local communities—are preparing a massive 'March for a Clean Energy Revolution' to converge on the eve of the Democratic National Convention on July 24. Organizers predict that thousands will participate.

'As the national spotlight shines on Pennsylvania, it's important to recognize that this state is one of the most fracked in the U.S. and has faced some of the most devastating impacts,' said Hauer.

And fracking is 'not just a threat to the millions who live within one mile of an active well—the majority of whom are people of color,' said Karuna Jaggar, executive director of public health advocacy group Breast Cancer Action, pointing out that dangerous chemicals used in fracking seep into soil, taint water supplies, and are dispersed by the wind.

'Fracking threatens the basic necessities of life: our food, our water, our air,' Jaggar said. 'For women's health advocates and environmental activists alike, the time to act is now.'

Russell Greene, a prominent climate activist behind the declaration of a climate emergency that was included in the Democratic Party platform earlier this month, argued that the declaration is 'a moment for us to build upon,' and hopes the march will provoke real, tangible action from Democratic leaders.

Labor, too, is joining the battle: 'Unions are deeply concerned with environmental justice,' said Jon Forster, vice president of the American Federation of State, County and Municipal Employees (AFSCME) District Council 37, based in New York City.

'Climate change discriminates. It impacts poor communities and communities of
color, and those are the communities with fewest resources to recover," Forster said, adding that the march next week will push "against the unbridled greed that is leading to this disaster."

Margaret Flowers, an organizer with the anti-'free trade' advocacy group Stop the TPP, explained that her organization is taking part in the march to raise awareness of the Trans-Pacific Partnership's (TPP) Investor-State Dispute Settlement (ISDS) process in which corporations are able to sue countries in private tribunals for passing laws they dislike. The ISDS provision will have "a chilling affect on [climate] laws," Flowers argued.

Stop the TPP is also staging a 'No Lame Duck Uprising' during the march, Flowers said, to protest President Obama's plan to submit the TPP for congressional approval after the November election.

The Democratic Party platform committee refused to include language against the TPP in the platform, angering many activists. 'Our message is that the TPP represents climate catastrophe,' Flowers explained.

Meanwhile, fractivists also took their fight to the Republican National Convention (RNC) currently happening in Cleveland, scaling the Rock & Roll Hall of Fame on Tuesday morning to hang a banner demanding the RNC not 'Trump' local communities.

'We must remember that fracking often targets low income communities of color, often many of which are immigrants such as the Central Valley of California, where over 95% of fracking occurs in California,' said Shane Davis, an activist who was forced from his home in Colorado after being exposed to the harmful impacts of fracking, in a press statement.

'We cannot stand by and accept a political system in which both candidates support the toxic fracking industry, and one candidate freely uses violent racialized language against immigrant communities,' Davis added."

Food and Water Watch confirmed, July 24, "Yesterday, we held the largest anti-fracking march in U.S. history. More than 10,000 of us marched in the streets of Philadelphia for a Clean Energy Revolution! We were calling on our political leaders to act quickly to ban fracking now, keep fossil fuels in the ground, stop dirty energy, transition to 100% renewable energy and ensure environmental justice for all."

"Indigenous Environmental Network Responds," July 26, 2016, "The United States Army Corps of Engineers (USACE) has granted the final permit needed by Dakota Access Pipeline, LLC to begin construction of its Bakken oil pipeline, Dakota Access. Under the terms of the Department of the Army Nationwide Permit No. 12, the Corps has approved construction of the crude oil pipeline across significant waterways, placing critical water habitats, rivers and drinking water at risk.

The Indigenous Environmental Network offers the following response:

We are saddened to hear of this permit approval but knew the writing was on the wall. The Corps has a long history of going against the wishes and health of Tribal nations. This decision will not deter the resistance against the dirty Bakken pipeline. This decision merely highlights the necessity for the Corps of Engineers to overhaul the Nationwide Permit No. 12 process, which has been used by Big Oil to further place our lands, Indigenous rights, water and air at greater risk for disaster. We demand a revocation of this permit and advocate for the rejection of this pipeline."

oil via tankers along the U.S. East Coast to refineries in the Gulf of Mexico.

In partnership with a number of Canadian and U.S. environmental groups, the Natural Resources Defense Council (NRDC)—a major player in the fight to defeat Keystone XL—on Tuesday released a new report outlining how Energy East would 'effectively create a waterborne tar sands pipeline with hundreds of new oil tankers traversing the Atlantic coastline, making vast areas of the Eastern Seaboard vulnerable to a dangerous tar sands spill.'

Indeed, the group notes that the Gulf of Maine, Acadia National Park, and the Florida Keys are all in the pipeline's 'crosshairs,' as well as iconic marine species and billion dollar commercial fisheries on the East Coast, including New England and Atlantic Canada's lobster and sea scallops fisheries.

And that's on top of the pipeline's climate impacts; according to the NRDC analysis, Energy East would bring a significant increase in carbon pollution—equivalent to the annual emissions of as many as 54 million passenger vehicles—and lock in high-carbon infrastructure expected to operate for at least 50 years.

'TransCanada's Energy East proposal is truly Keystone XL on steroids,' said Joshua Axelrod, a co-author of the report and NRDC policy analyst. 'It's all risk and no reward for millions of Canadians and Americans, iconic landscapes, valuable fisheries and our climate.'

With the report, entitled Tar Sands in the Atlantic Ocean: TransCanada's Proposed Energy East Pipeline (pdf), the NRDC joins a chorus of existing Energy East opponents.

The project is currently under consideration by the National Energy Board (NEB), with hearings expected to begin in Saint John, New Brunswick, on August 8.

In making its argument, the NRDC leans on a 2016 study by Canada's National Academy of Sciences (NAS), which found that large portions of diluted bitumen—which Energy East would transport—can be expected to sink if spilled in water. The same report found that current regulations and spill response techniques are incapable of managing the unique behavior and higher risks of tar sands diluted bitumen spill in water.

A press statement (pdf) from Greenpeace Canada notes that the NEB refused to consider the same NAS study in its Kinder Morgan pipeline analysis.

'To be at all credible, the National Energy Board must give the NAS study a central role in its review of Energy East,' said Matt Abbott of the Conservation Council of New Brunswick.

Meanwhile, the NRDC is calling for a tar sands oil tanker moratorium in U.S. and Canadian waters until appropriate spill response techniques are developed to address a diluted bitumen spill into water.

But beyond that, many say the pipeline simply should not be built. Pointing to the devastating pipeline leak that flooded the North Saskatchewan River with 200,000 liters of tar sands crude last week, the Council of Canadians on Monday warned that spills are 'inevitable and permanent consequences of transporting oil.'

'When thinking about the future we want, let us remember that the proposed Energy East pipeline crosses 90 watersheds, nearly 3000 waterways, and puts the drinking water of over 5 million people at risk along its route,' wrote energy and climate justice campaigner Daniel Cayley-Daoust.'

The Texas-based company building the Dakota Access pipeline, Energy Transfer Partners, calls the project a major step toward the United States’ weaning itself off foreign oil. The company says the nearly 1,170-mile buried pipeline will infuse millions of dollars into local economies and is safer than trucks and train cars that can topple and spill and crash and burn.

But the people who stood at the gates of a construction site where crews had been building an access road toward the pipeline viewed the project as a wounding intrusion onto lands where generations of their ancestors hunted bison, gathered water and were born and buried, long before treaties and fences stamped a different order onto the Plains.

People have been gathering since April, but as hundreds more poured in over the past two weeks, confrontations began rising among protesters, sheriff’s officers and construction workers with the pipeline company. Local officials are struggling to handle hundreds of demonstrators filling the roads to protest and camp out in once-empty grassland about an hour south of Bismarck, the state capital.

More than 20 people have been arrested on charges including disorderly conduct and trespassing onto the construction site. The pipeline company says it was forced to shut down construction this month after protesters threatened its workers and threw bottles and rocks at contractors’ vehicles."

Morton County Sheriff Kyle Kirchmeier stated at a news conference that he had received reports of weapons and gunshots around the demonstration, and that protesters were planning to throw pipe bombs at officers posted between a rally and the construction site.

Leaders from the Standing Rock Sioux tribe, whose reservation lies just south of the pipeline’s path, say the protests are peaceful. Weapons, drugs and alcohol are prohibited from the protest camp. Children march in the daily demonstrations. The leaders believed the reports of pipe bombs were a misinterpretation of their calls for demonstrators to get out their wooden chanupa pipes — which have deep spiritual importance — and pass them through the crowd.

The conflict may reach a crucial moment on Wednesday in a federal court hearing. The tribe has sued to block the pipeline and plans to ask a judge in Washington to effectively halt construction," as the pipeline would cross waterways."


The Standing Rock Sioux Tribe (SRST) stands in firm opposition to the Dakota Access Pipeline. The pipeline would carry nearly half a billion barrels of crude oil a day, and would cross the Missouri River threatening the Tribe’s main water source and sacred places along its path including burial sites. The urgent communication was submitted to UN Special Rapporteurs on the situation of human rights defenders; the Rights of Indigenous Peoples; the human right to safe drinking water and sanitation; and Environment and Human Rights, as well as the Office of the UN High Commissioner for Human Rights. It requests that they urge the United States to halt the human rights violations and uphold its human rights and Treaty obligations to the Standing Rock Tribe. It was also forwarded to key officials in the U.S. State Department, Department of Interior and the White House.

The urgent communication focuses on violations of the UN Declaration on the Rights of
Indigenous Peoples, the 1868 Ft. Laramie Treaty and other International human rights standards to which the United States is obligated. It also cites actions against human rights defenders, including arrests and other forms of intimidation, violations of the human right to water, and lack of redress and response using domestic remedies. The submission noted that this action violates Article 32 of the UN Declaration on the Rights of Indigenous Peoples, which affirms the obligation of States to obtain Indigenous Peoples’ free prior and informed consent before development projects affecting their lands, territories or other resources are carried out. The Lakota and Dakota, which includes the SRST, were part of the Sovereign Sioux Nation, which concluded the 1868 Ft. Laramie Treaty with the United States. The United States has legally-binding obligations based on this Treaty to obtain the Lakota and Dakota’s consent before activities are carried out on their Treaty lands.

The urgent communication also highlights environmental racism in violation of the International Convention on the Elimination of all Forms of Racial Discrimination Convention (ICERD) to which the US is legally obligated. It notes that the United States has permitted Energy Transfer to divert the pipeline’s route from near the mainly non-Indigenous population of Bismarck, ND to disproportionately impact the SRST.

A primary concern expressed by the Tribe is potential devastating effects on its primary water source. SRST Chairman Dave Archambault II, who was among those arrested and is also being sued by the company for obstructing the pipeline’s construction, stated on August 15th ‘I am here to advise anyone that will listen, that the Dakota Access Pipeline is harmful. It will not be just harmful to my people but its intent and construction will harm the water in the Missouri River, which is the only clean and safe river tributary left in the United States.’

In response to the Tribe’s opposition, Dakota Access LLC, the developers of the $3.8 billion, four-state oil pipeline, has waged a concerted campaign to criminalize and intimidate Tribal leaders, Tribal members and their supporters who have consistently been peaceful and non-violent. The IITC and SRST are calling upon the UN Rapporteur on Human Rights Defenders to call upon the United States to immediately cease all arrests and other forms of intimidation, drop any pending lawsuits, and ensure that all legal charges against these human and Treaty Rights defenders be lifted. The urgent action communication cited this case as an example of the criminalization of Indigenous human rights defenders around the world, as noted by various UN bodies.

Despite 28 arrests reported to date, the peaceful protesters have succeeded in temporarily halting the pipeline’s construction. A hearing is currently scheduled for next week in federal court to consider the Tribe’s request for an injunction. Construction has reportedly been halted until the hearing, providing an important initial victory for the Tribe and their supporters.

The joint urgent UN communication requests the intervention of these UN human rights mandate holders to call upon the United States to uphold its statutory, legal, Treaty and human rights obligations and impose an immediate and ongoing moratorium on all pipeline construction until the Treaty and human rights of the Standing Rock Sioux Tribe, including their right to free prior and informed consent, can be ensured.

For additional information contact: Steve Sitting Bear, Standing Rock Sioux Tribe External Relations, ssittingbear@standingrock.org tel: +(701)-854-8500, Roberto Borrero, IITC Communications Coordinator, communications@treatycouncil.org, +(917)334-5658, www.iitc.org.

The peaceful demonstrations against the Dakota Access Pipeline were continuing in early September, facing harassment by the the Dakota Access, LLC, including turning dogs on the demonstrators. On September 8, MoveOn.org was circulating the following petition, http://petitions.moveon.org/sign/tell-the-state-of-north?%3Fsource=mo&akid=169348.1653571.9iAro4&rd=1&t=2. "Tell the State of North Dakota to Investigate the Security Guards Who Commanded Their Dogs to Attack DAPL
Protesters," Petition by Matthew A Hildreth, to be delivered to Francine Johnson, Executive Director, NDPISB, "By turning their dogs loose on protestors, the security guards hired by Dakota Access, LLC acted in a reckless and inhumane manner. The guards had no uniforms, drove vehicles with out-of-state plates, and appeared to have little or no training. It's unclear whether or not they're even licensed to operate in the state.

The North Dakota Private Investigation and Security Board must investigate the actions of the private security guards hired by Dakota Access and ensure they are properly trained and licensed to operate in North Dakota."


Hundreds of demonstrators have been taking part in the prayer ceremony in recent days, according to the Red Warrior Camp, traveling to sacred sites that are being threatened by the pipeline construction, beginning Tuesday with the ancestral site where private security guards unleashed attack dogs on unarmed protesters earlier this month.

Construction was halted Tuesday as a result of the peaceful demonstration. On Wednesday, police helicopters and a circling crop-duster followed the caravan of cars south of Mandan, North Dakota.

According to the independent journalism outfit Unicorn Riot, which has been reporting live on the Dakota Access protest from the camps, after praying at the second site, "a large amount of police vehicles arrived and blockaded the only exit on the public road leading to the DAPL work site.'

_Unicorn Riot_ continued:

_Dozens of militarized police with shotguns appeared with a Bearcat armored vehicle as well as a [Mine-Resistant Ambush Protected vehicle, also known as an MRAP]. The Bearcat was also brought out by police at yesterday’s action, but the MRAP, a larger tan colored armored vehicle, had not been seen at any DAPL sites until today.

After blockading the exit points, police vehicles sped across open fields towards the crowd of protectors as they left the site. Several arrests were made, as police brandished loaded shotguns, and assault rifles. The latest information we gathered is that there were up to 21 arrests.

The Sacred Stone Camp has started a legal defense fund to support those arrested and others involved in the direct action campaign.

Though images and videos of the raid were shared widely on social media, as others noted, there was no corporate media coverage of the arrests.

In the following video, posted on by the Red Warrior Camp, a Sacangua Lakota grandmother recalls the raid. 'The next thing I knew there were like 40 police and they were all dressed in riot gear,' she said. 'I've never in my life seen a gun in real life and I've never had a gun pointed at me and I went into shock. I think everybody went into shock.'

In another video posted by Thomas H. Joseph II, he describes how the prayer caravan was 'surrounded by cops with 'their weapons out.' The protectors are seen chanting, 'We have no weapons! We are unarmed.'

'Today's action where uncalled for, the police were a direct threat to woman and children,' Joseph wrote online. 'We gathered in prayer un-armed, prayed, sang songs, and attempted to leave. No threats, No vandalism, No violence was taken on our part.'

On Facebook, Thomas encouraged viewers to 'share this,' and 'flood the White House
with phone calls and demand Obama to act and enforce his previous declaration of no construction. With state police protecting Dakota Access Pipeline his words are meaningless.'

This is not the first time that North Dakota law enforcement have acted on behalf of the oil pipeline company. But, as many pointed out, this latest show of force appeared particularly egregious. Further, as Native in D.C. blogger Marie Jordan noted, Wednesday's raid was eerily reminiscent of other historic government assaults on tribal land."

The Indigenous Environmental Network, November 26, 2016, https://www.mynewsletterbuilder.com/email/newsletter/1412797380, "Army Corps Threatens to Close Oceti Sakowin Camp on December 5th," reported and commented,

Contacts: Dallas Goldtooth, dallas@ienearth.org, (507)-412-7609, Jade Begay, jade@ienearth.org, (505)-699-4791.

Cannon Ball, ND - Today Colonel John W. Henderson of the United States Army Corps sent a letter to Dave Archambault II, the Chairman of the Standing Rock Sioux Tribe, stating that on December 5th all lands north of the Cannon Ball River will be closed to the general public. This includes the Oceti Sakowin encampment where nearly eight thousand people are camping to resist the Dakota Access Pipeline. Henderson said, 'This decision is necessary to protect the general public from the violent confrontations between protestors and law enforcement officials.'

In response to the Army Corps’ letter Chairman Archambault and the Standing Rock Sioux Tribe stated, 'the best way to protect people during the winter, and reduce the risk of conflict between Water Protectors and militarized police, is to deny the easement for the Oahe crossing, and deny it now.'

The following is a statement from the Indigenous Environmental Network:

'We stand by our relatives of the Oceti Sakowin and reaffirm their territorial rights set in the Fort Laramie Treaty of 1851. If the Corps wants to keep people safe and prevent further harm, then deny the easement, rescind the permit, order a full Environmental Impact Statement, and send Department of Justice observers. This decision by the Army Corp and the United States is short-sighted and dangerous. We have already seen critical injuries cased by the actions of a militarized law enforcement. We implore President Obama and the White House to take corrective measures and to stop the Dakota Access Pipeline once and for all.'

Lauren McCauley, "This Ain't Over: Rallies in 100 Cities to Demand Obama Cancel DAPL: The Standing Rock Sioux won a temporary victory on Friday, but pipeline opponents say that the fight need not drag on," Common Dreams, September 12, 2016, http://www.commondreams.org/news/2016/09/12/aint-over-rallies-100-cities-demand-obama-cancel-dapl, reported, "The fight is not over, is the word from the tribes gathered at the Sacred Stone camp, whose months-long resistance against the Dakota Access pipeline (DAPL) has captured national attention. Heeding that call, more than 100 #NoDAPL solidarity actions are being held on Tuesday to put national pressure on U.S. President Barack Obama to revoke the pipeline's permits once and for all.

'To defeat a pipeline, it takes a movement of people from all corners of the nation,' reads the call to action.

'Right now, we're witnessing one of the most courageous stands against a fossil fuel project this country has ever seen,' it continues. 'Thousands of Indigenous activists have set up prayer camps along the pipeline route in a historic moment of nonviolent resistance. They're fighting with everything they have to protect their water, the land, their history, and the climate—and we need to fight with them.'

In Washington, D.C.'s Lafayette Square, former presidential candidate Bernie Sanders is scheduled to speak alongside Tara Houska with Honor the Earth, Chase Iron Eyes with the
Standing Rock Sioux Tribe, Van Jones, Reverend Lennox Yearwood, Cheyenne River Sioux Tribal Youth member Jasilyn Charger, and other native leaders from North Dakota.

The Standing Rock Sioux won a temporary victory on Friday when the Obama administration suspended construction on Army Corps land bordering or under Lake Oahe until further review. The statement further called on the pipeline company to halt construction within 20 miles of that site.

But pipeline opponents say that the fight need not drag on, and that Obama can revoke the permit granted by the U.S. Army Corps—just like he rejected Transcanada's Keystone XL pipeline.

Further underscoring the dangers of the project, a new analysis on Monday by the fossil fuel industry watchdog Oil Change International found that the 1,172-mile crude oil pipeline would lock-in yearly emissions equivalent to 30 coal-fired power plants and would make it impossible to meet the targets set forth in the Paris climate agreement.

'The Dakota Access pipeline would be with us decades into the future,' wrote Lorne Stockman, research director with Oil Change International.

'Once built and operating the economic incentives to keep it going will be hard to overcome. Every year it will be the source of carbon emissions equivalent to nearly 30 coal plants. Even though it may be the case that those emissions would anyway occur this year or next year, or five years from now, it cannot be the case that those emissions can occur in 20, 30 or 40 years from now. Building Dakota Access would be yet another barrier to the path to climate safety.'

Tuesday's Day of Action follows similar events over the weekend—from Maine to Arizona to Massachusetts—during which local tribes came together with hundreds of supporters to 'stand in unity and solidarity, to protect the protectors,' as articulated by Michael Rossi, a member of the Lakota Nation and the organizer of the Phoenix, Ariz. rally.

As the effort adjacent to Standing Rock to block the DAPL continued into late November, the police authorities were becoming more aggressive against peaceful demonstrators. While, reports from participants indicate that everyone joining the demonstration on site has been given a lengthy orientation about acting non-violently, the law authorities have become more violent. Daily Kos, "Call the DOJ: Demand an investigation into Morton County's brutal attack on Standing Rock water protectors," November 22, 2016, https://www.dailykos.com/campaigns/forms/call-the-morton-county-sheriff-to-stop-the-violent-attacks-at-standing-rock-immediately?detail=actionDKLL&link_id=0&can_id=2304a48b2891e77b9b6c14d1ce535f4f&source=email-the-doj-must-investigate-the-horrific-police-attack-on-standing-rock-protectors&email_referrer=the-doj-must-investigate-the-horrific-police-attack-on-standing-rock-protectors__135827&email_subject=over-300-injured-in-police-attacks-against-standing-rock-water-protectors-please-read, reported and commented, "On November 20th the Morton County Sheriff's office put Standing Rock water protectors in grave danger. Over 160 people were injured, including an elder who went into cardiac arrest and several people treated for rubber bullet injuries to the face. One person faces amputation after a 'less-than-lethal' projectile ripped through her arm.

Police fired water cannons at the protectors for at least six hours in below freezing temperatures, exposing them all to hypothermia. Medical professionals at the camp called for a cessation of this tactic because of the real threat that people could die. And Morton County law enforcement just kept drenching water protectors in water, tear gassing them, firing concussion grenades and using sonic weapons against them.

Call the Department of Justice: Demand an investigation into Morton County's brutal attack on Standing Rock water protectors."

The International Indian Treaty Council (IITC) condemns the use of Deadly Force
by Law Enforcement against Standing Rock Water Protectors, calls for additional UN action," November 22, 2016, http://hosted.verticalresponse.com/1383891/5613cddd14/545546365/aa063f1824/, stated, "The International Indian Treaty Council (IITC) offers this statement on the occasion of today’s press conference to provide updates on the condition of Ms. Sophia Wilansky. She was injured as a result of deadly force used by Morton County North Dakota Sherriff’s Department against water protectors from the Oceti Sakowin Standing Rock Camp on the night of November 20th, 2016. IITC, first and foremost, offers our thoughts for her and her family, and our prayers for her recovery.

Ms. Wilansky’s arm was severely injured when she was reportedly struck by a concussion grenade fired at several hundred unarmed water defenders opposing the construction of the Dakota Access Pipeline (DAPL). The multi-billion dollar oil pipeline threatens the water, Treaty rights and sacred sites of the Standing Rock Sioux Tribe. Due to the severity of her injuries, Ms. Wilansky, who is 21, was airlifted to Hennepin County Medical Center in Minneapolis where she has undergone several hours of surgery. IITC Board member Lisa Bellanger, based in Minneapolis, is in close contact with the family and we will continue to monitor her condition in that way.

In addition to concussion grenades, North Dakota law enforcement also used high pressure water cannons, mace, tear gas and rubber bullets against the water defenders who were attempting to cross a bridge near the DAPL construction site. Many suffered from hypothermia as a result of cold water directed at them at high velocity in sub-freezing temperatures with potentially life-threatening effects.

The IITC considers these actions as constituting use of deadly force. New reports indicate that over 300 water protectors were injured in this incident, and 27 were taken to hospitals including some with broken bones and head injuries. Photos, videos and eyewitness accounts were widely circulated on social and other media. The IITC strongly condemns this escalating violence used against peaceful human, Treaty and environmental rights defenders opposing the DAPL.

The IITC has reported this latest incident and the escalation of police violence it represents to the United Nations (UN) human rights system including the UN Rapporteurs on Human Rights Defenders, Rights of Indigenous Peoples, Right to Freedom of Peaceful Assembly and Association, members of the UN Working Group on Human Rights and Multinational Corporations, the UN Permanent Forum on Indigenous Issues and the UN Expert Mechanism on the Rights of Indigenous Peoples. IITC has requested that UN human rights bodies immediately contact the United States government to call for an immediate halt to the increasing human rights violations including the use of deadly force against these unarmed defenders.

As a result of information and reports submitted by IITC which documented the actions of law enforcement at Standing Rock up to that time, on November 15th 2016 the UN Special Rapporteur on the Right to Peaceful Assembly Mr. Maina Kiai issued a statement, reported in the Washington Post, Indian Country Today and the UN Press, calling the use of the tactics used by ‘law enforcement officials, private security firms and the North Dakota National Guard up to that time as 'unjustified' and 'excessive force'. However, the tactics used in the November 20th incident far exceeded those used previously which were addressed by the Rapporteur.

IITC worked with the Standing Rock Sioux Tribe (SRST) to organize an official visit by Grand Chief Edward John, member of the UN Permanent Forum on Indigenous Issues (UNPFII) in late October to observe the continued impacts of the Dakota Access Pipeline (DAPL) construction such as threats to water, Treaty rights and sacred areas. His report included the escalating levels of repression, violence and intimidation against Tribal members and their supporters by state law enforcement, private security and the National Guard. Roberto Borrero
representing the IITC accompanied him as a human rights observer.

IITC and the SRST also submitted two joint urgent actions to the UN Human Rights system, including four UN Special Rapporteurs, in August and September of this year. This submission highlighted a number of human rights violations and requested that these UN human rights mandate holders call upon the United States to uphold its commitment, including to the Tribes’ right to Free Prior and Informed Consent, under the UN Declaration on the Rights of Indigenous Peoples and the 1868 Ft. Laramie Treaty. Primary concerns expressed by the SRST included the potential devastating effects on the Missouri River, its primary water source as well as on sacred sites and burial grounds. The Standing Rock Sioux Tribe has also extended an invitation to Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of indigenous Peoples, which is currently in process.

IITC has also recently received very disturbing reports of suspected pesticides or other toxic chemicals being sprayed over the Oceti Sakowin camp, possibly by airplanes during the night, causing immediate health effects. The use of chemicals by private individuals or law enforcement has not been confirmed, but a growing number of on-site reports indicate that there is cause for serious concern. IITC calls on local law enforcement, the State of North Dakota, the United States Department of Justice and Environmental Protection Agency to determine if such chemicals have been used in this way, obtain samples of suspicious droplets found on vehicles and tents, and report their chemical contents and known or suspected health impacts without delay. Such applications in this situation, including exposure of the many children in the camp, may constitute the use of chemical weapons under international law. This must be investigated, confirmed or denied without delay.

For more information or to provide testimony regarding human rights violations contact: Andrea Carmen, IITC Executive Director, (520)273-6003, andrea@treatycouncil.org; Roberto Borrero, IITC Communications Coordinator, communications@treatycouncil.org, (917)334-5658; Lisa Bellanger, IITC Board of Directors member (612) 730-8935, azgah1@gmail.com."

Deirdre Fulton, "Citing Environmental Risks, Scientists Back Tribes in Dakota Access Fight: Meanwhile, a Reuters investigation finds pipeline spill detection system severely flawed," Common Dreams, September 30, 2016, http://www.commondreams.org/news/2016/09/30/citing-environmental-risks-scientists-back-tribes-dakota-access-fight, reported, "Close to 100 scientists have signed onto a letter decrying "inadequate environmental and cultural impact assessments" for the Dakota Access Pipeline (DAPL), and calling for a halt to construction until such tests have been carried out as requested by the Standing Rock Sioux Tribe.

Lead signatories Stephanie Januchowski-Hartley, Anne Hilborn, Katherine Crocker, and Asia Murphy drew attention to the missive in a letter to the journal Science published Friday.

'The DAPL project is just one of many haphazard approaches to natural resource extraction that overlook broader consequences of oil development,' they wrote.

Furthermore, the open letter (pdf) states, 'We as scientists are concerned about the potential local and regional impacts from the DAPL, which is symptomatic of the United States' continued dependence on fossil fuels in the face of predicted broad-scale social and ecological impacts from global climate change." Specifically, they cite the Standing Rock Sioux's concerns that the pipeline project threatens biodiversity and clean water.

Underscoring those concerns, a Reuters investigation into the nation's pipeline system published Friday reveals that 'sensitive technology designed to pick up possible spills is about as successful as a random member of the public...finding it, despite efforts from pipeline operators.'

In fact, according to the Reuters analysis of U.S. Pipeline and Hazardous Materials Safety Administration (PHMSA) data, 'over the last six years, there have been 466
incidents where a pipeline carrying crude oil or refined products has leaked. Of those, 105, or 22 percent, were detected by an advanced detection system.'

Even more troubling, the data shows the leak detection systems have caught small leaks and missed some of the largest,’ Reuters reports, with six out of the largest 10 pipeline spills in the U.S. since 2010 going undetected by these systems.

Beyond its potential for local devastation, DAPL will make it nigh impossible for the U.S. to meet its commitments under the Paris Agreement to limit global warming, the scientists said in their letter.

As Bill McKibben said Friday on Democracy Now! of the Standing Rock Sioux and their allies: "They're holding the line against something that threatens not only their reservation, but threatens the whole planet. We do not—we cannot pump more oil. We've got to stop opening up new reserves."


"Ranchers are arming themselves before they climb onto tractors or see to their livestock. Surveillance helicopters buzz low through the prairie skies. Native Americans fighting to prevent an oil pipeline near the Standing Rock Sioux Reservation are handing out thick blankets and coats and are building maple-pole shelters that can withstand North Dakota’s bitter winter.

As the first deep freeze looms, many here are bracing for a long fight as the company behind the Dakota Access pipeline races to finish the $3.7 billion project by January, and thousands of protesters tucked into tents, tepees and trailers in prairie camps vow to stop it."

Nika Knight, "Impacted Communities Take Fight Against Dakota Access to Corporate Heads: Protesters from oil-impacted communities around the country are descending on Houston, Texas, for prayer action at Dakota Access Pipeline company offices," Common Dreams, October 12, 2016, http://www.commondreams.org/news/2016/10/12/impacted-communities-take-fight-against-dakota-access-corporate-heads, reported, "Activists from oil-impacted communities around the country are descending on Energy Transfer Partners' corporate offices in Houston, Texas, to protest the company's Dakota Access Pipeline and other controversial pipeline projects.

Despite ongoing, growing protests against the Dakota Access Pipeline and the federal government's repeated requests that Energy Transfer Partners halt its construction, the company has reiterated its intention to continue building the pipeline, undaunted.

Wednesday's action is a part of nationwide protests against the corporate powers behind Dakota Access. The demonstration will see members from communities affected by the fossil fuel industry from Richmond, Calif., Chicago, Ill., the Gulf Coast, and others joining local Texas organizers to voice their collective opposition to Energy Transfer Partners' pipeline projects, and to push for a just transition to renewable energy.

'Energy Transfer Partners has drawn national attention for driving both the Dakota Access Pipeline and the equally controversial Trans Pecos Pipeline, that has also violated the rights of Indigenous peoples in West Texas, and poses significant threat to the water and land for many communities in Texas,' Grassroots Global Justice Alliance, an organizer of the demonstration, noted in a press statement.

The protesters will gather for a prayer action that is set to begin at 1:30pm Central Time.

The scene on the streets in #HoustonTX at @BEA4Impact & @tejasbarrios #solidarity action calling @EnergyTransfer to demand #NODAPL #NOTPPL pic.twitter.com/dE7MT8pU7o
'From Chicago to Houston we stand with all of our communities impacted by the oil and gas industry in fighting back. It took us twelve years to shut down the two coal plant[s] in Chicago and we commit to fighting until our communities have justice," said Kim Wasserman of Little Village Environmental Justice Organization (LVEJO) in Chicago. "While these companies think they have only money and stocks to lose we have to remind them it's our lives and world at stake.'

'We stand in deep solidarity with our Indigenous brothers and sisters banded together to resist the Dakota Access Pipeline,' added Radical Arts and Healing Collective member Jayeesha Dutta, from New Orleans. "Our fights are quite literally one: the Gulf South is where that Bakken crude oil will eventually end up for refining and transportation."

'We are already on the frontline of environmental disasters, like the BP oil catastrophe, which we are still recovering from,' Dutta said. 'It is time to put an end to extractive energy production, and the exploitation of our land and labor that comes along with that.'

'Clean water is a basic human right that should be afforded to everyone. No treaty, law or structure should have to reinforce a necessity, yet we understand that we live in a world driven by corporate greed that sacrifices sacred lands, vulnerable populations and people of color,' said Yvette Arellano of Texas Environmental Justice Advocacy Services (TEJAS). 'I am humbled by the solidarity and courage grassroots, big greens and supporting organizations from all over the country are demonstrating to face Energy Transfer Partners at their doorstep in the house of the largest petrochemical complex of the nation.'

'Together we press forward, rise, and demand a clean world for future generations in our struggle to survive,' Arellano said."

Oil and gas companies have been rushing to build multiple pipelines in the United States and Canada in the hope of putting the investors in the pipelines in the position of having to support oil and gas extraction in spite of global warming. Environmental groups have been countering by pressuring banks and other financial institutions not to fund pipelines. The leading example is with the Dakota Access Pipeline. "Global Call on Banks to Halt Loan to Dakota Access Pipeline," Cultural Survival, November 30, 2016, https://www.culturalsurvival.org/news/global-call-banks-halt-loan-dakota-access-pipeline, reported, "Open letter of over 400 civil society organisations demands immediate halt to financing the DAPL.

Over 400 civil society organisations from more than 50 countries today issued a joint open letter to the seventeen banks providing a US$2.5 billion project loan to Dakota Access LLC. The letter, endorsed by the Standing Rock Sioux Tribe, demands that the banks involved immediately halt all further disbursements of the loan and require the project sponsor to stop construction work until all outstanding issues are resolved to the full satisfaction of the Standing Rock Sioux Tribe. The letter and the full list of signatories can be found below.

To:
Mr. Takashi Oyamada, CEO Bank of Tokyo Mitsubishi UFJ,
Mr. Michael Corbat, CEO Citigroup,
Mr. Nobuhide Hayashi, CEO Mizuho Bank,
Mr. Bob Dorrance, CEO TD Bank,
Mr. Johannes-Jörg Riegler, CEO BayernLB,
Mr. Carlos Torres Vila, CEO BBVA
Mr. Jean-Laurent Bonnafé, CEO BNP Paribas,
Mr. Philippe Brassac, CEO Crédit Agricole,
Mr. Rune Bjerke, CEO DNB Norway,
Mr. Jiang Jianqing, CEO ICBC,
Mr. Ralph Hamers, CEO ING,
Mr. Carlo Messina, CEO Intesa SanPaolo, Mr. Laurent Mignon, CEO Natixis, Mr. Takeshi Kunibe, CEO SMBC,
Mr. Frédéric Oudéa, CEO Société Générale,
Mr. William H. Rogers Jr., CEO SunTrust,
Mr. Timothy Sloan, CEO Wells Fargo

Concerning: **Halt your support to the Dakota Access Pipeline**

November 30, 2016

Dear Sir,

The undersigned organizations are writing to you to share our deep concern about your participation in a credit agreement led by Citibank with Dakota Access LLC and Energy Transfer Crude Oil Company LLC, to borrow up to $2.5 billion to construct the Dakota Access Pipeline (DAPL) and the Energy Transfer Crude Oil Pipeline in the United States.

As you are aware, the proposed 1,172 mile-long DAPL is the subject of a huge international outcry, led by the Standing Rock Sioux tribe, but supported by the tribal governments of over 280 other tribes and allies from all over the world. This growing global resistance opposes DAPL because the pipeline trajectory is cutting through Native American sacred territories and unceded Treaty lands, and because it threatens air and water resources in the region and further downstream.

Since last April, an ever growing number of Native water protectors and their thousands of allies have converged peacefully at Standing Rock in the pipeline construction area to halt further construction of the project. In response to this strictly-peaceful, on-site resistance, police from multiple U.S. states and agencies, members of the U.S. National Guard, and armed private security forces working for project sponsors have used military equipment, tactics and weapons to intimidate, assault, arrest and otherwise commit grievous human rights violations against water protectors and their allies. Indiscriminate use of attack dogs, rubber bullets, concussion grenades, Tasers and mace are reported, while journalists covering the assault have been arrested. The violence unleashed on the protesters by security forces has already left hundreds severely injured. Last week, protesters were attacked with water cannons used in sub-zero temperatures, leading to life threatening situations. One protester faces a possible amputation of her arm after being hit with a concussion grenade. Protesters that have been arrested have also been subjected to inhumane treatment that involved, among other things, being locked up naked, or cramped without food and warmth into dog kennels.

As the loan syndicate is led by four banks that are signatory to the Equator Principles, this project loan is subject to these Principles. Given that Indigenous rights commitments are presumed to be respected by the Principles, specifically the right of indigenous communities to withhold consent to projects affecting their ancestral lands (FPIC), it is for us inexplicable that the clear and long standing opposition to the project by the Standing Rock Sioux Tribe, as well as widely documented gross violations of Native land titles, threats to water sources and the desecration of burial grounds have not been identified early on as reasons for participating banks to not provide funding for this project. Harm to Native areas has now already occurred when DAPL personnel deliberately desecrated documented burial grounds and other culturally important sites. Native American opponents to the project have emphasized throughout that the DAPL struggle is about larger Native liberation, self-determination and survival at the hands of colonial corporations and compliant government actors.

The undersigned organizations are closely watching how the banks providing financial support to the project are acting on the ever worsening situation on the ground, including your bank. Given your stated commitment to respect indigenous rights and the contrast with the harsh reality on the ground we demand that:

**all further loan disbursements to the project are immediately put on hold;**
banks involved in the loan demand from the project sponsor that all construction of the pipeline and all associated structures is put on hold until all outstanding issues are resolved to the full satisfaction of the Standing Rock Sioux Tribe; in case such a resolution of outstanding issues is not achieved with the Standing Rock Sioux Tribe, your bank fully withdraws from the loan agreement; a public statement is made by your bank on how you will act on the issues identified above.

We all stand with the Standing Rock Sioux Tribe in defending their ancestral lands from the impact of this project and are fully prepared to take further campaign steps in case we consider your response on this call unsatisfactory. Given the urgency of the matter we seek a response from you on this letter as soon as possible, but no later than December 5.

Sincerely,

BankTrack, Netherlands - Johan Frijns, Director
1Earth Institute INC, United States - Eva Willmann de Donlea, Executive Director & Co-Founder
350 Central Maine, United States - Richard Thomas, Co-leader
350 Colorado, United States - Micah Parkin, Executive Director
350 San Antonio, United States - Kathy Glass, Representative
350.org, United Kingdom - Nicolò Wojewoda, Europe Team Leader
350.org Japan, Japan - Shin Furuno, Japan Divestment Campaigner
350NJ.org, United States - Rosemary Carey, President
Acción por la Biodiversidad, Argentina - Carlos Vicente, Coordinator
Action Non-Violente COP21, France - Jon Palais, Équipe d'animation
ActionAid Netherlands, Netherlands - Ruud van den Hurk, Director
Advocates for Springfield, NY, United States - Tara Sumner, Vice President
AFM Local 1000, United States - John O'Connor, Secretary Treasurer Emeritus
AKIN, Austria - Matthias Neitsch, Treasurer
Aktionsgruppe Indianer & Menschenrechte e.V., Germany - Monika Seiller, Chair person
Alaska Wilderness League, United States - Leah Donahey, Senior Campaign Director
Aldeah, France - Raquel Neyra, Member
Almácia, Spain - Eva Sáinz, Coordinadora
Alofa Tuvalu, France - Gilliane Le Gallic, President
Alternativa, France - Fanny Delahalle, Representative
Internațiva intercanvi pobles indígenes, Spain - Esther, Project Management
Amazon Watch, United States - Christian Poirier, Program Director
Amigos de la Tierra (FoE Spain), Spain - Hector de Prado, Head of climate and energy unit
Andy Gheorghiu Consulting, Germany - Andy Gheorghiu, Owner
Arctic Consult, Norway - Dmitry Berezhkov, Director
Asia Indigenous Peoples Pact, Thailand - Joan Carling, Secretary General
Asociación Periféricas del Món, Spain - Rafael Mauri Victoria, Presidente
ATTAC CADTM Maroc, Morocco - Omar Aziki, General Secretary
Attac France, France - Maxime Combes, Spokesperson
BALLE, United States - Sandy Wiggins, Chairman
Barn Owl Foundation, Hungary - Ákos Klein, Managing director
Basseltlaw against fracking, United Kingdom - David Larder, Chairman
Bay Area Labor Committee for Peace & Justice, United States - Michael Eisenscher, Coordinator
BBVA Aren aurkako Plataforma /Plataforma contra el BBVA, Basque Country - Martin Mantxo, Coordinator
Bergen Save the Watershed Action Network, United States - Lori Charkey, Director
Beyond Extreme Energy, United States - Gabriel Shapiro, Organizer
Bi lebenswertes Korbach e.V., Germany - Andy Gheorghiu, Member of Board
BI Umweltschutz Lüchow-Dannenberg, Germany - Günter Hermeyer, Board Member
Biofuelwatch, United States - Rachel Smolker, Co-Director
Bioland, Germany - Andreas Kothe, Sales Assistant
Birgit Breuer Huforthopädie, Germany - Birgit Breuer, CEO
Bisbee & Cochise People for Community and Environmental Rights, United States - Maggie Kohanek, Organizer
Bizi!, Basque Country - Jon Palais, Groupe international
Bold Alliance, United States - Jane Kleeb, President
Boots Haus Zeuthener See, Germany - Hartmut Zeeb, Owner
Both ENDS, Netherlands - Danielle Hirsch, Director
BP or not BP?, United Kingdom - Danny Chivers, Co-founder
Brighton Action Against Fracking, United Kingdom - Atlanta Cook, Equal
Bruno Manser Fund, Switzerland - Johanna Michel, Campaigner
Buffalo Nickel, United States - Thomas Ryan RedCorn, CEO
BUND Berlin e.V, Germany - Matthias Krümmel, Consultant for climate protection policies
BUND Naturschutz in Bayern (Friends of the Earth Bavaria), Germany - Richard Mergner, Director, Policy
Bürgerinitiative gegen CO2-Endlager e.V., Germany - Karin Petersen, Vorstand
Business Alliance for Local Living Economies, United States - Jessica Daniel, Director of Fellowship
Cadena de Derechos Humanos Hondurastas, Germany - Daniela Dreissig, PR Coordinator
Carson Connected, United States - Lori Noftin, Volunteer / Founder
Cáspel, Belgium - Pauline Delgrange, LawyerCAUGE, Scotland - Janette McGowan, Member
Center for Economic Democracy, United States - Aaron Tanaka, Director
Center for Environment/Friends of the Earth BiH, Bosnia and Herzegovina - Igor Kalaba, Energy and Climate change Program Coordinator
Center for Justice, United States - Rick Eichstaedt, Executive Director
Center for support of indigenous peoples of the North, Russia - Rodion Sulyandziga, Director
Centre for Support of Indigenous Peoples of the North, NGO, Russia - Nikita Vronski, Project coordinator
CGT Saysep Palencia Spain, Spain - Javier Escudero, Coordinator
Chichester Antifracking Forum, United Kingdom - John Houston, Owner admin
Chino Cienega Foundation, United States - Stephen Nichols, President
Citizen Action of New York, United States - Bob Cohen, Policy Director
Citizen Action for Renewable Energy (CURE), United States - Georgina Shanley, Co-Founder
Class Action, United States - Anne Phillips, Executive Director
Clean Air Council, United States - William Fraser, Outreach coordinator
Climate Justice Program, Sweden - Karl Andreasson, Co-Founder & Trainer
Climate Justice Project, United States - Julie Maldonado, Member
Climate Movement of Denmark, Denmark - Thomas Meinert Larsen, Spokesperson
ClimateMama, United States - Harriet Shugarman, Executive Director
Climates, fossil-free.ch, Switzerland - Alexandra Gavilano, Founder, Project leader
Climaximo, Portugal - Sinan Eden, Member
Coalition Marocaine pour la Justice Climatique, Morocco - Noura El Ouardi, Coordinator
CoFED (Cooperative Food Empowerment Directive), United States - Hnin Hnin, CoFED (Cooperative Food Empowerment Directive)
Collectif 07 Stop au gaz et Huile de Schiste, France - Christophe Tourre, Coordinator
Collectif 38 France STOP Hydrocarbures GHRM, France - Bruno Morant, Référent
Collectif Causse Méjean - Gaz de Schiste NON!, France - Tardy, Member
Collectif relais d'informations et actions citoyennes, France - Bob Pilli, President
Columbus Community Bill of Rights, United States - Greg Pace, Co-founder
Comité Citoyens et Citoyennes pour la Protection de l'Environnement Maskoutain, Canada - Jacques Tétreault, Président
Community Allies, United States - Ellen Shepard, CEO
Community Empowerment and Social Justice (CEmSoJ) Foundation, Nepal - Prabindra Shakya, Chairperson
Community Reinvest, United Kingdom - Joel Benjamin, Director
Community Sourced Capital, United States - Rachel Maxwell, CEO
Complete It Cuomo, United States - Christine Macpherson, Founder
Compressor Free Franklin, United States - Donald Hebbard, President / Founding Member
Concerned Burlington Neighbors, United States - Suzy Winkler, Co-founder
Concerned Citizens of Otego, United States - Dennis Higgins, Secretary
Concerned Citizens Ohio, United States - Gwen Fischer, Co-ordinator
Concerned Residents of Oxford, NY, United States - Trellan Smith, Co-founder
Congregation of Sisters of St. Agnes, United States - Sister Sally Ann Brickner, Coordinator of Justice, Peace and Integrity of Creation
Consultants for Sustainable Development, Hungary - Kinga Horváth, Co-chair
Corporate Europe Observatory, Belgium - Pascoe Sabido, Researcher and Campaigner
Croatan Institute, United States - Joshua Humphreys, President
CSIA-Nitassinan , France - Edith Patrouilleau, Co-founder and vice-president
Cultural Survival, United States - Suzanne Benally, Executive Director
dangerous drums / dub interventions / KKDwberlin, Germany - Corin Arnold, Self employed
Debt Resistance UK, United Kingdom - Ludovica Rogers, Co-ordination group member
Defund DAPL, Oceti Sakowin - Adam Elfers, Co-Founder
Disclosure Network New York, United States - Nick Curto, Director & Co-Founder
Divest Aachen, Germany - Gary Evans, Organizer
Divest Uni Kassel, Germany - Kerstin L, Member
DivestInvest Individual, United States - Vanessa Green, Director
DivestInvest Philanthropy, United States - Clara Vondrich, Director
Don't Gas the Pinelands, United States - Dr Bob Allen, Co-Chair
Earth Action, United States - Mary Gutierrez, Executive Director
Earth First UK, United Kingdom - Sylvestre, Collective member
Earth Guardians, United States - Russell Mendell, Campaign Coordinator
Earth in Brackets, United States - Rachael Goldberg, Member
Earth Peoples, International - Rebecca Sommer, President
Ecologistas en Acción, Spain - Samuel Martín-Sosa, International Coordinator
EcoNexus, United Kingdom - Helena Paul, Co-Director
ECOTERRA Africa, Tanzania - Prof. J. Bauer, CEP & PDG
ECOTERRA e.V., Germany - Angelika Lotz, Spokesperson
ECOTERRA Intl., Germany - Dr. Hans-Juergen Duwe, Speaker
Ecumenical Office for Peace and Justice, Germany
Eerlijke Bankwijzer, Netherlands - Peter Ras, Projectleader
EKBO Evangelische Kirche, Germany - Johanna Melchior, Pastor
Ekologistak Martxan, Basque Country - Martin Mantxo, Responsable de Internacional
Elmirans & Friends Against Fracking, United States - Doug Couchon, Co-founder
End Ecocide on Earth, France - Valérie Cabanes, Spokesperson
Energy Democracy Project, United Kingdom - Sakina Sheikh, Campaigner
Entrepueblos/Entrepobles/Entrepobos/Heriarte, Catalonia - Alex Guillaumeon, Coordinator
Environmental Institute of Munich, Germany - Christina Hacker, Member of the board of directors
Equal Exchange, United States - Phyllis Robinson, Education and Campaigns
Equivicentinos, Portugal - Nidia Barata, Manager
ETC Group, Mexico - Silvia Ribeiro, Latin America Director
EUROMEETING - European Support Groups for Indigenous Peoples in North America, Switzerland - Helena Nyberg, Member
European Water Movement, Europe - Thierry Uso, Communication officer
Executive Coaching, United States - Karen Metzger, Principle
ExtrACTION Topical Group, SfAA, United States - Jeanne Simonelli, Convenor
Facing Finance e.V., Germany - Thomas Kuechenmeister, Managing Director
FairFin, Belgium - Frank Vanaerschot, Research coordinator
Fern, Belgium - Julia Christian, Forest Governance Campaigner
Films for the Earth, Switzerland - Kai Pulfer, CEO
Finance & Trade Watch, Austria - Thomas Wenidoppler, Director
First Nations Oweesta Corporation, United States - Chrystel Cornelius, Executive Director
Focus, Slovenia - Živa Kavka Gobbo, Chair
Food & Water Europe, Belgium - Frida Kieninger, Campaign Officer
Food & Water Watch, United States - Hugh MacMillan, Senior Researcher
FORCE: Upsetting Rape Culture, United States - Hannah Brancato, Co-Founder and Co-Director
Forest Peoples Programme, United Kingdom - Tom Griffiths, Responsible Finance Coordinator
Former California State Senate Candidate, United States - Jack Lindblad, Founder
Fossilfrei NL, Netherlands - Liset Meddens, National coordinator
Fossil Free Amsterdam, Netherlands - Sven Jense, Initiator
Fossil Free Augsburg, Germany - Christian Schön, Campaigner
Fossil Free Berlin, Germany - Meike Schützek, Volunteer
Fossil Free Freiburg, Germany - Tamara Nausner, Member
Fossil Free München, Germany - Maiken Winter, Member
Fossil Free Münster, Germany - Leandra Praetzel, Member
Fossil Free Oldenburg, Germany - Anna Deckert, Member
Fossil Free SOAS, United Kingdom - Julia Christian, Campaigner
Fossil Free Stuttgart, Germany - Carolin Jaschek, PR
Fossil Free Upsala, United Kingdom / Sweden - Guy Finkill, President
Fossil Free The Hague, Netherlands - Femke Sleegers, Campaigner/coordinator
Fossil-free.ch, Switzerland - Edwin Moser, Branch Manager
Foundation Article 25, Poland - Aleksandra Antonowicz-Cyglica, Chairperson
Frack Free Lancashire, United Kingdom - Ian Roberts, Member
Frack Free Mickle Trafford, United Kingdom - Stephen Allman, Part of the community group
Frack Free North East England, United Kingdom - Edith Carli, Support
Frack Free Storrington and West Chiltington, United Kingdom - Martin Dale, Admin
Frack Free Upton, United Kingdom - Steve Nethercott-Cable, Facebook Group Admin
Frack Free Sussex, United Kingdom - Steve Nethercott-Cable, Facebook Group Admin
Frack Free Upton, United Kingdom - Joanne Sparke, Member
Frack Free Wales, Wales - Keith M Ross, Co-ordinator
Frack Free Worthing, United Kingdom - Steve Nethercott-Cable, Chairman
Frack Off London, United Kingdom - Lorraine Inglis, Campaigner
FrackFree Malpas, United Kingdom - Giles Tayler, Founder
Frackfreesomerset, United Kingdom - Andy Andrews, Volunteer
Framtiden i våre hender, Norway - Gustavo Parra de Andrade, Project manager
France Libertes - Fondation Danielle Mitterrand, France - Marion Veber, Program leader
Frente de Defensa de Cajamarca, Peru
Freshwater Accountability Project, United States - Lea Harper, Managing Director
Freshwaters Illustrated, United States - Jeremy Monroe, Director
Freunde der Naturvölker e.V., Germany - Arne Salisch, Chairman
Freunde der Naturvölker e.V. (German section of iPcN - friend of Peoples close to Nature), Germany - Bernd egener, Chairman
Friends of Peoples close to Nature (iPcN-interCultural), Switzerland - Friederiecke Bienert, Speaker
Friends of the Earth Europe, Belgium - Colin Roche, Extractive Industries Campaigner
Friends of the Earth Germany, Germany - Prof. Dr. Hubert Weiger, President
Friends of the Earth International, Global - Dipti Bhatnagar, Climate Justice & Energy Program Coordinator
Friends of the Earth Japan, Japan - Hozue Hatae, Development Finance and Environment Team
Friends of the Earth NL / Milieudefensie, Netherlands - Evert Hassink, Sr. campaigner energy
Friends of the Earth Scotland, Scotland - Mary Church, Head of Campaigns
Friends of the United States, United States - Doug Norlen, Director, Economic Policy Program
Friends of the Landless - Finland, Finland - Taru Salmenkari, Board member
Friends of the Siberian Forests, Russia - Andrey Laletin, Chairman
Fundación M´Biguá, Ciudadanía y Justicia Ambiental, Argentina - Jorge Oscar Daneri, Abogado
Fundación para el desarrollo alternativo Jenzer, Colombia - Efraín Jaramillo, Director
Fundacja "Rozwój TAK" - Odkrywki NIE", Poland - Kuba Gogolewski, Deputy Director
Future instead of coal / Zukunft statt Kohle, Switzerland - Markus Keller, President
GAIA - Global Alliance for Incinerator Alternatives, United States - Christie Keith, International Coordinator
GegenStroemung - CounterCurrent, Germany - Heike Drillisch, Board
GenderCC - Women for Climate Justice, Germany - Lisa Goeldner, Project Coordinator
Global Climate Convergence, United States - Timeka Drew, Coordinator
Global Justice Now, United Kingdom - Kevin Smith, Press officer
Global Witness, United States - Zorka Milin, Senior Legal Advisor
GRAIN, International - LB, Researcher
Greater Bristol Alliance, United Kingdom - Alison Allan, Chair
Green America, United States - Fran Teplitz, Executive Co-Director
Green Blob, United Kingdom - Stephen Jackson, Owner
Green Sanctuary Committee, CCNY, UU, United States - Gusti Bogok, Chair
Greendependent Sustainable Solutions Association, Hungary - Edina Vadovics, President
GreenLatinos, United States - Mark Magana, President & CEO
Greenpeace International, International (based in the Netherlands) - Daniel Mittler, Political Director
Greenpeace Netherlands, Netherlands - Joris Thijsen, Executive Director
Greenpeace USA, United States - Annie Leonard, Executive Director
GroenFront!, Netherlands - Karel Boom, Member
Grupo de Apoio aos Jovens Indígenas do MS, Brazil, Brazil - Maria de Lourdes Beldi de Alcantara, President
Guernsey County Citizens Support on Drilling Issues, United States - Greg Pace, Administrator / Founder
Healing Revolution, United States - Jeff Ethan Au Green, Chief Executive Organizer
Health, Scotland - Caroline McManus, Direct contact
Highlander Research and Education Center, United States - Susan Williams, Education team
Hip Hop Caucus, United States - Nakisa Glover, National Climate Justice Organizer
Historischer Westernverein Hameln und German Internet Radio Association, Germany - Uwe Klinge, Moderator und Reporter
HondurasDelegation, Germany - Daniela Dreissig, person responsible for press and lobby
Human Rights 3000 / Menschenrechte 3000 e.V., Germany - Gudrun Wippel, Board Member
Human Rights-Racial Justice Center, United States - King Downing, Founder
Hungarian Climate Alliance, Hungary - Csaba Lajtmann, Executive
ICRA International, France - Hervé Valentin, Chargé de mission
Idle no more, Germany - Gabriele Weber, Member
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Indigenous Concerns Resource Center, Kenya - Ben Koissaba, Team Leader
Indigenous World Association, United States - Petuuche Gilbert, President
INOCHI / Safe Energy Project, United States - Claire Greensfelder, Director
Institut für Ökologie und Aktions-Ethnologie e.V. (INFOE), Germany - Johannes Rohr, Member of the board
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International Rivers, United States - Monti Aguirre, Latin America Program Coordinator
International Work Group for Indigenous Affairs (IWGIA), Denmark - Kathrin Wessendorf, Climate Program Coordinator
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IWGIA, Denmark - Alejandro Paredllada, Program coordinator
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Keep Kirdford and Wisborough Green, United Kingdom - Jill Sutcliffe, Chair
Kentucky Environmental Foundation, United States - Heather Warman, Executive Director
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Kleiner Fratz GmbH, Germany - Grit Nierich, Management
KyotoUSA, United States - Tom Kelly, Executive Director
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Liberate Tate, United Kingdom - Kevin Smith, Member
Liberity Tree Foundation, United States - Ben Manski, President
Lifted Voices, United States - Kelly Hayes, Co-founder
Livelihoods Knowledge Exchange Network, United States - Mary Hufford, Director, Arts and Humanities
Local 1000, United States - Tret Fure, President
Local Futures/ISEC, United States - Sean Keller, Outreach Coordinator
lpsg, Germany - Christine Brelowski, Member
MANA, France - Mignotte, Founder
Mangrove Action Project, United States - Alfredo Quarto, Co-director
\Markets For Change, Australia - Peg Putt, Chief Executive Officer
Markwells Wood Watch, United Kingdom - Emily Mott, Founder
Medicine Tribe Water Warriors, United States - Michelle Gottreich, Founder
MGE, United States - Albert Mitchell, Vice President Sales
MGPA, Australia - Robyn King, Member
Milford Does/Residents of Crumhorn, United States - Otto Butz, Founder
Milieudefensie - Friends of the Earth Netherlands, Netherlands - Freek Kallenberg, Campaigns Manager
Move Your Money UK, United Kingdom - Fionn Travers-Smith, Campaign Manager
Movement for the Survival of the Ogoni People (MOSOP), Nigeria - Legborsi Saro Pyagbara, President
Musée de l'Homme, France - Douda Romain, PhD
Naropa University Sustainability Council, United States - Jeff Ethan Au Green, Member
National Association of Professional Environmentalists, Uganda - Frank Muramuzi, Executive Director
National Lawyers Guild, United States - Robin Martinez, Midwest Region Vice President
National Society of Conservationists - Friends of the Earth Hungary, Hungary - István Farkas, Executive President
National Toxics Network, Australia - Dr Mariann Lloyd-Smith, Senior Advisor
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No Canton Gas Pipeline, United States - Jennifer Wexler, Founding member
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No Sharon Gas Pipeline, United States - Birgitta McAlevey, President
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Northwest Watershed Institute, United States - Peter Bahl, Executive Director
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Nostromo Research, United Kingdom - Roger Moody, Director
Notre affaire à tous, France - Marie Toussaint, President
NTFP Exchange Programme, Philippines - Femy Pinto, Asia Executive Director
OBRA (One Billion Rising Austria), Austria - Kazuko Kurosaki, Head of the association
Observatorio de Multinacionales en America Latina - Paz con Dignidad, Spain - Erika Gonzalez, Resercher
Occupy Democracy London, United Kingdom - George Buda, Member
ODG, Catalonia - Alfons Pérez, Member
Oil Change International, United States - Stephen Kretzmann, Executive Director
ONCA, United Kingdom - Laura Coleman, Director
Oregon Physicians for Social Responsibility, United States - Kelly Campbell, Executive Director
OTN-Hydroconsult, Netherlands - Teunis H. op ten Noort, Director
OVEC (Ohio Valley Environmental Coalition), United States - Vivian Stockman, Vice Director
Pacific Environment, United States - Alex Levinson, Executive Director
Pakistan Fisherfolk Forum, Pakistan - Saeed Baloch, General Secretary
Peacemakers of Schoharie County, United States - Andrew Taylor, Co-Director, Campaigns & Communications
People & Planet, United Kingdom - Sue McDonnell, Co-founder
People & Planet, United States - Clare Wilderman, Campaigner
People of Albany United for Safe Energy - Patricia Chana Lunior, Stop all Pipelines
Peoples Voice, United States - Cheryl Miller, President
Peoples Voice, United States - Rob Smith, Director
People, Not Pipelines, United States - Colleen McKinney, Co-founder
Perkumpulan Prakarsa, Indonesia - Victoria F, Research manager
Plataforma Algarve Livre de Petróleo, Portugal - Rosa Guedes, Member
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Power Shift Network, United States - Lydia Avila, Executive Director
PowerShift, Germany - Michael Reckordt, Member
Preservar Algarve, Portugal - Celine Jacinto Rodrigues, Coordinator
Project21, Switzerland - Marie-Claire Graf, Executive board
Protect Orange County, United States - Pamilla Malick, Chair
Protect the Forest, Sweden, Sweden - Elin Götmark, Spokesperson
Protect the planet, Germany - Dorothea Sick-Thies, Founder
PUSH Sweden, Sweden - Ahmed Al-Qassim, President
Radical Independence Campaign East Kilbride, Scotland - Frances Sinclair, Campaign and event co-ordinator
RAFT, United States - Ann Law, Member
Rainforest Action Network, United States - Amanda Starbuck, Climate & Energy Program Director
Raus aus der Steinkohle, Germany - Michael, Head
Re:Common, Italy - Elena Gerebizza, Energy campaigner
Reflex Environmental Association, Hungary - László Horváth, Executive
Regroupement vigilance hydrocarbures Québec, Canada - Odette Sarrazin, Désinvestir
Renourish, United States - Eric Benson, Founder
RepacNet Austria, Austria - Matthias Neitsch, Managing Director
Réséau Action Climat France, France - Morgane Créach, Director
Residents Action on Fylde Fracking (RAFF), United Kingdom - Ian Roberts, Chairman
Resolution Meida Fund, United States - Mark Lichty, Board member
Resource Generation, United States - Jessie Spector, Executive Director
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Rio Arriba Concerned Citizens, United States - William Clark, President
River Network, United States - Nicole Silk, President
River Source Inc., United States - Richard Schrader, Director
Robin Wood, Germany - Philip Bedall, Energy Campagne
Rochester Defense Against Fracking, United States - Patricia Chana Lunior, Stop all Pipelines
Roxbury Arts Group, United States - David Capps, President, Board of Directors
Sacred Stone Camp, Oceti Sakowin - Ethan Au Green, Supporter
Sacred Stone Camp UK Solidarity Network, United Kingdom - Suzanne Dhaliwal, Member of the collective
Salva la Selva, Spain - Klaus Schenk, Director
Samiparliament, Sweden - Stefan Mikaelsson, Chairperson
SAPE, United States - Susan McDonnell, Co-founder
Save The Hills Alliance, Inc., United States - Cheryl Miller, President
SaveGreekWater, Greece - Maria Kanellopoulos, Coordinator
SCALE, Incorporated, United States - Anthony Flaccavento, President
ShareAction, United Kingdom - Catherine Howarth, Chief Executive
Sheffield People & Planet, United Kingdom - Chris Saltmarsh, Fossil Free Co-ordinator
Sierra Club, United States - Nicole Ghio, Senior Campaign Representative
<table>
<thead>
<tr>
<th>Organization Name</th>
<th>Country</th>
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<th>Contact Person</th>
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<td>Stop Ecocide, Netherlands</td>
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The effort, called Veterans Stand for Standing Rock, is planned as a nonviolent intervention to defend the demonstrators from what the group calls “assault and intimidation at the hands of the militarized police force.”

The veterans’ plan coincides with an announcement on Tuesday by law enforcement officials that they may begin imposing fines to block supplies from entering the main protest camp after a mandatory evacuation order from the governor. Officials had warned earlier of a physical blockade, but the governor’s office later backed away from that, Reuters said.

Protesters have vowed to stay put."


*We call upon all member states, to condemn the destruction of our sacred places and to support our nation’s efforts to ensure that our sovereign rights are respected. We ask that you call upon all parties to stop the construction of the Dakota Access pipeline and to protect the environment, our nation’s future, our culture and our way of life."

- Standing Rock Sioux Tribe Chairman Dave Archambault II

The **International Indigenous Peoples ‘Forum on Climate Change (IIPFCC) condemns the construction of the Dakota Access pipeline and stands in solidarity with our sisters and brothers of the Standing Rock Sioux Tribe and all Water Protectors in opposition to this project.**

**Human Rights and the Indigenous Rights Perspective**

The Dakota Access pipeline is being built on the un-ceeded treaty lands of the Standing Rock Sioux Tribe, without their free, prior and informed consent, as is described in the UN Declaration on the Rights of Indigenous Peoples in Articles 18, 19, and 32. The pipeline is also
being constructed through sacred areas and ancestral burial grounds of the Standing Rock Sioux and other Indigenous Peoples of the area. This massive construction project does not respect the Standing Rock Sioux’s Treaty rights, sovereignty, or their right to self-determination. It is an outright violation of their rights over their lands and resources as Indigenous Peoples, and does not respect the human rights of Indigenous Peoples.

**Climate Perspective**

The Dakota Access pipeline will transport 470,000 – 570,000 barrels of oil every day, which will release emissions of 101.4 million tons CO2, as much as 30 American coal power plants, every year. This is not consistent with the State Parties’ obligations and commitments under the Paris Agreement or the Sustainable Development Goals (SDGs). The continued production of fossil fuels only assures that global temperature will rise well above 2°C in the immediate future and threaten the lives and livelihoods of Indigenous Peoples around the world. The potential for a major oil spill from the Dakota Access pipeline is immediate. The pipeline is scheduled to cross underneath the Missouri River, which is the main source for drinking water for the Standing Rock Sioux Reservation and for millions of people who live downstream. Sunoco Logistics, the operating company of the pipeline, alone has experienced over 200 oil spills in 6 years, and the US had in total over 3300 leaks since 2010, polluting rivers, ground waters, land and air, and both human lives, health and livelihoods has been lost.

The IIPFCC calls upon the US to halt the construction of the Dakota Access pipeline and to enter into serious consultations with the Standing Rock Sioux, and other tribes affected by this project, respecting the right of the Tribes to free, prior and informed consent.

The state owned Norwegian Oil Fund is heavily invested in the pipeline. The IIPFCC calls upon Norway to divest from the Dakota Access pipeline Project.

We also call on all States to ensure the protection of Indigenous Peoples’ territories across the world as a critical action in the implementation of the Paris Agreement and in achieving the SDGs."

Deirdre Fulton, "Ten Activists Arrested for Helping Shut Down US-Canada Tar Sands Pipelines: ‘My love for the beauties of this world is far greater than my love of an easy life,’ said one of those arrested, 50-year-old Emily Johnston," *Common Dreams*, October 12, 2016, http://www.commondreams.org/news/2016/10/12/ten-activists-arrested-helping-shut-down-us-canada-tar-sands-pipelines, reported, "Ten activists have been arrested for shutting down five tar sands pipelines in four states on Tuesday, an act of non-violent direct action taken to avert climate catastrophe and in support of the call for International Days of Prayer and Action for Standing Rock.

According to Climate Direct Action, the group coordinating the shut-down, not only were the five activists who manually turned off the pipelines taken into custody, but also five support team members and videographers.

In Anacortes, Washington, authorities arrested Ken Ward for turning the wheel on an emergency shut-off valve for a Kinder Morgan pipeline, as well as documentarians Lindsay Grizzel and Carl David. According to the local NBC affiliate, the Skagit County Sheriff’s office charged them with burglary and criminal sabotage.

Michael Foster, Sam Jessup, and documentary filmmaker Deia Schlosberg were arrested in North Dakota for shutting down Transcanada’s Keystone pipeline; and Leonard Higgins was taken into custody in Montana after tampering with the valve on a Spectra line. Reed Ingalls was also detained for questioning in Montana.

Meanwhile, Climate Direct Action reported on Facebook that Emily Johnston and Annette Klapstein, who turned off the valves on Enbridge lines 4 and 67 in Leonard, Minnesota, had appeared in court Wednesday morning and would be held at Clearwater County Jail until they reached bail—a combined $15,000.
To the participants in Tuesday's shut-down, the consequences are worth it. As Johnston said ahead of the action: 'For years we've tried the legal, incremental, reasonable methods, and they haven't been enough; without a radical shift in our relationship to Earth, all that we love will disappear. My fear of that possibility is far greater than my fear of jail. My love for the beauties of this world is far greater than my love of an easy life.'

Indeed, filmmaker Josh Fox—whose colleague, Schlosberg, was one of those arrested in North Dakota—declared on Twitter:

The Climate Disobedience Action Fund, which supported Tuesday's 'unprecedented' action, is raising funds for the activists' legal fees."


Wild Earth Guardians ("A Force for Nature"), announced, September 7, 2016, "Victories to Keep More Coal in the Ground (Cause That’s Where It Belongs!)," http://wg.convio.net/site/MessageViewer?em_id=23393.0&dlv_id=40934, "WildEarth Guardians’ Climate and Energy Program is tearing it up for the climate, this time securing three rulings that promise to keep millions of tons of coal in the ground and millions more tons of carbon out of our atmosphere.

It’s plain and simple. You and me, we’re winning. Because as much as we’re getting the job done, we can’t possibly keep our coal in the ground without your support and belief in our ability to get that job done.

In the past two weeks, the success has been immense (http://www.wildearthguardians.org/site/News2?page=NewsArticle&id=12633&news_ivctrl=1#Y881NZMrL3Q).

We overturned an expansion of Peabody’s Twentymile coal mine in northwestern Colorado.

We derailed PacifiCorp’s plans to expand the Bridger coal mine in southern Wyoming.

Topping it off, we secured a court ruling ordering the Obama Administration to conduct an unprecedented environmental review of the San Juan coal mine in northwest New Mexico.

‘We’re not just saying “Keep it in the Ground,” we’re making it happen. In doing so, we’re protecting our public lands, keeping our climate safe, and opening the door for clean energy to flourish."

As of September 8, 2016, an increasing number of Indian tribes had stated support for the Standing Rock Sioux Tribe in opposing the Dakota Access Pipeline (including the Southern Ute Tribe, as stated in the weekly issue of the Southern Ute Drum), while thousands of people, including members of numerous tribes, had been arriving to support the anti-pipeline demonstrations (Jack Healy, " ‘I Want to Win Someday’: Tribes Make Stand Against Pipeline," The New York Times, September 8, 201, http://www.nytimes.com/2016/09/09/us/dakota-access-pipeline-protests.html?ref=todayspaper).
Physicians for Social Responsibility (PSR), psr.org, in late August, was involved in two additional environmental campaigns:

"Tell Gov. Brown: No Oil Wastewater on Our Crops
Agricultural growers in California are buying wastewater from oil wells to irrigate food crops. The water is treated before use, and the oil companies that sell the water say it is safe, as they are in compliance with their wastewater discharge permits. But does that really assure safety? Some evidence suggests otherwise. One researcher collected irrigation water samples containing solvents used to degrease equipment or soften thick crude oil. Sign PSR's petition telling California Governor Jerry Brown: Potentially toxic wastewater should not be permitted on food crops.

PSR Speaking Tour on Climate & Health
PSR board member and senior scientist Alan Lockwood, MD will be visiting seven states this fall to present on climate change and how it damages our health. The occasion: publication of his new book, Heat Advisory, published by MIT Press. See the calendar of events (http://www.psr.org/news-events/events/heat-advisory-speaking-tour.html) scheduled for Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, North Carolina and Florida."

350.org reported, October 19, 2016, https://www.eventbrite.com/e/climate101-toronto-kingston-bus-tickets-28543556546?utm_medium=email&utm_source=actionkit, "On October 24th, throngs of young people from across Canada will risk arrest for the Climate 101 action in Ottawa to call on Prime Minister Trudeau to reject the Kinder Morgan pipeline.
Across Canada, people are grilling the Trudeau government in the lead up to the Kinder Morgan decision in December. Just last week, hundreds in Winnipeg confronted the Natural Resources Minister Jim Carr calling for a rejection of the Kinder Morgan pipeline. Now, weeks before the next round of UN climate talks, young people will bring this fight to the capital city."

"10 years after Phulbari Massacre, Open Pit Coal Mine in Bangladesh Remains Stalled," Cultural Survival, December 20, 2016, https://www.culturalsurvival.org/news/10-years-after-phulbari-massacre-open-pit-coal-mine-bangladesh-remains-stalled, reported, "On Thursday, December 15, 2016, Bangladeshi protesters from the Phulbari region were joined by climate activists in London outside of the annual general shareholders meeting of Global Coal Management (GCM) Resources Plc, a British mining company who wants to build a massive open cast coal mine by forcibly displacing 130,000 people in Phulbari, Bangladesh.
Both outside and inside the shareholder’s meeting, anti-coal and human rights activists called to shut down GCM Resources. The company does not have a valid license for business with Bangladesh, but continue to sell shares in London and committing abuse and human rights violations against Indigenous Peoples, farmers and local businessmen in Phulbari. Protesters chanted “CGM, out out”, “Gary Lye, blood on your hands”; 2016 marked the tenth anniversary of Phulbari massacre, in 26 August in 2006, when three people were shot dead and two hundred injured in a demonstration of 80,000 people for opposing plans by the company’s Bangladesh subsidiary, Asia Energy. Gary Lye is the current CEO of GCM Resources. “The Bangladesh government withdrew the mining license in the wake of GCM’s atrocity but the company continues its dodgy attempts to raise funds for the operation of a perilous project. CGM is selling shares in the name of the Phulbari project in London,” stated Akhter Sobhan Khan of Committee to Protect Resources of Bangladesh.
Using the strategy of shareholder advocacy, a delegation of dissidents was able to attend the shareholder’s meeting and powerfully interrogated the company directors who failed to show evidence of any valid license for business.
Read London Mining Network's report from inside the shareholder's meeting.
The meeting was poorly attended with only 10 shareholders including the company PR and excluding the six dissident voices. The meeting was quickly closed by the Chairman, Michael Tang, who was unable to answer any question from the floor. Investment in GCM reached its lowest point ever in 2016, with stock prices dropping to $3.57 in April.

Seven UN human rights experts have called for an immediate halt to the project, on the grounds that it threatens the fundamental human rights of hundreds of thousands of people, including entire villages of Indigenous people, and poses "an immediate threat to safety and standards of living." Rumana Hashem of Phulbari Solidarity Group and an eye-witness to the killings in 2006 said:

The company’s CEO, Gary Lye, has been systematically abusing local opponents of the project. Earlier [in 2016] Lye has filed multiple arbitrary cases against 26 frontline local opponents, farmers, and small business entrepreneurs against mining in Phulbari and Dinajpur. This is incredible, and human rights abuse facing the innocent people and their families who never had anything to do with violence before this company inflicted violence in Phulbari.

Scientists have determined that extracting and burning the world’s remaining coal reserves would tip the scales towards irreversible climate change. Coal is the world’s single biggest contributor to global warming. Whereas most of the developed world has abandoned coal, governments in poorer countries like India and Bangladesh are trying to squeeze out what they can out of the natural resources, despite damning effects on air contamination that have already made their cities among the most polluted and unlivable in the world: Delhi’s air is already three times more toxic than Beijing’s; Dhaka city’s air was measured to have the highest density of lead in the world. Despite this, Bangladesh is also hoping to increase its coal production by 2030.

Thursday’s picket event was co-organized by Phulbari Solidarity Group and the Committee to Protect Oil, Gas, Mineral Resources, Power and Ports in Bangladesh. Action outside and inside the AGM was joined by transnational activists from Foil Vedanta, London Mining Network, Coal Action Network, UK, Plane Stupid, Reclaim the Power, Socialist Party of England and Wales, and many Bangladeshi community protesters from Tower Hamlets and East London in the UK. Protesters say that they will not sleep until the company has closed its office in Dhaka and left Bangladesh."

Nadia Prupis, "Won't Accept Destruction': Global Communities Line Up to Ban Fracking: 'This decision proves the power of grassroots advocacy. Individuals have won over powerful and influential mining companies" Common Dreams, August 30, 2016, http://www.commondreams.org/news/2016/08/30/wont-accept-destruction-global-communities-line-ban-fracking, reported, "Around the world, resistance is growing to hydraulic fracturing, or fracking, as more and more communities line up to ban the controversial fossil fuel extraction method from their lands.

On Tuesday, Victoria, Australia’s Premier Daniel Andrews announced that the state is set to introduce a permanent ban on all onshore unconventional gas exploration, including fracking and other methods like gas mining, making it the first state in the nation to do so.

The Department of Premier and Cabinet said, 'It is clear that the Victorian community has spoken. They simply don't support fracking.' The government will introduce legislation for the ban later this year, and the Herald Sun added that it would also extend the current moratorium until June 30, 2020.

According to one organizer, about 1.4 million hectares of land were threatened by some form of onshore gas mining like coal seam gas, underground coal gasification, and shale gas.

The government also said the ban would help protect Victoria’s agricultural sector and pacify Australian farmers' concerns over the potential health impacts of fracking, which has been linked to cancer, birth defects, migraines, and fatigue, among other maladies.
'The fracking industry continues to lose friends all over the world. Community opposition to the fracking and unconventional gas industry has been fierce right across Australia and thankfully the Victorian Government has listened to these concerns,' said Dr. Richard Dixon, Scotland director at the environmental group Friends of the Earth. 'From a global climate change perspective, it is encouraging to see fossil fuels being kept in the ground. Developed nations need to rapidly move away our reliance on these dirty, destructive energy sources and embrace clean, safe renewables.'

Ellen Sandell, the Australian Green Party's energy spokesperson, said the decision is 'a relief to communities that have fought the threat of fracking for years.'

'This decision proves the power of grassroots advocacy. Individuals have won over powerful and influential mining companies,' Sandell said, though she added that it was "disappointing the government is leaving the door open to conventional gas drilling after the next state election."

"We won't stop fighting until all onshore gas drilling is banned," she said.

And just a day earlier, the climate advocacy group 350.org noted that more than 70 Brazilian cities have also approved fracking bans, culminating in a total of 72 cities prohibiting the extraction method since the launch of the No Fracking Brazil campaign in 2013.

'It is important to show the fracking entrepreneurs that people will not passively accept the destruction caused by the fossil fuel industry,' Nicole Figueiredo de Oliveira, 350.org's Latin America regional team leader, said in a statement on Monday. "We will continue empowering the local communities to resist this government's offensive and urging public officials to invest in renewable energy projects instead of expanding fossil fuel extraction, so that we can have a sustainable, secure future."

Environmental Action, "Protect the Gulf - Stop the Dumping of Toxic Fracking Wastewater, January 4, 2016, https://environmental-action.webaction.org/p/dia/action3/common/public/?action_KEY=19308&utm_source=Salsa&utm_medium=Email&utm_campaign=EAC4-FFRK-1116&utm_content=EM0:03A:OBH-AGP&uid=1385161, stated, "Right now, US policy allows offshore drilling operations to dump unlimited toxic wastewater from their platforms into America's waters in the Gulf of Mexico — along with chemicals like arsenic, benzene, cadmium, lead, formaldehyde, chlorine, and mercury that have been associated with cancer, developmental disabilities and reproductive harms.

These chemicals can contaminate Gulf seafood and poison the imperiled sea turtles, dolphins, and other marine wildlife that rely on Gulf waters for their survival. Environmental Action is committed to protecting these natural treasures."

Care2Petitions, was involved in a campaign in mid September 2016, "Stop PacRim Coal and Protect Cook Inlet Whales," http://www.thepetitionsite.com/236/951/169/?z00m=28372863&redirectID=2179334228, "A Delaware corporation is trying to dig up 14 miles of a thriving salmon river that feeds into the Cook Inlet in Alaska. The river is home to all five species of pacific salmon, which the whales of the inlet rely upon. Sign Marcy's Care2 petition demanding Alaska's leaders reject PacRim Coal's horrible strip mine!

The runs of the Chuitna are critical to the wildlife of Cook Inlet, including an endangered Beluga whale population, as well as orca pods. Approving this strip mine would be a terrible decision for these whales, and all who rely on the salmon.

The Chuitna River is also important to a couple of small communities that rely on the salmon runs. Care2 member Marcy Valka is a member of the Dena'ina Athabaskan tribe and lives in the native village of Tyonek, which would be devastated by the impacts of PacRim's strip
Marcy is so concerned about the future of the Chuitna River and the salmon her community relies upon that she started this petition to urge Alaska's governor and Department of Natural Resources Commissioner to protect the Chuitna.

If PacRim is allowed to proceed it would set a horrible precedent for Alaska; this would be the first time the state allowed the wholesale removal of a salmon stream. Salmon runs across the state would be at risk of future mining, drilling and development."

Barbara Fraser for Mongabay, "Another Pipeline Spill Reported in Peruvian Amazon as Indigenous Protests Enter Eighth Week," Cultural Survival, October 26, 2016, https://www.culturalsurvival.org/news/another-pipeline-spill-reported-peruvian-amazon-indigenous-protests-enter-eighth-week, reported, "Hundreds of people gathered since September 1 in Saramurillo, an Indigenous community on the bank of the Marañón River in Peru’s northeastern Loreto region, have blocked transportation on the river to press for their demands.

The protesters are calling for a state of emergency to be declared in two districts of the lower Marañón Valley where a series of oil spills has affected five Indigenous communities.

Underlying the protest, however, is a call for a national debate on whether oil drilling should continue in the Peruvian Amazon.

Saramurillo, Peru — As a protest by Peruvian Amazonian Indigenous communities against oil pollution on their lands entered its eighth week, tensions rose on October 23 after a new pipeline oil spill and a shooting incident in which at least one protester was wounded.

Hundreds of people gathered since September 1 in Saramurillo, an Indigenous community on the bank of the Marañón River in Peru’s northeastern Loreto region, have blocked transportation on the river to press for their demands. The protesters are calling for a state of emergency to be declared in two districts of the lower Marañón Valley where a series of oil spills has affected five Indigenous communities.

They also seek an independent inspection of the network of pipelines serving the oil fields and replacement of corroded sections; remediation of polluted sites and ecosystem restoration; compensation for damages; an environmental monitoring law; and a “truth commission” to conduct an in-depth study of oil operations and their impact on communities and the environment.

Underlying the protest, however, is a call for a national debate on whether oil drilling should continue in the Peruvian Amazon.

'We want a discussion about the viability of oil production in the Amazon, because the way it’s done now is not viable,” said José Fachín, 35, a Kichwa law student and adviser to the leaders of the Indigenous organizations supporting the protest.

The protesters lifted the river blockade — allowing passenger and cargo vessels to pass, but not oil and fuel barges — for about a week before and a week after a two-day meeting with government negotiators in Saramurillo on October 11 and 12.

They resumed the blockade on October 20, saying the government’s initial response to their demands, on October 18, was inadequate. Officials sent a more complete response on October 21. Two days later, people on a passenger boat attempting to pass the blockade fired at protesters, injuring a man in the hand.

The protesters stopped the vessel and posted photographs on social media showing three men whom they identified as employees of the transportation company being held in a community building in Saramurillo until legal investigators arrived.

Also on October 23, Petroperú, the state-owned company that operates the pipeline that carries crude from Amazonian oil fields across the Andes Mountains to the coast, reported that vandals had cut the pipeline in Nueva Alianza, spilling oil into a stream that
flows into the Marañón River. Petroperú communications chief Luis Zapata and community leaders said some oil had reached the river.

Nueva Alianza was the site of two spills reported on August 21 that dumped about 4,000 barrels of oil into a canal built to contain the pipeline. Cleanup of that oil was under way when the new breach was reported. The August spills helped trigger the protest in Saramurillo.

The newest spill is the ninth this year from the pipeline. Petroperú has attributed the last six to vandalism, although Osinergmin, the government agency responsible for overseeing energy infrastructure, has not ruled on them.

Some observers have suggested that contractors hoping to snag cleanup work could be vandalizing the pipeline, while Fachín said the cuts could be an effort to discredit the protest.

Two spills — reported in the communities of Monterrico on September 25 and the community of 6 de Julio on October 14 — occurred after the protest began. Both communities are just upstream from Nueva Alianza.

Nueva Alianza, Monterrico, and 6 de Julio were not among the almost 47 communities that Fachín said had sent villagers to participate in the protest.

Saramurillo, where the protest is centered, is a cluster of wood-frame, thatch-roofed buildings on the bank of the Marañón River beside the pumping station that marks the beginning of the 845-kilometer Northern Peruvian Pipeline, which was built in the 1970s.

The capuccino-colored river is fouled by mine tailings, sewage, and solid waste as it flows down the eastern slope of the Andes Mountains and joins the Ucayali River in Peru’s Loreto region to form the Amazon River.

It also receives pollution from Peru’s oldest Amazonian oil fields, now known as Block 192 and Block 8, which began operating in the 1970s. The fields straddle the Corrientes, Pastaza, Tigre, and Chambira rivers, are crisscrossed by aging pipelines, and are inhabited mainly by Achuar, Kichwa, Awajún, Ubarina, and Kukama-Kukamiria people.

Except for a few dozen communities that now have temporary water treatment plants, villages lack potable water and sanitation systems. Villagers must rely on river water or rainwater for drinking, cooking, bathing, and washing.

Government agencies have a list of at least 1,000 polluted sites in the two oil fields that require remediation, but Indigenous organizations in the region say there could be more than twice that number.

Protests over pollution have led to various agreements between Indigenous federations and the government in recent years, including one, the “Dorissa Act,” which was signed 10 years ago this month.

That agreement forced Pluspetrol, the Argentina-based company that was operating Blocks 192 and 8 at the time, to re-inject wastewater from pumping back underground, reducing pollution.

Except for the re-injection agreement, however, those pacts have gone largely unfulfilled, leaders of the current protest say. They also complain about the sluggish pace of most negotiations with the government.

Rolando Luque, the chief government negotiator at the meeting in Saramurillo, promised 'rapid and timely' action on the protesters’ demands. He said the National Office of Dialogue and Sustainability, which he heads, will also follow up on agreements to ensure compliance.

As part of an agreement on immediate humanitarian aid, the government delivered drinking water and food to Saramurillo, Nueva Alianza, and Monterrico on October 21 and 22. Zapata said the deliveries were to be one-time assistance.

He also said Petroperú plans to hire an outside auditor to evaluate the pipeline and determine what additional repairs are needed in order to resume operation, which was suspended in February after two spills. The company expects that process to take about four months, while
Luque said possible future meetings between the protest leaders and government negotiators will be mapped out once the Indigenous leaders respond to the government’s most recent letter.

Leaders of the protest say the negotiating team lacks the power to make decisions on the spot and are insisting that government ministers travel to Saramurillo to meet with them.

Officials set a precedent in a different case on October 22, when Martín Vizcarra, Peruvian vice president and minister of transportation and communications, and Justice Minister Marisol Pérez Tello traveled to the southern Andean region of Apurímac to meet with people protesting a new copper mine’s use of roads on their lands. A local man had been shot to death in that protest.

Besides facing off against the government, the leaders in the Saramurillo protest are also challenging Indigenous organizations in the oil-affected watersheds that have been involved in negotiations with the government over the past two decades.

Four organizations — one each in the Corrientes, Pastaza, Tigre, and Marañón watersheds — have taken the lead in those talks in the past, but have stayed away from Saramurillo.

Fachín and other leaders of the protest in Saramurillo say there are at least 15 organizations that represent communities in the watersheds affected by oil operations, as well as some unaffiliated communities, and all should have a seat at the negotiating table.

He said the four federations that have long been considered the main representatives of the watersheds, as well as other organizations that have taken a wait-and-see stance, have been invited to join the protesters’ cause."

"Peru’s New President Must Act on Oil Clean Up, say Indigenous Federations of the Amazon," Cultural Survival, October 23, 2016, https://www.culturalsurvival.org/news/perus-new-president-must-act-oil-clean-say-indigenous-federations-amazon, reported, "On September 26, traditional Indigenous leaders of Peru travelled to Lima to meet with new Kuczynski administration officials regarding the remediation of contamination in their territories. Communities are concerned that the new administration of Pedro Pablo Kuczynski, who was sworn in as president in July after winning on a campaign of equality and social change, has not given an adequate response to the Indigenous federations who for decades have participated demonstrations, strikes, and roundtable negotiations to demand adequate clean-up for oil contamination. The Indigenous federations made their demands clear to the new administration during a meeting in July after he took office, and said that since then, state officials have not prioritized the problems in the Indigenous Amazonian territories regarding their right to live in a safe environment in an effective and encompassing way.

In their September meeting, Apus or traditionally elected leaders from Indigenous federations of FECONACO, FEDIQUEP, OPKAFPE, and ACODECOSPAT were following up on agreements signed on August 22nd to clean up Lots 192 and 8, where petroleum companies have operated for 45 years leaving a toxic and growing legacy of contamination.

Over a year ago, the Peruvian government’s Environmental Fund approved 50 million soles (14.9 million USD) to clean up a number of specific areas, but the work has yet to commence. The federations are now specifying additional sites of contamination that must be included in plans for remediation, including Ushpayacu, an expansive area that was improperly remediated by the previous operator of the oil wells, Pluspetrol. Ushpayacu is just one of the over two thousand contaminated sites identified in Lot 192.

Apu Aurelio Chino Dahua, president of FEDQUEP believes President Kuczynski must respect the negotiations that we began with the Ollanta Humala administration. “We have signed agreements and many of them have not been carried out,” said Apu Aurelio to LaMula.pe.

The new authorities know very little about our struggle, our demands, and our reality. Will we start where we left off, or will we need to start from scratch? We cannot go backwards.
The new government says that it’s going to bring attention to Indigenous Peoples. This shouldn’t be something exciting and new, this should be the norm. We are Peruvians, just like everyone else… We are Indigenous and we deserve respect. Just like the people in Lima who want to live in peace, we do too. Just like they worry about the future for their children, we do too.

Just in the past few months, at least nine spills have taken place. Two were reported by Peru's Environmental Evaluation Body, OEFA on August 22nd and two more on September 24th. The latest was just last week on October 14th. The 45 year-old pipeline infrastructure that runs across the traditional hunting and fishing lands of the Indigenous communities in the Amazon in many places is rusted, damaged, and urgently needs repair. But the company negligently ignored these needs, and when spills inevitably happened, hid the evidence by covering oil spills with fresh dirt, rather than extracting the oil and remediating the area. This has led to deep contamination of the groundwater as well as flora and fauna that the communities use for their daily consumption.

Today children and families in the area have no other choice than to eat contaminated food and drink, wash, and bathe in contaminated water. The magnitude of the contamination is overwhelming.

In September, an Indigenous Quechua mother from Peru spoke to the UN Commission on the Rights of the Child in Geneva. 'I come here in representation of our children in contaminated zones, that each day are eating contaminated fish, and contaminated meat,' said Imelda Chung, of FEDIQUEP, before a special general debate session at the United Nations focusing on children and the environment on September 23rd.

She presented her intervention along with other populations affected by the presence of contamination and toxic waste in their territories and communities. 'We cannot avoid the contamination, and yet the oil spills continue to happen. The hydrocarbons, lead, and cadmium are in our bodies. I grew up in an era of contamination- I am contaminated. But I don’t want my children or my grandchildren to continue being contaminated. ‘We don’t have health services, and our children need adequate care,' she denounced. Her intervention concluded with a demand to the President of Peru, Pedro Pablo Kuczynski: 'I don’t know how to tell the President another time, that he come to visit us and see for himself the situation that we are living, for the past 45 years no one from the government has come to visit, except to install oil companies. I want the contamination to end and for remediation to begin; I want to be certain that there will be no more contamination,' she concluded.'

Nadia Prupis, "Alliance of 600,000 British Doctors Calls for 'Imperative' Coal Phase-Out: Doing so would constitute 'double win for tackling the twin health threats of air pollution and climate change,' report states," Common Dreams, October 19, 2016, http://www.commondreams.org/news/2016/10/19/alliance-600000-british-doctors-calls-imperative-coal-phase-out, reported, "A coalition representing Britain's 600,000 doctors and health workers on Wednesday called for a rapid phase-out of coal, saying it was an 'imperative' measure and that climate change and air pollution were both ‘major health threats."

"Ending the use of coal is a simple, no-regrets public health intervention. The rapid phase-out of coal fired stations is an imperative first step. Coal is the most carbon-intensive source of power generation, and is a key focus for reducing the risks of climate change," the U.K. Health Alliance on Climate Change said in a report.

'Climate change and air pollution are both major health threats,' the report, A Breath of Fresh Air, states. "They share a common driver: the combustion of fossil fuels. Pollution from coal plants alone costs the U.K. as much as £3.1bn [roughly $3.8bn] each year in human health impacts."

Pollution also disproportionately impacts children and can cause diseases ranging from lung cancer to stroke, killing 40,000 people a year in the country. In a press release (pdf) for the
report, Royal College of Pediatrics and Child Health fellow Jonathan Griggs calls it the "silent killer," and notes that the phasing out of coal would constitute a "double win for tackling the twin health threats of air pollution and climate change."

Although the U.K. government promised almost a year ago that it would phase out coal by 2025, the groups raised concerns over the seeming lack of preparation to do so, with no consultation documents published since the plan was announced, the groups note.

Dr. Richard Horton, editor-in-chief of the medical journal *The Lancet*, said the phase-out of coal use "is an essential step towards creating a sustainable energy policy for the U.K. It is also a vital co-benefit for health-ending coal use will deliver long-lasting health and environmental dividends for the British population. Life expectancies will be prolonged, disease and disabilities reduced, and future risks to health diminished. This is an opportunity to be seized."

The report calls for replacing coal with renewable energy sources like wind and solar, which are beneficial to both air quality and climate safety, which in turn is "advantageous to health," the report states. "Indeed, joining up policies on health, air pollution, and climate change can offset the costs of climate mitigation policies through the health benefits that they bring."

Added Janet Davies, chief executive and general secretary of the Royal College of Nursing, 'Cutting air pollution from coal will greatly benefit the lives of many people with long-term chronic health conditions and help to protect the health of future generations. Tackling air pollution and climate change will have numerous health benefits but it requires a joined-up approach from government to ensure the health impacts are better recognized and fully realized' ."

The First Nation's people living near the construction site of the giant Muskrat Falls hydroelectric dam have been vehemently protesting its construction, because all over Canada the reservoirs behind dams build up high levels of methyl mercury, poisoning people who eat fish and game downstream (Ian Austen, "Canada’s Clean Energy Might Not Be So Clean," *The New York Times*, November 23, 2016).

Whale and Dolphin Conservation (WSC) commented, September 26, 2016, http://wdc-nawhaleanddolphinconservationnorthamerica.cmail20.com/t/ViewEmail/j/AE478659EAE2E229/A01551233679361B9A8E73400EDACAB4, "WHAT MANY HAIL AS A VICTORY RAISES SERIOUS CONCERNS," "Not everyone is celebrating the recent announcement by NOAA’s National Marine Fisheries Service (NMFS) that it will remove federal protections from 9 global populations of humpback whales including humpbacks that feed off the east coast of the US and Canada. Based on a White House, this decision is 'evidence that U.S. efforts to protect and restore thousands of endangered animals and plants are working.' However, WDC believes this decision is premature for some populations of humpback whales, in particular the humpback whales in the Gulf of Maine. NMFS itself has http://wdc-nawhaleanddolphinconservationnorthamerica.cmail20.com/t/j-1-kkhujl-uujycild-j/ that ‘(t)here are insufficient data to reliably determine current population trends for humpback whales in the North Atlantic overall’, and ignored recently published pointing to more than one breeding stock for Western North Atlantic humpbacks."

U.S. Activities

Today, the United States Army Corps of Engineers announced two major changes to improve the partnership between the Corps and tribes to manage water resource projects and activities and further protect tribal natural and cultural resources. First, Secretary of the Army delegates their authority under Section 1031(b) of the Water Resources, Reform and Development Act 2014 to enter into cooperative agreements with federally recognized tribes to protect fish, wildlife, water quality, and cultural resources to all divisions and districts of the Army Corps. Bringing this process to the local level allows for more tribes to enter into cooperative agreements, share management responsibilities, protect their resources using culturally appropriate practices, and further build economic capacity of tribes to expand their management practices. The Army Corps also announced that it is removing the legal requirement that a tribe must waive its sovereign immunity when entering into a legally binding agreement for the construction of a water resources project with the Corps. This requirement was a major obstacle for tribal participation and often the reason many projects were not planned or built. NCAI President Brian Cladoosby said, “Indian Country applauds the Army Corps for listening to the concerns of our tribal nations, honoring tribal sovereignty, and supporting cooperative management agreements to help protect our valuable tribal resources. Today’s decisions are important not just for the many tribes with Army Corps projects near their homelands, but it demonstrates the positive impact of tribal consultation and true Nation-to-Nation partnership.”


"The conference has a packed agenda with government-to-government listening sessions scheduled to discuss consultation over infrastructure projects such as the Dakota Access oil pipeline with U.S. officials; strategy sessions on the gaming industry; a task force to address violence against women, and a panel on how to inculcate interest in Science, Technology, Engineering and Mathematics (STEM) to develop a tribal workforce for the future."

"Cladoosby described the Indian Trust Asset Management Reform Act as the major accomplishment of the U.S. Congress so far.

'The Act promises tribal decision-making about our own homelands and places critical resources at local tribal levels,' he said.

He praised the Act for including the creation of an undersecretary of the BIA, a brand-new position whose purpose is to avoid a silo relationship between the BIA and Office of Special Trustee. This new position will create a single line of authority for delivering trust programs and service to tribal communities.

Cladoosby recognized the historic 2004 Gila River Indian Community Water Rights Settlement Act. The largest in U.S. history, the tribe’s claim for water damages took almost 100 years of litigation and 20 years of negotiations to settle.

'The Act is an incredible example of the patience and determination of tribes and how we live in accordance with our indigenous values that keep future generations in mind,' he said. 'Putting decisions about tribal lands into tribal hands is key to all of our prosperity. During this convention we are going to have robust conversations about infrastructure projects on tribal lands. One such project, the Dakota Access Pipeline, (DAPL) has become our defining moment.'

The NCAI President warned the U.S. President that his legacy will reflect what happens with the DAPL.
'We must send a unified message to President Obama. Don’t let DAPL be your administrative legacy. We are telling our trustees to do the right thing. We ask them to conduct a full Environmental Impact Statement and deny all permits,' Cladoosby said.

'As we stand together, we have shown the world that an attack on one tribe’s sovereignty is an attack on every tribal nation,' he continued. 'Our friends and relatives at Standing Rock know now that we won’t rest until this disaster-in-waiting has been stopped.'

"He noted that one of the goals during this week’s convention is to deliver a strong and unified message to the federal government about the importance of tribal consultation during listening sessions with the departments of Interior, Justice and the U.S. Army Corps of Engineers." "

“Cladoosby also recognized tribal participation in the DOJ’s Violence Against Women Act (VAWA) pilot project that increases the ability of tribes to prosecute non-Native offenders in domestic and dating violence acts.

'The project has also revealed troubling limitations in the ability of tribes to protect Native children in these cases,' he said. 'NCAI continues to work to reaffirm tribal jurisdiction in child abuse and drug cases.'

Cladoosby cited the work of the Confederated Tribes of Umatilla, who have reshaped their child welfare system so that 70 percent of the tribe’s children are now thriving with their families in home communities. He also noted the success of the Salish Kootenai Tribe’s new skills training, job placement and professional mentoring program that has cut tribal unemployment in half.

Cladoosby described the work of tribes in South Dakota whose members have come together to protect Bear Butte from the degradation that would ensue if construction of the ‘world’s biggest biker bar’ at a campground on the fringe of the sacred site is approved.

'And we support the land-into-trust process for tribes in Alaska, finally! Like all tribes in the nation, they need to have their land protected for their inherent rights,' he said.

Cladoosby noted the importance of this year’s Presidential election, which will have a lasting impact on tribes especially when it comes to Supreme Court appointments. 'Get out the vote—not just for yourselves but also for your children and grandchildren,' he said.

"Cladoosby closed by noting that Indian country is “embarking on a period of change, but change creates opportunity to educate our federal partners and modernize relationships. As we look at the opportunities tribes have created with the Obama administration over the past eight years, we have set a new standard for government-to-government relations.

'We will continue to remind the federal government that we are 21st-century tribal governments; we know best how to serve our families and communities,' he said. 'We will remind the federal government that we want a partner, not a parent; we want a trustee worthy of our trust. We demand that the promises made to us be kept. If we continue to build on the legacy of the Obama administration, our best days are yet to come.'"

Native Hawaiians will now be afforded the basic self-governance rights afforded other major Indigenous peoples in the United States under federal law. Native Hawaiians have suffered through similar colonial policies and the dispossession of lands, resources and culture, and we expect the federal government will now demonstrate meaningful respect by engaging Native Hawaiians as a sovereign Indigenous nation.

As noted in the Advance Notice of Proposed Rulemaking, Congress has enacted more than 150 statutes expressly affecting Native Hawaiians, and it is these laws that define the scope of Federal programs and services for Native Hawaiians.

We urge the Department of the Interior to take action on this process that will support the self-determination and economic self-sufficiency of Native Hawaiian people. Like all of the nation’s indigenous peoples, Native Hawaiians lived on their homelands and governed their own affairs before the first contact with Europeans. Like all of the Indigenous peoples of the United States, Native Hawaiians deserve the right to determine their own future and maintain their culture, language, and identity. This is a purpose that all Americans can support, and we urge swift action by the Administration.

"NCAI Applauds Department of the Interior for Recognizing Tribal Role in Managing Federal Lands and Natural Resources," October 21, 2016, http://www.ncai.org/news/articles/2016/10/21/ncai-applauds-department-of-the-interior-for-recognizing-tribal-role-in-managing-federal-lands-and-natural-resources, commented, "NCAI applauds the U.S. Secretary of the Interior Sally Jewell as she announced a Secretarial Order encouraging cooperative management opportunities between the Department’s land managers and federally-recognized tribes. Through this effort, the Department of the Interior is recognizing enhanced management through collaborative partnerships and the integration of tribal knowledge, practices, and concerns into the management of federal lands and natural resources where there is a connection to tribal communities.

According to the Order, agencies are directed to identify opportunities, engage in consultation with tribal governments, and to undertake efforts to develop collaborative partnerships with tribes in the management of resources.

NCAI has long supported and advocated for the advancement of cooperative relationships that foster and integrate traditional indigenous knowledge and practices into the management of natural resources that affect tribal lands, empowering tribal self-determination and resiliency of tribal communities. NCAI will continue to work with tribes to ensure equitable participation by tribes in the co-management of traditional and customary resources for the continued well-being of their peoples and appropriate co-management agreements.

NCAI Executive Director Jacqueline Pata said, 'The Order announced today sets up a process and identifies the need for cooperative relationships that will benefit tribes in their efforts to manage natural resources. This also supports the exercise of our rights, and provides recognition of essential indigenous knowledge.'"


'President Obama expressed a deep commitment to Indian Country when he took office, and pledged to honor the government-to-government relationship with tribal nations,' said NCAI President Cladoosby. 'As a result, today was a convening of heads of nations. This
Administration has set the bar higher than ever before. Under the Obama Administration, great strides were made toward establishing a cohesive government-to-government relationship with tribal nations. The White House Council on Native American Affairs, the White House Tribal Nations Conference, and Native Americans filling key positions in the White House and Administration all contributed to a strengthened relationship with tribes. As a result, tribal leaders felt moved to thank and honored President Obama, who was gifted with a blanket.

Exchanges between cabinet members and tribal leaders affirmed that no other President has done more for Indian Country. It also became clear that with 116 days remaining, we are still focused on getting the job done.

'In a spirit of cooperation and mutual respect, we’ve made a lot of progress for Indian Country over the past eight years. And this moment highlights why it’s so important that we redouble our efforts to make sure that every federal agency truly consults and listens and works with you, sovereign to sovereign' said President Obama in his speech. "

'I want everybody in this auditorium and all the folks back home in your respective communities to know that this whole time, I've heard you. I have seen you. And I hope I've done right by you. And I hope I've set a direction that others will follow,' said President Obama."


'Tribal Leaders from across Indian Country have come together in an unprecedented show of support for the Standing Rock Sioux Tribe, in the fight to protect their water and cultural places,' said NCAI President Brian Cladoosby, 'So many of our tribal nations have dealt with the same type of issues protecting our natural and cultural resources.'

NCAI encourages the advancement of tribal sovereignty, and anticipates these tribal consultations sessions as an opportunity for tribal nations to take place as governments during the review and permitting process of projects that will impact tribal waters, lands, and sacred places."

CREDO, "Tell Congress: Stop the modern day Native American land grab," October 7, 2016, https://act.credoaction.com/sign/land_grab?t=2&akid=20014.1313914.sZsKSm, stated, "It’s simply deplorable: For the first time in more than 100 years, the federal government could steal fragile, sacred land from Native American tribes and hand it over to the fossil fuel industry.

Utah Republican Reps. Rob Bishop and Jason Chaffetz along with Sen. Mike Lee recently introduced a bill that would strip away protections for 100,000 acres of Ute tribal lands to allow for oil drilling and uranium mining. The bill would also prevent President Obama from designating 18 million acres of unprotected land at Bears Ears a national monument.

This legislation is a massive giveaway to the oil and mining industry and an attack on the indigenous people who have lived on this land for more than 11,000 years. We must
act now to stop this bill in its tracks."

"This legislation is another attempt by Rep. Bishop to advance his campaign against the Antiquities Act, a law that allows the president to designate land a national monument. It’s responsible for creating many of our national treasures including the Grand Canyon National Park in Arizona and Chimney Rock National Monument in Colorado. Most recently, at the urging of tens of thousands of CREDO activists and our allies, President Obama designated more than 87,000 acres in northern Maine a national monument, despite pushback from Rep. Bishop and other extreme, anti-conservation Republicans.

This time, Rep. Bishop is going even further by attempting to rip away ancestral homelands from the Ute Indian tribe and hand them over to the fossil fuel industry. As Eric Ewert, professor of geography at Weber State University in Utah, put it, Rep. Bishop’s legislation is ‘a fossil fuel development bonanza and public land giveaway that significantly rolls back existing protections for Utah’s wildlands. It was written behind closed doors with county commissioners and industry developers’ and ‘would be devastating for our public wildlands and Utah’s tourism economy.’

Americans across the country, including hundreds of thousands of CREDO activists, have voiced their opposition to handing over Native lands to the corporate oil and mining industry at Oak Flat in Arizona and for the Dakota Access pipeline in the upper Midwest.

We must stand in solidarity with Native communities and allies on the ground who are risking life and limb to protect these lands from further destruction by the fossil fuel industry.

Tell Congress: Stop the modern day Native American land grab. Click the link below to sign the petition:


From the rocky, pebbled beaches north of Seattle, where the Lummi Nation has led the fight against a proposed coal terminal, to southern Utah, where a coalition of tribes is demanding management rights over a proposed new national monument, to the tiny wooded community of Bella Bella, British Columbia, 350 miles north of the United States border, Native Americans are asserting old treaty rights and using tribal traditions to protect and manage federally owned land."

"The force for change comes in part from tribes’ forming new alliances as they defend territorial claims and manage resources. In some places, the focus is on fossil fuels and pollution; in others, on an awareness that climate change could have a disproportionately harsh impact on tribal populations because of where they live, in coastal or forest areas, or their dependence on natural resources or foods."

"In southern Nevada, the Moapa Band of Paiutes is seeking federal protection for lands that now lie within the ranch owned by Cliven Bundy, the father of Ammon and Ryan Bundy, who were recently acquitted of criminal charges for their roles in the armed occupation of a wildlife refuge in Oregon this year.

In Idaho last summer, tribal representatives from 19 states met for what organizers said was the biggest Native American workshop on climate change, and they concluded that global environmental changes transcended national boundaries."

American Indian leaders and environmentalists have been opposing the Bureau of Land Management offering leases for oil and gas drilling in the Chaco Canyon area,

The Menomonee Nation of Michigan has been actively opposing the Black Forty sulfide mining project that would mine zinc and copper ore from under the Menomonee, and would disrupt several tribal burial grounds (Paul Demain, "Menomonee Nation holds rally against Black Forty sulfide mining project," NFIC, October 2016).

"Major Initiative Is Launched to Transform Society's Views of Native Americans," Cultural Survival, August 29, 2016, https://www.culturalsurvival.org/news/major-initiative-launched-transform-societys-views-native-americans, reported, "An unprecedented national project was announced today to bring Native Americans out of the shadows of public consciousness. Reclaiming Native Truth: A Project to Dispel America’s Myths and Misconceptions is a two-year research and strategy-setting effort to create a long-term, Native-led movement that will positively transform the image of and narrative on Native Americans.

Led jointly by First Nations Development Institute and Echo Hawk Consulting, Reclaiming Native Truth is funded by a $2.5 million grant from the W.K. Kellogg Foundation (WKKF).

“Native Americans and their communities are blocked from reaching their full potential by harmful stereotypes, misperceptions, and lack of awareness,” said Michael E. Roberts (Tlingit), president and CEO of First Nations Development Institute and co-director of Reclaiming Native Truth. “This cultural indifference and injustice pervades our entire country, from the media and entertainment industry to thought leaders and pop culture overall.”

In recent decades, American society has made significant strides in viewing various racial, ethnic and social groups more accurately and respectfully. However, Native peoples have been largely left out of this overall trend of greater acceptance and inclusion.

Project co-director Crystal Echo Hawk (Pawnee), president and CEO of Echo Hawk Consulting, explained the goals of Reclaiming Native Truth. “Over the next two years, this project is focused on understanding the true extent of society’s negative and inaccurate perceptions of Native Americans and finding the best means of overcoming them,” she said. “Only then will we have the knowledge we need to design a broad campaign to solve this problem.”

A 20-person Advisory Committee comprised of Native leaders, influential stakeholders, and racial equity experts will offer oversight, expertise and leadership to guide the project. To date, confirmed committee members include:

- Cheryl Crazy Bull (Sicangu Lakota), president, American Indian College Fund
- Ray Halbritter (Oneida), Oneida Indian Nation representative and CEO of Oneida Nation Enterprises
- Jacqueline Pata (Tlingit), executive director, National Congress of American Indians
- Sara Kastelic (Alutiiq), executive director, National Indian Child Welfare Association
- Dr. Adrienne Keene (Cherokee), scholar, writer, blogger, and activist
- Judith LeBlanc (Caddo), director, Native Organizers Alliance
- Denisa Livingston (Navajo), community health advocate, Diné Community Advocacy Alliance
- Nichole Maher (Tlingit), board chair, National Urban Indian Family Coalition and President of Northwest Health Foundation
- Erik Stegman (Assiniboine), executive director, Center for Native American Youth
- Mark Trahant (Shoshone-Bannock), editor of TrahantReports
“The Kellogg Foundation is committed to supporting efforts that express more complete and authentic stories of all children, families and communities,” said La June Montgomery Tabron, WKKF president and CEO. “It is our hope that this project will share the truth in narratives of the first people, and ultimately improve the lives of our country’s five million Native Americans and their descendants.”

At the conclusion of the two-year project, Native leaders will develop a national campaign to improve awareness of and respect and equality for Native Americans. This campaign will seek to secure greater inclusion of Native Americans in government decision-making; address disparities in grant making to Native Americans; improve the accuracy of Native Americans’ portrayal in the media and entertainment; ensure the inclusion of accurate Native American history in educational curricula; and implement other solutions to the predominant bias.

About First Nations Development Institute

First Nations Development Institute is the only Native American-controlled nonprofit dedicated to building healthy economies in Indian Country based on putting Native American communities in control of their assets. Through mid-2016, this 36-year-old economic justice organization has successfully managed 1,162 grants totaling more than $25.95 million to Native American projects and organizations in 39 states, the District of Columbia, and U.S. territory American Samoa. For more information, visit www.firstnations.org.

About Echo Hawk Consulting

Echo Hawk Consulting offers expert services in executive nonprofit leadership, philanthropic giving, program design, fundraising, and marketing to tribes, grant makers, businesses, nonprofit organizations, and philanthropic individuals focused on strategic growth, social change, and investment in Indian Country. For more information, visit www.echohawkconsulting.com.

About the W. K. Kellogg Foundation

The W.K. Kellogg Foundation (WKKF), founded in 1930 as an independent, private foundation by breakfast cereal pioneer Will Keith Kellogg, is among the largest philanthropic foundations in the United States. Guided by the belief that all children should have an equal opportunity to thrive, WKKF works with communities to create conditions for vulnerable children so they can realize their full potential in school, work and life. WKKF is based in Battle Creek, Michigan, and works throughout the United States and internationally, as well as with sovereign tribes. Special emphasis is paid to priority places where there are high concentrations of poverty and where children face significant barriers to success. WKKF priority places in the U.S. are in Michigan, Mississippi, New Mexico and New Orleans; and internationally, are in Mexico and Haiti. For more information, visit www.wkkf.org.

Earth Justice, "Restore Wild Salmon: Remove the Lower Snake River Dams," October 20, 2016, https://secure.earthjustice.org/site/Advocacy;jsessionid=00000000.app314b?cmd=display&page =UserAction&id=1902&utm_source=crm&utm_content=ResponsiveSidebarTakeActionButton &autologin=true&NONCE_TOKEN=0FC826B8FFFB6D4498E0CBEBCF5F277, stated in a campaign, "We have a once-in-a-generation opportunity to restore wild salmon in the Pacific Northwest’s Columbia and Snake rivers, once the greatest salmon rivers in the world. We can do this by removing four outdated and expensive dams on the lower Snake River.

But we need your help.

For nearly 20 years, in spite of multiple court rulings that have found their actions illegal, the federal agencies that own these salmon-killing dams have refused to fully evaluate removing them. That changed last May when a federal court judge directly ordered the agencies to develop a plan for dam operations that will restore our wild salmon—and directed them to specifically consider dam removal.
Now the agencies are seeking the public’s input on what they should do. For years scientists have said that removing the four deadly dams on the lower Snake is the single biggest step we can take to restore wild salmon to the river basin.

Wild salmon, steelhead and pacific lamprey are dying by the thousands due to these four outdated dams: Ice Harbor, Lower Monumental, Little Goose and Lower Granite. Astonishingly, both taxpayers and rate-payers—you and me—lose millions of dollars operating and maintaining these dams every year even though they produce only about 3 percent of the region’s power and kill hundreds of thousands of baby salmon. Meanwhile, the electricity the dams produce can be economically replaced by carbon-free energy alternatives. The dams’ other primary purpose, providing barge transportation, has declined nearly 70 percent in 20 years and what little demand remains can be replaced by rail or other effective options.

Further, the dams exacerbate the effects of climate change on the few remaining salmon, trapping the fish in slack-water reservoirs that overheat and contribute to disease, mortality and increased predation. Removing these four dams would open up a pathway for salmon to thousands of miles of pristine cold-water streams in the wilderness of central Idaho—a concrete action to combat the worst effects of climate change on our wild salmon.

These salmon are an icon of the Pacific Northwest way of life. They are a keystone species that help keep the natural world healthy by bringing nutrients from the briny ocean back to the high mountain streams. They are a critical food source for many other species, including endangered orcas.

The time is now to remove the four outdated, low-value, deadbeat dams on the lower Snake River. If we free the Snake, we can save the salmon and bring about the biggest river restoration in history."

Alaska Wilderness League stated October 13, 2016, http://act.alaskawild.org/sign/congress-co-sponsor-stop-arctic-ocean-drilling-act_copy/?t=2&akid=1616.80367.aFO8Th, "Last week, nearly-record low Arctic Ocean ice coverage forced about 6,000 walrus onto land, distancing them from their food source. It's time for the Senate to act by taking a stand against Arctic Ocean oil spills."


The designation would make permanent the 20-year federal moratorium on new uranium mining in and around the canyon put in place in 2012. At stake are a fragile watershed, extensive wildlife habitat and sacred and archaeological sites important to the tribes’ religious and cultural survival."

Amanda Blackhorse, "Blackhorse: Sacred Prayer Items Banned From Public Meeting," ICTMN, September 29, 2016, https://indiancountrymedianetwork.com/news/native-news/blackhorse-sacred-prayer-items-banned-from-public-meeting/. reported, "Calling for the end to the pre-construction of a six-lane highway that will parallel and cut through the southwestern part of a sacred mountain, the Ahwatukee and the Gila River Indian community hopes to deliver a message to the Arizona Department of Transportation (ADOT) that the fight to protect Moadag Do’ag (South Mountain) in Phoenix, Arizona is far from over.

However, before they could share their views with the agencies involved, local authorities told community members — which included the Protecting Arizona Resources and
Children organization, approximately 20 O’odham runners from the Gila River Indian Community and others — that their sacred prayer items would not be allowed into the ADOT community meeting."

The Shoshone-Bannock nation of Idaho is seeking to have the state's legal jurisdiction under Public Law 280 repealed, to have control over decision making including in road management, juvenile justice and mental health services, which the state never provided (Kmberelee Krueise, "Shoshone-Bannock oppose Idaho's legal reach," NFIC, August, 2016).

Marissa Armas, "Fight to Repeal Columbus Day Continues in State Where Holiday Was Born, ICTMN, October 10, 2016, https://indiancountrymedianetwork.com/news/native-news/fight-to-repeal-columbus-day-continues-in-state-where-holiday-was-born/, reported, "On Saturday, McLean and members of the American Indian Movement of Colorado held the Four Directions All Nations March and Rally in Denver to protest the holiday that members say promotes Christopher Columbus’ ‘colonial legacy.’"

Native protestors and supporters demonstrated at the Arizona Snow Bowl on the San Francisco Peaks, near Flagstaff Arizona, in July 2016, opposing the expansion of the ski area on the mountain sacred to many tribes. (Krista Allen, "Native protestors fight Arizona Snowbowl's new development," Navajo Times, July 7, 2016)


The Hawai’I People’s Fund, peoples@lava.net (808)593-9969, reported in its newsletters that among the organization to which it has given grants are:

‘Aha ‘Aloha ‘Aina, ahaalohaaina.com “a peoples process: open and transparent education, consultation, dialogue, consent and unity." With nearly 500 members and 33 sponsoring groups, the organization is providing a cultural process on every island for community dialogue, training new members and building community.

Hanakehau Learning Farm, hanakehau.com, “In addition to plants, we want to grow consciousness of our lahui.” The farm provides learning projects from creating traditional Hawaiian implements to hosting diverse political and social groups.

Malama Kaua’i, malamakauai.org, was launching an island-wide sustainable agriculture internship program.

Hapa, hapahi.org, is the Hawai’I Alliance for Progressive Action, which has “a strong commitment to supporting new leadership with a strategic focus on social change.

Ho’ola Hou Ia Kalauao is involved in transforming food systems throughout the islands, with a focus on restoring knowledge of Kalauao, and protecting this space in an urban area generally known as Pearl Ridge.

Hui Malama I ke Aka ‘Ulili (HuiMAU), alaulili.com: “…We see our efforts as a reawakening and reclamation of our kuleana (responsibilities and rights) to our ‘aina and to each other as kama’aina, to cultivate healing, transformation and social justice in Hamakua…”

Hawaii’s Thousand Friends, hawaii1000friends.org, partnered with Conservation Council for Hawaii, in the summer of 2016, to bring diverse environmentalists together from all the islands.

World Can't Wait Hawai’i, theworldcantwaithawaii.blogspot.com, "attempts to connect
national policies to their efforts in Hawai‘i and the larger Pacific through education and action." It "address issues including police murder and brutality, expanding wars, attacks on reproductive rights, climate change, and more."

**International Activities**


'Thank you Mr. Chairman. We thank EMRIP for its important work and advice to the Human Rights Council.

We recognize the increasing numbers of death threats, intimidation, criminalization, imprisonment and outright killings of Indigenous Human Rights Defenders in many States around the world. The repression carried out in response to legitimate human rights activism of Indigenous Peoples opposing resource extraction and imposed development on their lands without their free, prior and informed consent as well as other rights recognized internationally as constituting the minimum standards for their dignity, well-being and survival of Indigenous Peoples as affirmed in the United Nations Declaration of the Rights of Indigenous Peoples. Repression of Indigenous Peoples exercising their recognized rights creates, contributes to and perpetuates conflicts around the world.

Indigenous Human Rights Defenders are sometimes labeled terrorists or criminals to justify violence and repression against them, further encouraging impunity by States, corporate security forces or private militia. Many reports of sexual violence, including gang rapes and trafficking carried out on against Indigenous women and girls in the context of such conflicts, as well as particular concerns regarding Indigenous human rights defenders with disabilities should also be highlighted.

The UN Declaration on the Rights of Indigenous Peoples, in articles 27, 28, 37, 40 provides a framework for just, transparent, fully participatory and rights based processes for conflict resolution and redress in collaboration with States and Indigenous Peoples. To our knowledge these models have yet to be implemented. Likewise, the Human Rights Council has adopted a Resolution for the protection of human rights defenders of Economic, Social and Cultural Rights that was initiated by the government of Norway. A Study on this issue by the EMRIP would contribute significantly to the understanding and application of this resolution by the Council and its member States as well as to the work of the UN Rapporteur on the Rights of Indigenous Peoples in this regard.

We share the profound concern, sadness and outrage expressed by many Indigenous Peoples, the UN Special Rapporteur of the Rights of Indigenous Peoples and UN experts during this session regarding the Indigenous Human Rights activists who have been recent targets of assassinations in areas of conflict. We note with great dismay that this assassination was carried out even after the Inter-American Commission on Human Rights and the UN Special Rapporteur on the Rights of Indigenous Peoples called attention to the death threats against Berta and other members of her organization, COPINH, and called upon Honduras to ensure her safety along..."
with others under similar threats in that country. Since that time, despite the international attention, we have been informed that two other members of COPINH have been killed.

There is an urgent need for ramped up action and attention on the situation of Indigenous Human Rights Defenders around the world. We therefor request that the next Study carried out by the EMRIP be on Indigenous Human Rights Defenders and the protection of their Human Rights as affirmed in the UN Declaration and other human rights standards. This study, which could be carried out in conjunction with the UN Special Rapporteur on the Rights of Indigenous Peoples, and could include the causes and factors on the violation of the rights of human rights defenders, gaps in redress mechanisms and access to justice, and recommendations for the protection of Indigenous human defenders in relation to implementation HRC Resolutions, the UN Declaration and other Human Rights Standards.

We also request that the EMRIP invite the UN Special Rapporteurs on Human Rights Defenders and on Extrajudicial, Summary or Arbitrary Executions as well as the Rights of Indigenous Peoples to the 10th session of the EMRIP to participate in discussions on strategies to protect Indigenous Human Rights Defenders."


'Mr. Chair, distinguished representatives, Indigenous brothers and sisters.

I am Dev Kumar Sunuwar, pleased to make this intervention on behalf of indigenous peoples of Nepal.

Mr. Chair, the business ventures taking place in the ancestral lands, territories and natural resources of Indigenous Peoples are the prime causes of the human rights violations and the conflict in Nepal and elsewhere. In the course of implementation of 'business' related activities in their land and territories indigenous peoples have been facing multiple forms of human rights violations and abuses including torture, displacement, rape, killings etc.

Often funded by multinational corporations and business enterprises in the forms of development projects in Nepal have violated the indigenous peoples' rights massively, including their right to free, prior and informed consent. Indigenous communities who stood against such projects have often been detained, tortured and injured seriously, and are left without justice. The World Bank funded Nepal Power Development Project and ongoing serious violations of indigenous rights in Sindhuli district for construction of Khimti-Dhalkebar High-Voltage Transmission Lines, the deployment of the army by government of Nepal in the Dhorpatan Hunting Reserve, restricting the movement in the lands and territories of indigenous peoples in Western Nepal without conducting any consultations with indigenous peoples concerned, are some of the cases in point, how business venture in Nepal have violated the rights of indigenous peoples in Nepal.

Mr. Chair, Indigenous Peoples Human Rights Defenders who are documenting such abuses and the community media as well as journalists who have been communicating such human rights violations by big business, have been vulnerable, often been threatened and killed in Nepal, in Guatemala including in many parts of Asia, the situation of indigenous peoples and media is no different in other parts of globe.

The government of Nepal has introduced the concept of 'National Pride project (Rastriya Gaurab ka Ayojana) and deployed security forces including Military forces, to carry out a number of hydropower projects, which directly or indirectly target Indigenous
Peoples. Indigenous Peoples have been portrayed as enemies of the nation and national interest project.

Mr. Chair, the concept of public interest, national pride project and the principle of 'eminent domain' have often prevented indigenous peoples from getting due justice against the violation of their rights. It is the fact that Indigenous Peoples are not against development or any business enterprises, they simply want that their rights are being respected. Moreover, they have distinct concept of sustainable and justifiable development that is what they want state and business enterprise understand. In this regard, we Indigenous Peoples of Nepal would like to recommend Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) to Conduct a study on the principle of Eminent domain and permanent sovereignty of indigenous peoples over land territories and natural resources in relation with concept of business and human rights. Similarly, we urge EMRIP to make recommendation to UN agencies, including states to support Indigenous Peoples Human Rights Defenders as well as Indigenous community media so that the media could help implement UN Declaration on the Rights of Indigenous Peoples as well as UN Guiding Principles on Business and Human Rights so as to bring into the international attention of such grave violation of human rights of indigenous peoples' rights by business enterprises.

I thank you all for your kind attention.'


By building a strong network of support for the women who will represent diverse Central American communities, the initiative will increase the visibility capacity, and leadership of Indigenous women and enable them to use community radio as a medium for advancing gender equality and for the empowerment of women and girls in their communities.
This initiative complements Cultural Survival’s overarching programmatic priority of amplifying diverse Indigenous voices in media and ensuring Indigenous media producers have the skills, support, and network opportunities to communicate Indigenous perspectives and share information between their communities and international Indigenous and mainstream spheres. The cohort members will also be involved in the production of radio programming for Cultural Survival’s Indigenous Rights Radio program, which works with over 1,600 community radio affiliates around the world, reaching an over 10 million listeners annually.

'We are excited and committed to support Indigenous women in developing leadership in media, as for far too long women’s voices have been silenced and marginalized. Indigenous women face racism and discrimination: for being Indigenous, being women, and often for being impoverished economically. As mothers, sisters, wives, teachers, healers, and professionals, we have much to communicate,” said Suzanne Benally, Cultural Survival Executive Director.'"

"Will IUCN tackle conservation's shoot on sight problem?" Survival International, September 2, 2016, http://www.survivalinternational.org/news/11396, reported, "Survival International has urged the International Union for Conservation of Nature and Natural Resources (IUCN) to address the spread of brutal shoot on sight conservation tactics at its world congress, which started yesterday in Honolulu, Hawaii.

Survival has asked the IUCN’s Director Inger Andersen to table the motion: 'We condemn extrajudicial killing and “shoot on sight” policies in the name of conservation.'

'Shoot on sight' conservation is spreading rapidly, and has been devastating for tribal peoples:
- In June 2016, in Kaziranga National Park in India, a seven-year-old tribal boy was shot and seriously injured by a park guard. 62 people have been executed there without trial in nine years. Tribal people face eviction to make way for the park’s expansion.

An Indian activist, said: 'These people should be the caretakers of the national parks, but the government policy has pauperized and alienated them. They have no livelihood and are living in a perpetual jail.'
- In Botswana, nine Bushmen were recently shot at by police from a helicopter for hunting antelope for food. They were then arrested, stripped naked and beaten. The country enforces a hunting ban which makes it hard for them to live, while big game trophy hunters are encouraged.

This is despite a 2006 court ruling which recognized the Bushmen’s right to live and hunt on their ancestral land.

The country’s Wildlife Minister recently said: 'Poachers should start carrying their IDs so that we can notify their next of kin. Yes, God will judge the poachers but it’s up to us to arrange the meeting.'

The spread of “shoot on sight” tactics is just one sign of how conservation is becoming militarized and increasingly brutal. The big conservation organizations are guilty of supporting this. They never speak out about evictions, arrests or shootings carried out in the name of conservation.

But there are signs of growing public concern. The UN Special Rapporteur on Indigenous Peoples recently published a report into the impact of conservation on indigenous peoples. And a slew of recent press reports have exposed the devastating impacts of conservation projects on tribal peoples worldwide.

Survival’s Director Stephen Corry said: 'Conservation would have better luck if it actually brought local communities on side instead of merely paying lip service to policies on indigenous peoples. Conservation initiatives should tackle the true poachers – criminals conspiring with corrupt officials. Instead, tribal people are being shot on sight while big
conservation organizations stand by and watch. This is a humanitarian crisis and it’s scandalous that Survival is struggling to get them to condemn this scandal.'"

Witness for Peace was engaged in a campaign in July 2016, https://docs.google.com/forms/d/e/1FAIpQLSfwzhq0vVJKKFBMn_NEpsuFyir5F43N3jj-SJxFRKrhNOJuXg/viewform?link_id=3&can_id=2304a48b2891e77b9b6c14d1ce535f4f&source=email-national-call-in-day-for-berta-caceres-act-today-assassinations-continue-in-honduras&email_referrer=national-call-in-day-for-berta-caceres-act-today-assassinations-continue-in-honduras&email_subject=national-call-in-day-for-berta-caceres-act-today-assassinations-continue-in-honduras, saying, "Join us and activists across the US in calling your Representative NOW, to ask him/her to co-sponsor the Berta Cáceres Human Rights in Honduras Act, HR 5474. (See the call script below the following text.)

Congressional Switchboard: (202) 224-3121

This week marks the three-year anniversary of the murder of Indigenous leader Tomás García by the Honduran military during a peaceful protest against the Agua Zarca Dam. A community leader and father of seven, Tomás is just one of far too many Hondurans persecuted and murdered by the Honduran security forces for simply standing up for their rights. Indigenous leader Berta Cáceres herself was arrested by the Honduran military on trumped up charges in an attempt to discredit and silence her. When that didn’t work, she was murdered.

Army Major Mariano Díaz - a graduate of the TESON special forces training course created by the US Army Rangers - has been arrested and charged in Berta’s murder, raising serious concerns regarding the chain of command. To that end, COPINH (the Civic Council of Popular and Indigenous Organizations of Honduras, which Berta co-founded) and Berta’s family insist there must be an international, independent investigation into the higher levels of the Honduran government and Armed Forces to ensure all those who ordered the murder are also prosecuted.

The Honduran security forces have also been linked to numerous murders of campesinos (small farmers) in the Bajo Aguán region of Honduras, and a recent article published in The Guardian reveals that Berta, as well as prominent campesino leaders in the Aguán, “appeared on a hitlist distributed to US-trained special forces units of the Honduran military.”

After she won the 2015 Goldman Environmental Prize, Berta Cáceres met with members of the US Congress and asked them to stop financing and supporting the repressive Honduran government, including its security forces. A few weeks ago, Tomás Gómez Membreño, a close colleague of Berta’s, traveled to Washington, DC to do the same, remarking that Berta had been in DC a year earlier to inform them about Tomás García and others who had been murdered. Now it was Tomás Gómez’s turn to tell them about Berta’s murder. He mentioned that if the support for the Honduran regime didn’t stop, someone else would have to come next year with news of his murder. And he said they would keep coming and denouncing murder after murder of Indigenous and social movement leaders in Honduras until there was nobody left. And just days ago, yet another community leader actively opposing a major hydroelectric project in Lenca territory, Lesbia Yaneth Urquía, was murdered in the department of La Paz.

How many more people must be killed before Congress stops financing and training the repressive Honduran security forces?"


The report focused on Atini, an evangelical mission in Brazil which takes in children
from the Suruwaha and other tribal groups. It also expressed support for Muwaji’s Law, a measure proposed by evangelicals and conservative members of the Brazilian congress which could give authorities the power to break up indigenous families on suspicion of infanticide.

Survival’s legal team has lodged a complaint to OFCOM, the UK government’s broadcasting regulator, citing the report’s lack of impartiality and its failure to give viewers all the relevant facts.

In the complaint, Survival’s Director Stephen Corry said: ‘Infanticide among the tribe to which Muwaji and her daughter belong, the Suruwaha, is extremely rare. Among isolated tribal communities in the Amazon generally, many anthropologists believe that infanticide is equally rare.

'Channel 4’s reporter made no reference at all to this body of opinion, either because he was not aware of its existence when he should have been or because he thought that this might reduce the dramatic impact of the story.'

At a conference on the issue of infanticide arranged by UNICEF in 2009, a Brazilian Indian said: 'The draft law [Muwaji’s Law] is racist because it does not consider or even mention that non-Indians kill their children much more. If the white people commit this crime more frequently than the Indians, why is a law just against Indians being pushed forward? The white people kill us and they are not detained. We face a racist law: our assassins are not incriminated by a specific law, but we are.'

Exaggerated reports of infanticide and other practices have long been used to undermine tribal peoples’ rights, even though they occur at least as frequently in industrial societies.

Muwaji’s Law is backed by evangelicals and conservative members of Brazil’s congress. It enables the authorities to take tribal children away from their families and requires all members of a community to tell the authorities about any pregnant woman in a 'situation of risk.' The law applies to everyone, including expectant fathers and other family members. All those who fail to report the pregnancy, whether real or merely suspected, commit a crime for which they can be prosecuted.

The mother and father are apparently to have few rights in this process. The proposed law does not allow them to challenge in court the potential decision to offer their child for adoption, once it has been taken away from them. It gives them no right to be told where their child has been taken, or to be provided with any other information about it, or even to maintain any relationship with it.'

"Indigenous People of Aotearoa Appeal to the United Nations," Cultural Survival, June 30, 2016, https://www.culturalsurvival.org/news/indigenous-people-aotearoa-appeal-united-nations, reported, "On June 28, 2016, the Indigenous people of Aotearoa (New Zealand) appealed to the United Nations and the UN Special Rapporteur on Indigenous Peoples’ Rights for recognition and acknowledgment of their sovereign rights of self-determination, self-government, and political autonomy. The Maui (Māori) ask to be invited to join the United Nations in order to make claims on behalf of the Indigenous Peoples of Aotearoa, and ask for assistance in presenting their cases to the General Assembly and other courts that may address the constitutional issues and charges made against the New Zealand government. The application lists several grievances against the government, including the government’s failure to consult the Indigenous Peoples of Aotearoa in regards to the Trans Pacific Partnership Agreement and numerous other agreements that affect their territories and lives. The application also charges John Key and the National Party Government, as well as others, with 'genocide' and 'arbitrary discrimination' against the Maui of Aotearoa. These claims present a situation in which the Indigenous Peoples have been disenfranchised and bullied by the government which refuses to protect them and acknowledge their rights as Indigenous Peoples.
The application was submitted by David James Nepia Swinton, the 'Kaitiaki,' or the guardian of the lands, territories, and autonomy of the people of Aotearoa. As a spokesperson for the Indigenous Peoples of Aotearoa, he asserts the Maui people’s right to own, manage and develop the ancestral lands, territories, waters, and resources that are vital to the survival of Indigenous culture.

Swinton, on behalf of the Indigenous Peoples of Aotearoa, invokes the right to self-determination that Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples guarantees. The article states that “Indigenous Peoples have the right to self-determination” and to freely determine their own political status. Now, Swinton and the Nga Kaitiaki, or guardians of the land, refuse to enter into agreements with the Crown or New Zealand Incorporation until they agree to respect and engage with the Maui.

One major source of dispute between the Maui and the New Zealand government is the Trans Pacific Partnership Agreement. During negotiations over the agreement, the government did not consult with the Maui, violating their sovereign rights. The Trans Pacific Partnership Agreement is the most recent of many trade deals that have been negotiated without informing or consulting Indigenous representatives, despite the effects that these deals have on the lives of Indigenous people.

The agreement affects the rights of the Maui to intellectual property, biodiversity, and environmental law and policy. By not consulting with the Maui, the New Zealand government has violated their right to free, prior, and informed consent. This right is also violated by the treaty itself, which grants foreign investors rights that undermine the rights granted to Indigenous Peoples. By granting foreign investors these rights, the agreement forces the Maui to rely on the government for protection, even though they have no assurance of this protection by the treaty. New Zealand is violating Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples, which outlines the responsibility of the government to obtain consent before entering into an agreement that may affect Indigenous territory.

The application also charges the New Zealand Government with 'genocide' and 'racial discrimination,' saying that there is a coordinated effort to eliminate the Maui people by selling off their territory and resources and through racism in the justice system. The government has sold the water belonging to the Maui, and many indigenous families are living in extreme poverty or are homeless without government assistance. Indigenous people make up a disproportionately high amount of men and women in prisons. Over 50 percent of men and 63 percent of women in prison are Indigenous. Many Indigenous people have complained of racial profiling, bullying, and inhumane treatment by the New Zealand Police. They also have the highest suicide rate in New Zealand. The application also charges Helen Clark, the previous Prime Minister and leader of the labor party, with 'genocide' and 'arbitrary discrimination' for disenfranchising the Maui through legislation that alienates the Maui from their customary land. The unfair treatment of Indigenous Peoples reflects a concerted effort by the government to eliminate the Indigenous Peoples of Aotearoa.

In this application, Swinton, asks for guidance from the Special Rapporteur in achieving sovereignty and self-determination. Swinton also hopes to apply for help from sanctioned courts such as the International Court of Justice, The European Court of Human Rights, and the World Court at the Hague. Using these international legal mechanisms, the Indigenous Peoples of Aotearoa have hope that their rights will be respected, protected and fulfilled and justice will be served.

(Note on terminology: In the application, Swinton differentiates between the terms Māori and Maui. Though Māori is often used, Swinton calls it a “fictitious, abstract and misspelt label” and says that “Maui has been mispronounced and misspelled and called “Māori” ever since the arrival of the earliest maritime explorers and settlers, and has never been officially corrected until now.”)
Environmental Developments

Nika Knight, "Rising Tide of 'Politically Acceptable' Killings Spells Danger for Environmentalists Worldwide: More than three people were slain each week in 2015 for 'protecting the land, forests, and rivers,' a new report reveals," Common Dreams, Monday, June 20, 2016, http://www.commondreams.org/news/2016/06/20/rising-tide-politically-acceptable-killings-spells-danger-environmentalists, reported, "Environmental activists are being murdered for their work in record numbers, a new report finds, as 2015 saw a stunning 185 people killed—more than three people each week—for resisting destructive industries and the exploitation of land and water.

'It is necessary to defend the land, for us the poor people, because the land is our own bank. If we lose it we have lost the world.'
—Sima Mattia, Malen Land Owners and Users Association (MALOA) of Sierra Leone

The report (pdf) from U.K.-based human rights group Global Witness, titled 'On Dangerous Ground,' found that '[a]s demand for products like timber, minerals and palm oil continues, governments, companies and criminal gangs are exploiting land with little regard for the people who live on it.'

'Increasingly, communities that take a stand are finding themselves in the firing line of companies' private security, state forces and a thriving market for contract killers,' wrote the rights group.

The 2015 death toll marked a 59 percent increase from 2014, and represented more than double the number of journalists killed for their work that same year.

Mining and extractive industries were linked to the highest number of deaths, at 42.
Killings by country in 2015. (Image: Global Witness)

The deadliest countries for land defenders were Brazil (50 murders), the Philippines (33), and Colombia (29). Of the total, 67 victims were Indigenous people.

Global Witness also noted that because of the remote location of many of these vulnerable communities, the numbers presented in the report are likely an underestimation of the true global tally of activist deaths.

'For every killing we are able to document,' the group wrote, 'others cannot be verified, or go unreported. And for every life lost, many more are blighted by ongoing violence, threats and discrimination.'

The report includes numerous first-hand accounts from activists threatened with violence because of their work.

'On September 1, at around 3am, the killers came,' Michelle Campos, land defender in the Philippines, told her story to Global Witness. "They woke the people up and forced them to gather in the basketball court. They prevented Tatay Emok from leaving... tied his hands and feet, slit his throat, shot his chest, and left him dead. They told us to leave our community in two days or else they will finish us all.'

'On September 1, at around 3am, the killers came. They woke the people up and forced them to gather in the basketball court. They prevented Tatay Emok from leaving... tied his hands and feet, slit his throat, shot his chest, and left him dead. They told us to leave our community in two days or else they will finish us all.' —Michelle Campos, land defender in the Philippines

Justice for the victims is scarce, Global Witness observed: 'Across the world, collusion between state and corporate interests shield many of those responsible for the
killings. In cases that are well documented we found 16 were related to paramilitary groups, 13 to the army, 11 to the police and 11 to private security—strongly implying state or company links to the killings. There was little evidence that the authorities either fully investigated the crimes, or took actions to bring the perpetrators to account.

Moreover, the organization discovered another alarming trend: 'while impunity for perpetrators prevails,' Global Witness wrote, "the criminalization of activists is becoming more commonplace, particularly in African countries. Governments and powerful business interests use their influence to marginalize defenders and turn public opinion against them, branding their actions as 'anti-development.'"

'Killing has become politically acceptable to achieve economic goals,' the report quoted Felipe Milanez, former deputy editor of National Geographic Brazil, as saying. 'I've never seen, working for the past 10 years in the Amazon, a situation so bad.'

The report was dedicated to Berta Cáceres, the Indigenous environmental activist in Honduras who organized her community against a proposed megadam project and was assassinated in March, a killing widely believed to be politically motivated. Her family and supporters have called for an independent investigation into her death, but their demands have thus far fallen on deaf ears.

Yet so many environment and land defenders, despite the mounting danger, are committed to their cause.

'It is necessary to defend the land, for us the poor people, because the land is our own bank. If we lose it we have lost the world,' said Sima Mattia, secretary of the Malen Land Owners and Users Association (MALOA) of Sierra Leone. Global Witness called on the international community to combat the rising bloodshed, observing that '[p]rotecting land and environmental defenders is vital—not only as a matter of justice and basic human rights, but for our collective survival.'

Nadia Prupis, "'Game Over' for Climate? Report Warns Warming Is Still Underestimated: Researchers say "business as usual" could actually put planet on track for 4.78°C to 7.36°C rise by 2100," Common Dreams, November 10, 2016, http://www.commondreams.org/news/2016/11/10/game-over-climate-report-warns-warming-still-underestimated, reported, "Greenhouse gases are rising so fast that it could soon be "game over" for the climate, a leading scientist warned in response to a new study published Wednesday that finds the planet could be heading for more than 7°C warming within a lifetime.

The study, published in the journal Science Advances, reported that the United Nations' most accurate estimates on the "business as usual" rate of global warming may actually be vastly underestimated.

The U.N.'s Intergovernmental Panel on Climate Change (IPCC) recently estimated that continuing to use fossil fuels at current rates would put the Earth on track for an average temperature rise of 2.6°C to 4.8°C above pre-industrial levels by 2100.

But the authors, a team of climate researchers and scientists at the University of Hawaii at Manoa, the University of Washington, the University of Albany, and the Potsdam Institute for Climate Impact Research, say the range for that same time period is actually 4.78°C to 7.36°C. That's because the climate has "substantially higher sensitivity" to greenhouse gases during warm phases, they write—which ultimately means that "within the 21st century, global mean temperatures will very likely exceed maximum levels reconstructed for the last 784,000 years."

The results correspond with other recent data that finds, despite all the pledges made in the landmark Paris climate agreement, the planet is still on track for at least a 3°C global temperature rise. Scientists have long warned that catastrophic, irreversible damage would come at 2°C.
President-elect Donald Trump, who has denied that climate change exists, has vowed to withdraw from the Paris agreement, and his transition team is rife with fellow deniers and fossil fuel industry lobbyists. Green groups on Wednesday reacted to his win by calling on people around the world to mobilize against his anti-environmental policies 'for the sake of our brothers and sisters around the world and for all future generations.'

Professor Michael Mann of Penn State University told the Independent that the study 'does indeed provide support for the notion that a Donald Trump presidency could be game over for the climate.'

'By 'game over for the climate,' I mean game over for stabilizing warming below dangerous (i.e. greater than 2°C) levels,' he wrote in an email to the outlet. If Trump makes good on his promises, and the U.S. pulls out of the Paris [climate] treaty, it is difficult to see a path forward to keeping warming below those levels.

Dr. Tobias Friedrich, one of the authors, said, 'Our results imply that the Earth's sensitivity to variations in atmospheric carbon dioxide increases as the climate warms. Currently, our planet is in a warm phase—an interglacial period—and the associated increased climate sensitivity needs to be taken into account for future projections of warming induced by human activities.'

'The only way out is to reduce greenhouse gas emissions as soon as possible,' he said."

Lauren McCauley, "Forget Paris, Scientists Say 'Radical Change' Only Way to Stay Below 2 Degrees: Study by former IPCC chair comes amid rash of new research, all predicting the Earth will soon blow by key global warming thresholds," Common Dreams, September 30, 2016, http://www.commondreams.org/news/2016/09/30/forget-paris-scientists-say-radical-change-only-way-stay-below-2-degrees, "To much fanfare, global leaders have agreed to tackle the climate crisis by ratifying the Paris climate agreement, but a group of esteemed scientists is warning that current pledges to reduce emissions are far from sufficient and, in fact, put the world on track to reaching the dangerous 2°C climate threshold by 2050.

'The pledges are not going to get even close,' said Sir Robert Watson, former chair of the Intergovernmental Panel on Climate Change (IPCC), and lead author of a new report out Thursday. 'If you governments of the world are really serious, you're going to have to do way, way more.'

Aptly titled The Truth About Climate Change, the report, put forth by the Argentina-based Universal Ecological Fund (Fundación Ecológica Universal FEU-US), comes amid a rash of new research, all suggesting that key global warming thresholds will be reached much more rapidly than previously thought.

Led by Watson, the team examined the climate commitments, known as Intended Nationally Determined Contributions (INDCs), put forth by COP21 signatories and concluded that the delayed commitment to climate action has essentially eliminated the possibility to keeping the Earth's temperature increase beneath 1.5°C.

The report states:
'The 1.5°C target has almost certainly already been missed because of the lack of action to stop the increase in global GHG emissions for the last 20 years. Global average temperature has already reached 1°C above pre-industrial times in 2015, as reported by the World Meteorological Organization. This is a significant increase, compared to the 0.85°C above pre-industrial times in 2012 reported by the IPCC. An additional warming of 0.4-0.5°C is expected as a consequence of GHGs that have already been emitted. This additional increase in global temperature is due to the slow response of the ocean-atmosphere system to the increased atmospheric concentrations of GHGs.

Global GHG emissions are not projected to decrease fast enough, even if all the pledges are fully implemented. Full implementation of the pledges will require the promised US$100 billion per year in financial assistance for developing countries to be
realized. As a result, the 1.5°C target could be reached by the early 2030s and the 2°C target by 2050.'

Further, the researchers minced no words when laying the blame for the missed targets on 'political and sectorial interests, including those 'benefiting from the use of fossil fuels,' for promoting 'deliberate misinformation' about the current situation.'

Thursday's study, which came just one day before European leaders agreed on a fast-track, joint ratification of the Paris accord, concludes with a call for nations to 'raise[e] the ambition of the INDCs' and commit to 'a radical change in the way the world produces and uses energy.'

Much like the landmark report published last week by fossil fuel watchdog Oil Change International, the latest findings leave no room for future emissions or new fossil fuel infrastructure projects. Even as the commitments stand, scientists predict that U.S. will miss its target for 2025 if 'fundamental changes' are not made.

In the past week, two separate reports have warned that the planet will likely pass the 1.5°C benchmark this decade and, under current emissions projections, is 'locked in' to reaching a 2 million-year temperature record.

With 2016 on track to set another heat record, the wave of research comes as the planet reached another grave milestone: atmospheric carbon has permanently surpassed 400 parts per million (ppm).

Appearance on Democracy Now! on Friday, author and 350.org co-founder Bill McKibben reiterated his call for a World War II-scale mobilization to combat the global warming 'siege.'

'If we're going to have a chance of dealing with climate change, it means mobilizing in ways that we haven't in a very long time,' he continued:

In this case, it's not that we need to go to war with climate change, it's that we're under siege. I mean, by all the measures by which one thinks about warfare, we're in one. We're losing territory all the time. I mean, there are literally islands disappearing. You know, we've lost huge swaths of the coral in the world this year alone. A wave of warm water swept across the Pacific and the Indian Ocean. In many places, 80, 90 percent of coral died in a matter of weeks, these atolls that have been there forever in the Arctic. You know, ice that's been there for millennia upon millennia is now gone. I mean, the world looks entirely different from a satellite now than it did 30 years ago.

So, the question is not whether or not we're in a conflict. The question is whether or not we're going to fight it, or whether we're going to keep listening to the Exxons of the world and do nothing.

According to the cumulative research, that's not a viable option."

Previously, in what may already be an out dated finding, to the extent it does not conform with the just above findings, Lauren McCauley, "The New, New Climate Math: 17 Years to Get Off Fossil Fuels, Or Else: 'If you're in a hole, stop digging!'," Common Dreams, September 22, 2016, http://www.commondreams.org/news/2016/09/22/new-new-climate-math-17-years-get-fossil-fuels-or-else, reported, "Though it may not have seemed possible, climate catastrophe is even closer than previously thought, with new figures released Thursday finding that—when the wells already drilled, pits dug, and pipelines built, are taken under consideration—we are well on our way to going beyond 2°C of warming.

"If you're in a hole, stop digging," begins the study, put forth by the fossil fuel watchdog Oil Change International (OCI), in partnership with 14 other environmental organizations.

The report, The Sky's Limit: Why the Paris Climate Goals Require a Managed Decline of Fossil Fuel Production (pdf), calculates the potential carbon emissions for already developed reserves and transportation projects, such as oil wells, tar pits, pipelines, processing facilities, railways, and exports terminals.
The findings are bleak: 'The potential carbon emissions from the oil, gas, and coal in the world's currently operating fields and mines would take us beyond 2°C of warming,' the study confirms. 'The reserves in currently operating oil and gas fields alone, even with no coal, would take the world beyond 1.5°C.'

In other words, campaigner Bill McKibben wrote at the The New Republic on Thursday, 'if our goal is to keep the Earth's temperature from rising more than two degrees Celsius—the upper limit identified by the nations of the world—how much more new digging and drilling can we do? Here's the answer: zero.'

Similarly, the researchers state unequivocally, 'No new fossil fuel extraction or transportation infrastructure should be built, and governments should grant no new permits for them.'

As the researchers note, the stark new figures 'scientifically grou[n]d the growing movement to keep carbon in the ground.' The report comes at the same time that environmentalists and Indigenous activists, in North Dakota and elsewhere, are literally risking their bodies to fight oil pipeline expansion, while campaigners across the U.S. dog the federal government for continuing to lease public lands for oil and gas drilling.

The time for "expanding the fossil fuel frontier" is over, McKibben states.

The author and co-founder of 350.org compares OCI's findings to his seminal 2012 essay on the "terrifying math" of climate change, which argued that untapped fossil fuel reserves contained five times more carbon than feasible to burn to stay beneath the 2°C threshold, and concludes that "the new new math is even more explosive."

OCI reportedly paid a hefty $54,000 for industry data from Rystad Energy, a leading oil and gas consultancy, and compares it against carbon budgets derived from the Intergovernmental Panel on Climate Change (IPCC).

In addition to OCI, the report was produced in collaboration with 350.org as well as Amazon Watch, the Asian Peoples Movement on Debt and Development (APMDD), the Australian Youth Climate Coalition (AYCC), Bold Alliance, Christian Aid, Earthworks, Équiterre, Global Catholic Climate Movement, the Health of Mother Earth Foundation (HOMEF), Indigenous Environmental Network, IndyAct, Rainforest Action Network, and Stand.earth.

Report author Greg Muttitt explained that while previous studies only focused on the burning of fossil fuels, this analysis also factored in what carbon budgets and existing extraction operations mean for the supply of those energy sources. 'Once an extraction operation is underway, it creates an incentive to continue so as to recoup investment and create profit, ensuring the product—the fossil fuels—are extracted and burned. These incentives are powerful, and the industry will do whatever it takes to protect their investments and keep drilling,' he said. 'This is how carbon gets 'locked-in.'"

In short, even if a government says it wants to reduce the use of fossil fuels, as long as it keeps approving new infrastructure, carbon will be emitted.

Or as McKibben put it, 'It's not that if we keep eating like this for a few more decades we'll be morbidly obese. It's that if we eat what's already in the refrigerator we'll be morbidly obese.'

McKibben goes on to calculate some of this 'new new" math:

In the United States alone, the existing mines and oil wells and gas fields contain 86 billion tons of carbon emissions—enough to take us 25 percent of the way to a 1.5 degree rise in global temperature. But if the U.S. energy industry gets its way and develops all the oil wells and fracking sites that are currently planned, that would add another 51 billion tons in carbon emissions. And if we let that happen, America would single-handedly blow almost 40 percent of the world's carbon budget.

'If the world is serious about achieving the goals agreed in Paris, governments have to stop the expansion of the fossil fuel industry,' said OCI executive director Stephen
Kretzmann. 'The industry has enough carbon in the pipeline—today—to break through the sky's limit.'

In addition to halting all new infrastructure projects, the report also recommends that 'some fields and mines—primarily in rich countries—should be closed before fully exploiting their resources, and financial support should be provided for non-carbon development in poorer countries.'

'This does not mean stopping using all fossil fuels overnight,' the researchers continue. "Governments and companies should conduct a managed decline of the fossil fuel industry and ensure a just transition for the workers and communities that depend on it.' Given OCI's assessment that, 'If you let current fields begin their natural decline, you'll be using 50 percent less oil by 2033,' McKibben estimates that the world has 17 years to replace current fossil fuel infrastructure with renewable energy.

'That’s enough time—maybe—to replace gas guzzlers with electric cars. To retrain pipeline workers and coal miners to build solar panels and wind turbines.'

'This is literally a math test," he concludes, 'and it's not being graded on a curve. It only has one correct answer. And if we don't get it right, then all of us—along with our 10,000-year-old experiment in human civilization—will fail."

Henry Fountain, "Global Temperatures Are on Course for Another Record This Year," The New York Times, July 19, 2016, http://www.nytimes.com/2016/07/20/science/nasa-global-temperatures-2016.html?ref=todayspaper&_r=0,"world is on pace to set another high temperature benchmark, with 2016 becoming the third year in a row of record heat. NASA scientists announced on Tuesday that global temperatures so far this year were much higher than in the first half of 2015.

Gavin Schmidt, the director of NASA’s Goddard Institute of Space Studies, said that while the first six months of 2015 made it the hottest half-year ever recorded, '2016 really has blown that out of the water.' He said calculations showed there was a 99 percent probability that the full year would be hotter than 2015."


'What concerns me most is that we didn't anticipate these temperature jumps,' David Carlson, director of the World Meteorological Organization's (WMO) climate research program, told Thompson Reuters Foundation late Monday. 'We predicted moderate warmth for 2016, but nothing like the temperature rises we've seen.'

'Massive temperature hikes, but also extreme events like floodings, have become the new normal.' Carlson added. 'The ice melt rates recorded in the first half of 2016, for example—we don't usually see those until later in the year.'

Indeed, extreme weather events are currently wreaking havoc around the world. In Southern California, firefighters are battling one of the "most extreme" fires the region has ever seen. The so-called sand fire had consumed 38,346 acres as of Wednesday morning and forced the evacuations of 10,000 homes, and one person has died.

Meteorologist Eric Holthaus reported on the unusual fire last Friday in Pacific Standard:

The fire, which started as a small brush fire along the side of Highway 14 near Santa Clarita, California, on Friday, quickly spread out of control under weather conditions that were nearly ideal for explosive growth. The fire doubled in size overnight on Friday, and then doubled
again during the day on Saturday.

'The fire behavior was some of the most extreme I've seen in the Los Angeles area in my career,' says Stuart Palley, a wildfire photographer based in Southern California. 'The fire was running all over the place. ... It was incredible to see.' There were multiple reports of flames 50 to 100 feet high on Saturday, which is unusual for fires in the region.

Time-lapse footage filmed on July 23 showed the fire's tall flames and rapid

'Since late 2011,' Holthaus explained, 'Los Angeles County has missed out on about three years' worth of rain. Simply put: Extreme weather and climate conditions have helped produce this fire's extreme behavior.'

The fire is an omen of things to come, according to Holthaus: "Even if rainfall amounts don't change in the future, drought and wildfire severity likely will because warmer temperatures are more efficient at evaporating what little moisture does fall. That, according to scientists, means California's risk of a mega-drought — spanning decades or more — is, or will be soon, the highest it's been in millennia.'

As University of California professor Anthony LeRoy Westerling wrote Tuesday in the Guardian: 'A changing climate is transforming our landscape, and fire is one of the tools it uses. Expect to see more of it, in more places, as temperatures rise.'

Meanwhile, in India's northeast, Reuters reported Tuesday that over 1.2 million people 'have been hit by floods which have submerged hundreds of villages, inundated large swaths of farmland and damaged roads, bridges and telecommunications services, local authorities said on Tuesday.'

Reuters added that nearly 90,000 people are currently being housed in 220 relief camps.

'Incessant monsoon rains in the tea and oil-rich state of Assam have forced the burgeoning Brahmaputra river and its tributaries to burst their banks — affecting more than half of the region's 32 districts,' the wire service reported.

Local officials also told the media that 'more than 60 percent of region's famed Kaziranga National Park, home to two-thirds of the world's endangered one-horned rhinoceroses, is also under water, leaving the animals more vulnerable to poaching.'

An unusually heavy monsoon season has also devastated communities in northern China, AFP reported Monday, with nearly 300 dead or missing and hundreds of thousands displaced after catastrophic flooding hit the region.

And in Iraq, temperatures last week reached such unprecedented heights that a chef literally fried an egg on the sidewalk. The TODAY show tweeted footage of the incident:

Stateside, the heat dome continues to inflict scorching summer temperatures across the country. In one Arizona locale, for example, meteorologists are predicting a scorching high temperature on Wednesday of 114° Fahrenheit. One Arizona resident posted a video Tuesday desperately asking people to pray for the state as it faces more hot weather. 'It is still six billion degrees,' the resident lamented. "Lord, we need you."

Yet there appears to be little relief in sight: for the first time ever, USA Today reported Tuesday, the U.S. federal government's climate prediction center is forecasting hotter-than-normal temperatures for the next three months for 'every square inch' of the country."

Deirdre Fulton, "'Climate Change Is Here': August Was Another Hottest Month for the Record Books: As one climate scientist noted, the temperature has risen even though this year's unusually strong El Niño is on the wane," Common Dreams, September 12, 2016, http://www.commondreams.org/news/2016/09/12/climate-change-here-august-was-another-hottest-month-record-books, reported "Another month, another temperature record shattered.

NASA data released Monday shows not only that last month was the hottest August since record-keeping started in 1880, but that it tied with July for the warmest month in
the last 136 years.

According to NASA's Goddard Institute for Space Studies, August 2016's temperature was 0.16 degrees Celsius warmer than the previous warmest August in 2014. Last month also was 0.98 degrees Celsius warmer than the mean August temperature from 1951-1980.

Notably, NASA points out, 'the seasonal temperature cycle typically peaks in July.'

But recent months have been anything but typical. 'The record warm August continued a streak of 11 consecutive months dating back to October 2015 that have set new monthly high-temperature records,' NASA said in a press release.

What's more, climate scientist Stefan Rahmstorf pointed out on Twitter, the temperature has risen even though this year's unusually strong El Niño is on the wane.

The National Oceanic and Atmospheric Administration (NOAA) will release its own August figures later this month.

Regardless, Mary Beth Griggs wrote for Popular Science, 'this heat streak continues to put 2016 in the running to be the hottest year since 2015, which broke the record set by 2014.'

And while the endless string of 'hottest months' may induce fatigue among some observers, Astrid Caldas of the Union of Concerned Scientists explains in a blog post on Monday why the string of broken records is still 'big news.'

'While there may be a tendency to be complacent about the recurring record temperatures, with each month come more climate-related consequences that cannot be ignored, and they make for big news stories,' Caldas writes. 'From wildfires and droughts to devastating floods, climate change fingerprint is all around us and does play a role in making events more extreme. An example are the recent Louisiana floods, caused by intense rains which, according to the science of attribution, were at least 40% more likely to happen because of climate change.'

"Climate change is here, its effects are being already felt in a variety of ways...and we do not need to wait years or decades to see its effects," she says. "We should heed the warnings and act now, investing in preparedness and emissions reductions, so as to minimize possible added (and maybe worse) future risks and impacts."

Lauren McCauley, "The Earth Just Experienced the Hottest Month on the Books, Period: Plus, scientists say there's a '99 percent chance of a new annual record in 2016,'" Common Dreams, Monday, August 15, 2016, http://www.commondreams.org/news/2016/08/15/earth-just-experienced-hottest-month-books-period, reported, On Monday it was confirmed that the Earth has broken an ominous climate milestone amid a wave of troubling records: July 2016 was the hottest recorded month—ever.

According to new NASA data, the global mean surface temperatures last month were 0.84° Celsius (1.51° Fahrenheit) above average and was the warmest July in their data set, which dates back to 1880.

This marks the 10th straight month to set a new monthly warming record, based on NASA's analysis. "Every month so far this year has been record hot," reported Climate Central's Andrea Thompson. 'In NASA's data, that streak goes back to October 2015, which was the first month in its data set that was more than 1C hotter than average.'

The National Oceanic and Atmospheric Administration (NOAA) releases its monthly temperature report on Wednesday and it is likely theirs will reflect a 15-month streak of record-shattering heat. (Some previous reporting on monthly records here, here, here, and here.)

What's more, because July is typically the hottest month of the year, it stands that July 2016 was "the warmest month of any in a data record that can be extended back to the nineteenth century," according to the U.K.-based Copernicus Climate Change Service (CCCS), which last
week published similar temperature results. CCCS explained:

  Global temperature usually peaks in July, when the land masses of the northern hemisphere are on average at their warmest. It varies by more than 3° C over the course of each year. The largest recent deviation from this annual cycle occurred in February this year, but July was still more than 0.5° C warmer than the 1981-2010 average for the month. This made July 2016 the warmest month of any in a data record that can be extended back to the nineteenth century.

  'These record breaking extremes are the result of a cocktail of weather phenomenon and human activity,' said CCCS head Jean-Noël Thépaut. 'There are higher than average temperatures over the vast majority of land and sea masses.'

  Referencing the wildfires, heat-waves, marine 'hot blobs,' and other extreme weather events currently ravaging the planet and its inhabitants, Thépaut adds: 'We're already seeing the human cost of hotter conditions.'

  The year 2015 was declared the hottest on record and scientists have said that 2016 will likely be even hotter. Announcing NASA's July data, climate scientist Gavin Schmidt had this to say about the likelihood of another record-smashing year:

  July data are out, and what do you know, still 99% chance of a new annual record in 2016.'

Nadia Prupis, "Point of No Return: Earth Reaches 400ppm Threshold Permanently: Scientists say it is 'almost impossible' that carbon dioxide output will drop below symbolic milestone in our lifetimes," Common Dreams, September 29, 2016, http://www.commondreams.org/news/2016/09/29/point-no-return-earth-reaches-400ppm-threshold-permanently, reported, "September's carbon dioxide output failed to drop below 400 parts per million (ppm) despite historically being the year's low point for CO2 emissions, which means the Earth has very likely passed that symbolic climate threshold forever.

  The Earth has hit 400ppm before, but seasonal cycles have always reduced carbon dioxide output back below that level. Now, climate scientists say it is 'almost impossible' that will ever happen again.

  According to Climate Central:

  September is usually the month when carbon dioxide is at its lowest after a summer of plants growing and sucking it up in the northern hemisphere. As fall wears on, those plants lose their leaves, which in turn decompose, releasing the stored carbon dioxide back into the atmosphere. At Mauna Loa Observatory, the world's marquee site for monitoring carbon dioxide, there are signs that the process has begun but levels have remained above 400 ppm.

  'Is it possible that October 2016 will yield a lower monthly value than September and dip below 400 ppm? Almost impossible,' scientist Ralph Keeling, who runs the carbon dioxide monitoring program at the Scripps Institute for Oceanography, wrote in a blog post this week. 'Brief excursions towards lower values are still possible but it already seems safe to conclude that we won't be seeing a monthly value below 400 ppm this year—or ever again for the indefinite future.'

  Climate Central continues:

  We may get a day or two reprieve in the next month, similar to August when Tropical Storm Madeline blew by Hawaii and knocked carbon dioxide below 400 ppm for a day. But otherwise, we're living in a 400 ppm world. Even if the world stopped emitting carbon dioxide tomorrow, what has already put in the atmosphere will linger for many decades to come.

  'At best (in that scenario), one might expect a balance in the near term and so CO2 levels probably wouldn't change much—but would start to fall off in a decade or so,' Gavin Schmidt, NASA's chief climate scientist, said in an email. /In my opinion, we won't ever see a month
below 400 ppm.

The confirmation comes soon after a report from the U.K. Met Office in June warned that the planet was well on its way toward that grim milestone as the impact from rising fossil fuel emissions was worsened by a turbulent El Niño event. Similar predictions came in May as climate scientists cautioned the limit could be hit at any time.

Another recent report also found that the planet could pass another point of no return—the agreed-upon 1.5°C warming threshold—in a decade."

Nika Knight, "Methane Emissions Are Soaring, Report Finds, and Agriculture Is to Blame: Research suggests agriculture is the main culprit for recent rapid increase in atmospheric methane—a greenhouse gas 28 times more powerful than carbon dioxide," Common Dreams, December 12, 2016, http://www.commondreams.org/news/2016/12/12/methane-emissions-are-soaring-report-finds-and-agriculture-blame, reported, Mere months after atmospheric carbon dioxide permanently surpassed a symbolic threshold of 400 parts per million, scientists have more bad news: emissions of methane, a more potent greenhouse gas, have skyrocketed in the past 20 years—and show no sign of slowing.

That's according to a new analysis published Monday in the journal Environmental Research Letters.

Methane is 28 times more efficient than carbon dioxide at trapping heat from the sun, making its short-term effects on global warming far more severe. Agence France-Presse reports that 'the pace of recent [methane] emissions aligns with the most pessimistic scenarios laid out by the U.N.'s top science authority, the Intergovernmental Panel on Climate Change.'

Indeed, the rising rate of methane emissions poses a threat to ambitious global goals to limit warming to 1.5°C by 2100, as laid out in the Paris climate accord, experts note. And the current rise of 1°C over preindustrial levels is already resulting in extreme weather and widespread extinctions.

When looking for the source of the rapid increase, the authors of the paper take note of the global rise in fossil fuel extraction—such as the fracking boom in the U.S. and the growing coal industry in China—as one culprit, but they concluded that the research mainly finds the agricultural sector to blame for the methane spike.

'We think agriculture is the number one contributor to the increase,' Rob Jackson, an earth scientist at Stanford University who co-wrote the study, told the Washington Post, which adds:
Jackson said some of the rise is 'almost certainly' coming from livestock and specifically cattle, and also pointed to rice paddies, landfills, and the management of manure in agriculture.

'According to the Food and Agriculture Organization of the United Nations,' reports Phys.org, 'livestock operations around the world expanded from producing 1,300 million head of cattle in 1994 to nearly 1,500 million in 2014—with a similar increase in rice cultivation in many Asian countries.'

The report's authors suggest renewed efforts to tackle greenhouse gas emissions from agriculture, which other recent research supports as a critical tactic in the fight to mitigate climate change.

'When it comes to methane, there has been a lot of focus on the fossil fuel industry, but we need to look just as hard if not harder at agriculture,' Jackson told Phys.org. 'The situation certainly isn't hopeless. It's a real opportunity.'

Global warming is profoundly changing the ecology of the Arctic Ocean food chain. Specific changes have been noted, but it is too early for scientists to predict what the long term result will be. From 1997 to 2015, the production of algae, the base of the food chain, increased by 47%, while the ocean has been increasingly greening up earlier in the year (Carl Zimmer, "Warming Alters Arctic Food Chain From the Bottom Up, Scientists Say," The New York Times, November 23, 2016).

Justin Gillis, "Flooding of Coast, Caused by Global Warming, Has Already Begun: Scientists' warnings that the rise of the sea would eventually imperil the United States' coastline are no longer theoretical," The New York Times, September 3, 2016, http://www.nytimes.com/2016/09/04/science/flooding-of-coast-caused-by-global-warming-has-already-begun.html?ref=todayspaper&_r=0, reported that in Norfolk, VA, "Huge vertical rulers are sprouting beside low spots in the streets here, so people can judge if the tidal floods that increasingly inundate their roads are too deep to drive through.

Five hundred miles down the Atlantic Coast, the only road to Tybee Island, Ga., is disappearing beneath the sea several times a year, cutting the town off from the mainland. And another 500 miles on, in Fort Lauderdale, Fla., increased tidal flooding is forcing the city to spend millions fixing battered roads and drains — and, at times, to send out giant vacuum trucks to suck saltwater off the streets.

For decades, as the global warming created by human emissions caused land ice to melt and ocean water to expand, scientists warned that the accelerating rise of the sea would eventually imperil the United States’ coastline. Now, those warnings are no longer theoretical: The inundation of the coast has begun. The sea has crept up to the point that a high tide and a brisk wind are all it takes to send water pouring into streets and homes. Federal scientists have documented a sharp jump in this nuisance flooding — often called “sunny-day flooding” — along both the East Coast and the Gulf Coast in recent years. The sea is now so near the brim in many places that they believe the problem is likely to worsen quickly. Shifts in the Pacific Ocean mean that the West Coast, partly spared over the past two decades, may be hit hard, too.

These tidal floods are often just a foot or two deep, but they can stop traffic, swamp basements, damage cars, kill lawns and forests, and poison wells with salt. Moreover, the high seas interfere with the drainage of storm water.

In coastal regions, that compounds the damage from the increasingly heavy rains plaguing the country, like those that recently caused extensive flooding in Louisiana. Scientists say these rains are also a consequence of human greenhouse emissions."

Lauren McCauley, "Report Shows Whopping $8.8 Trillion Climate Tab Being Left

"'We do not inherit the Earth from our ancestors, we borrow it from our children,' is an oft-quoted proverb, frequently used to explain the importance of environmental preservation. Unsaid, however, is how much it will impact the next generation if the Earth is bequeathed in a lesser state.

Environmental campaigners NextGen Climate and public policy group Demos published a new study that attempts to quantify the true cost of not addressing climate change to the millennial generation and their children.

The Price Tag of Being Young: Climate Change and Millennials' Economic Future (pdf) compares some of the high costs millennials will face in the 'new inequality economy'—such as student debt, child care costs, stagnant wages, as well as financial and job insecurity—against the fiscal impacts of unmitigated global warming.

'The fact is,' the report states, 'unchecked climate change will impose heavy costs on millennials and subsequent generations, both directly in the form of reduced incomes and wealth, and indirectly through likely higher tax bills as extreme weather, rising sea levels, drought, heat-related health problems, and many other climate change-related problems take their toll on our society.'

The impacts from climate costs alone, the report finds, are 'comparable to Great Depression-era losses.' The study employs a model developed by researchers from Stanford University and University of California at Berkeley that measures the effects of rising temperatures on long-term economic growth and national productivity drawing on 50 years of data from 166 countries.

The 'no climate action' scenario found that by 2100 global per capita GDP will shrink by 23 percent relative to a scenario without climate change. The U.S. is estimated to take a 5 percent hit by 2050 that jumps to 36 percent by 2100 should no climate action occur.

This adds up to a loss of nearly $8.8 trillion in lifetime income for millennials and tens of trillions for their children.

In comparison, the cost of climate inaction overshadows the significant losses from other economic burdens, such as student debt. The report states:

According to Demos calculations, for a median-earning college graduate with median student debt, the lifetime wealth loss due to student debt is approximately $113,000, which is 40 percent less than the $187,000 lifetime wealth loss of a college-educated, median-earning 21-year-old if we fail to act on climate change.

But when these myriad forces are stacked together, they add up to a staggering burden. The report further highlights how climate inaction only exacerbates preexisting inequality:

Communities of color and low-income communities will be hit the hardest, as these communities have fewer resources to deal with the impacts of climate change [...]. Further, these same communities have always had the highest exposure to coal-burning power plants and other sources of fossil fuel pollution, with sharply negative health impacts [...]

If the transition to a clean energy economy is delayed, or if it is implemented unequally in keeping with historical patterns of racial exclusion, the fossil fuel economy will only deepen its toll on the health and well-being of America's poorest and most vulnerable communities.

What's more, the report notes, 'the economic risks are compounded even further since inaction on climate change means that we are missing out on a major opportunity for much-needed new investment and millions of new jobs by transitioning to clean energy.'

'For the millennial generation,' the study concludes, 'today's status quo on climate
Democratic heavyweight and NextGen Climate president Tom Steyer said the report underscores the importance of the upcoming presidential election between Democratic nominee Hillary Clinton and Republican Donald Trump.

"When we look at the consequences of this election, the choice between the candidates could not be more stark," Steyer said, "and the voice of millennial voters has never been more important."

Sara Jordan, policy manager at NextGen Climate agreed, writing, "Millennials have the numbers to elect climate champions this fall, but we have to show up to vote. Our future depends on it." - And it may be that this report is an underestimate of the costs, given all the positive feedbacks causing warming and climate change to be faster than predicted."

Nadia Prupis, "As Paris Treaty Hits Threshold, Climate Groups Demand Bolder Action: Calls for action come as renowned economist warns that global economy is set to "self-destruct" if the world continues burning fossil fuels," Common Dreams, October 06, 2016, http://www.commondreams.org/news/2016/10/06/paris-treaty-hits-threshold-climate-groups-demand-bolder-action, reported, "The landmark Paris climate treaty finalized last year has reached the requisite number of signatories and is set to go into effect in 30 days—but environmentalists are not planning to let world leaders simply pat themselves on the back."

The European Union on Wednesday became the latest body to sign onto the agreement, which requires nations to take measures to keep global temperatures from rising 1.5°C, a threshold which climate experts say the planet is already on track to reach.

In a televised address, U.S. President Barack Obama described the accord as 'the best possible shot to save the one planet we've got,' and said, 'If we follow through on the commitments that this Paris agreement embodies, history may well judge it as a turning point for our planet.'

However, the announcement comes as a slew of new studies find greenhouse gas emissions are still skyrocketing, fossil fuel use has made the world hotter than it's been in 115,000 years, and the Earth will warm 2°C or higher in a decade absent radical, systemic change. Likewise, renowned climate scientist James Hansen warned Thursday that the Paris agreement will not solve climate change.

So a broad array of watchdogs—from the environment to the business sector—say they are not going to let world leaders off the hook.

'A legally binding international climate deal is a vital step, but this is no time to stop and pat ourselves on the back. Scientists have warned that we have already passed a key threshold, and people across the globe are facing killer floods and droughts. What matters most is action now, rather than later,' said Asad Rehman, a campaigner for the U.K.-based environmental group Friends of the Earth International.

Tamar Lawrence-Samuel, associate research director at Corporate Accountability International, also said, 'The true test begins now: how will governments live up to their obligations and do their fair share?'

Wealthy countries like the U.S. 'are responsible for this crisis yet are not doing their fair share to cut emissions and support the just transition from fossil fuels,' Lawrence-Samuel said. 'And we know why—the fossil fuel industry is interfering in climate policymaking to suit its interests. A critical first step in solving the climate crisis must be protecting policymaking from fossil fuel industry interference. Parties must kick big polluters out.'

To that end, on Thursday, a major new report from the Global Commission on the Economy and Climate called on world leaders and financial institutions to invest in sustainable infrastructure to make the renewables sector viable against fossil fuels.

'Yesterday the Paris agreement reached the required number of countries and emissions to enter into force,' said commission chair and former president of Mexico Felipe Calderón. 'We
have agreed on a global climate agenda, now we should act on it. **Investing in sustainable infrastructure is the wisest decision we can take for our future. Not only can it deliver on the goals of the Paris agreement it is also the best growth path forward.**

Commission member and renowned economist Professor Lord Nicholas Stern, who helped make climate change a global priority with a 2006 cost analysis, also warned Thursday that the global economy is set to 'self-destruct' if the world continues burning fossil fuels.

Investment in renewable energy 'will set off innovation, discovery, much more creative ways of doing things,' he said. "This is the story of growth, which is the only one available because any attempt at high-carbon growth would self-destruct."

The governments of more than 190 nations agreed for the first time, in October 2016, to act to reduce the emissions of jet aircraft as a step to limit global warming induced **climate change**. This will likely lead to greater fuel efficiency for aircraft, among other measures (Henry Fountain, "Countries Agree to Climate Accord On Jet Emissions," *The New York Times*, October 7, 2016).

Nika Knight, "'Climate Emergency': North Pole Sees Record Temps, Melting Ice Despite Arctic Winter: Arctic is losing ice and heating up despite seasonal onset of 24-hour darkness—phenomena that break all previous records," *Common Dreams*, November 18, 2016, http://www.commondreams.org/news/2016/11/18/climate-emergency-north-pole-sees-record-temps-melting-ice-despite-arctic-winter, reported, "As 2016 continues on its march toward becoming the hottest year on record, the Arctic is seeing extreme warmth beyond anything previously recorded at this time of year—prompting alarm from climate scientists around the world."

'Folks, we're in a climate emergency,' tweeted meteorologist Eric Holthaus.

The temperature at the North Pole as of Thursday was a stunning 36ºF (20°C) above normal.

The bizarre heat is fueling the rapid melt of the pole's ice caps, and it is particularly unusual because it's all happening during the polar night—the time of year when the North Pole never sees the sun, observed UCLA climate scientist Daniel Swain:

Other meteorologists on Twitter highlighted the abnormality of the situation:

The cause? According to the *Washington Post*, it's the result of an elongated jet stream propelling hot air farther north than normal—which is caused by climate change.

'The Arctic warmth is the result of a combination of record-low sea-ice extent for this time of year, probably very thin ice, and plenty of warm/moist air from lower latitudes being driven northward by a very wavy jet stream,' Jennifer Francis, an Arctic specialist at Rutgers University, told the *Post*. The *Washington Post* continued:

Francis has published research suggesting that the jet stream, which travels from west to east across the Northern Hemisphere in the mid-latitudes, is becoming more wavy and elongated as the Arctic warms faster than the equator does.

'It will be fascinating to see if the stratospheric polar vortex continues to be as weak as it is now, which favors a negative Arctic Oscillation and probably a cold mid/late winter to continue over central and eastern Asia and eastern North America. The extreme behavior of the Arctic in 2016 seems to be in no hurry to quit,' Francis continued.

Another culprit is that areas of open ocean water are showing unusually hot surface temperatures, according to Mark Serreze, director of the National Snow and Ice Center, who was quoted by environmental writer Hannah Waters on Twitter.

Serreze commented to the *Washington Post*: 'There are some areas in the Arctic Ocean that are as much as 25 degrees Fahrenheit above average now. It's pretty crazy.'

The alarming Arctic weather happens during the United Nations climate conference in
Morocco, and as environmentalists and climate scientists in the U.S. grapple with the prospect of a president-elect who denies the existence of climate change. Things are indeed not looking good for the planet, experts warn.


The study authors analyzed a vast array of studies showing how climate change is altering the world around us and concluded that the planet’s warming has interfered with more than 80 percent of biological processes, including genetics, body mass, sex ratios, and productivity."

The article, Brett R. Scheffers, et al, "The broad footprint of climate change from genes to biomes to people," Science, November 11, 2016, http://science.sciencemag.org/content/354/6313/aaf7671, included:

"OUTLOOK

The many observed impacts of climate change at different levels of biological organization point toward an increasingly unpredictable future for humans. Reduced genetic diversity in crops, inconsistent crop yields, decreased productivity in fisheries from reduced body size, and decreased fruit yields from fewer winter chill events threaten food security. Changes in the distribution of disease vectors alongside the emergence of novel pathogens and pests are a direct threat to human health as well as to crops, timber, and livestock resources. Humanity depends on intact, functioning ecosystems for a range of goods and services. Enhanced understanding of the observed impacts of climate change on core ecological processes is an essential first step to adapting to them and mitigating their influence on biodiversity and ecosystem service provision."

Andrea Germanos, "New Study 'Sounds Alarm' on Another Climate Feedback Loop: 'What we know from this study is that warming will result in the loss of stored carbon in a wide variety of ecosystems—and that has potentially harmful effects in terms of future global warming,'" Common Dreams, December 26, 2016, http://www.commondreams.org/news/2016/12/26/new-study-sounds-alarm-another-climate-feedback-loop, reported, "The loss of Arctic sea ice has already been shown to be part of a positive feedback loop driving climate change, and a recent study published in the journal Nature puts the spotlight on what appears to be another of these feedback loops.

It has to do with soil, currently one of Earth's carbon sinks. But warming may lead to soils releasing, rather than sequestering, carbon.

As study co-author John Blair, university distinguished professor of biology at Kansas State University, explained, 'Globally, soils hold more than twice as much carbon as the atmosphere, so even a relatively small increase in release of carbon from the Earth's soils can have a large impact on atmospheric greenhouse gases and future warming.'

For the study, the researchers took data from over four dozen sites across the globe representing a variety of ecosystems and heated them approximately one degree Celsius.

They found that the samples from lower latitude grassland soils showed little change, but the soil samples from the colder, higher latitude ecosystems—which hold more carbon—released large amounts of carbon with the temperature increase.

The total amount of carbon lost by 2050 from these higher latitude soils could end up being the equivalent of as much as 17 percent of the expected human-caused emissions
over this period, the results suggested.

The study's abstract summarizes the findings thusly:

Despite the considerable uncertainty in our estimates, the direction of the global soil carbon response is consistent across all scenarios. This provides strong empirical support for the idea that rising temperatures will stimulate the net loss of soil carbon to the atmosphere, driving a positive land carbon–climate feedback that could accelerate climate change.

According to Blair, who also directs the NSF-funded Long-Term Ecological Research (LTER) program at Kansas State's Konza Prairie Biological Station, 'This study sounds an alarm that we need to be aware of these kinds of feedbacks in order to control greenhouse gasses while they are still controllable.'

The study also directs attention to soil's climate buffering potential.

'We what we know from this study is that warming will result in the loss of stored carbon in a wide variety of ecosystems—and that has potentially harmful effects in terms of future global warming,' Blair noted. 'At the same time, it also highlights the potential role that the soil could play in storing carbon and helping to mitigate climate change.'


The Arctic Ocean may seem remote and forbidding, but to birds, whales and other animals, it's a top-notch dining destination.

'It's a great place to get food in the summertime, so animals are flying or swimming thousands of miles to get there,' said Kevin R. Arrigo, a biological oceanographer at Stanford University.

But the menu is changing. Confirming earlier research, scientists reported Wednesday that global warming is altering the ecology of the Arctic Ocean on a huge scale.

The annual production of algae, the base of the food web, increased an estimated 47 percent between 1997 and 2015, and the ocean is greening up much earlier each year.

These changes are likely to have a profound impact for animals further up the food chain, such as birds, seals, polar bears and whales. But scientists still don't know enough about the biology of the Arctic Ocean to predict what the ecosystem will look like in decades to come.

While global warming has affected the whole planet in recent decades, nowhere has been hit harder than the Arctic. This month, temperatures in the high Arctic have been as much as 36 degrees above average, according to records kept by the Danish Meteorological Institute.

In October, the extent of sea ice was 28.5 percent below average — the lowest for the month since scientists began keeping records in 1979. The area of missing ice is the size of Alaska and Texas put together."

A three-month listening tour by an expert panel in Canada on rewriting environmental regulations was completed, in September 2016, aimed at realizing Prime Minister Trudeau's promise "to ensure that major projects are based on science, facts and evidence" (Lesley Evans Ogden, "Canada aims to rewrite environmental law, Science, September 30, 2016).

nearly the size of Delaware could break away within months, British scientists reported this week.

If this happens, it could accelerate a further breakup of the ice shelf, essentially removing a massive cork of ice that keeps some of Antarctica’s glaciers from flowing into the ocean. The long term result, scientists project, could be to noticeably raise global sea levels by 10 centimeters, or almost 4 inches.

It’s the latest sign of major ice loss in the fast warming Antarctic Peninsula, which has already seen the breakup of two other shelves in the same region. These events have been widely attributed to climate change.

The crack in the ice shelf, known as Larsen C, been growing at an accelerating rate. Since the beginning of December, it has grown about 11 miles in length, after extending 13 miles earlier in 2016. The rift has grown about 50 miles since 2011, to a length of almost 100 miles in total, and has widened to well over 1,000 feet. Now, only 12 miles of ice continue to connect the chunk with the rest of the ice shelf.

When it breaks away, the loss would be of nearly 2,000 square miles of ice, say the researchers with Project MIDAS, a British government-funded collaboration based at Swansea and Aberystwyth universities in Wales. That’s larger than Rhode Island and almost as big as Delaware."

A 5.7 mile long section of the Dongru Glacier in western Tibet suddenly collapsed, July 17, 2016. killing nine people below ("Rapid glacier fall a deadly mystery," Science, September 2, 2016).

Numerous Nations at the International Climate talks in Morocco, in November 2016, reacted to the election of Donald Trump, a climate change denier, as President of the United States, by threatening to penalize the U.S. if it does not keep its Paris Accord commitments to counter global warming (Coral Davenport, "New World Order, Sinks in At Talks on Climate Pact," The New York Times, November 16, 2016).

To combat illegal logging, the European Union has gone into partnership with Indonesia, one of the world's largest deforesters, under a wood trading licensing program. Businesses that earn certification under the program receive expedited access to European markets ("Signs of Progress," Christian Science Monitor, October 21, 2-016).


As of late September, 2016, Costa Rica had run on 100% renewable energy, for 100 days in 2016, with 76 of those days in a row. The ecological downside may come from the high reliance on dams creating hydroelectric power ("Costa Rica: The country ran for 76 straight days on renewable energy," Christian Science Monitor, September 26, 2016).

Nika Knight, "You Ain't Seen Nothing Yet: Western States Face Decades-Long Megadroughts: If fossil fuel emissions continue as usual, droughts lasting as long as 35 years a "near certainty" in parched Western U.S. states," Common Dreams, October 06, 2016, http://www.commondreams.org/news/2016/10/06/you-aint-seen-nothing-yet-western-states-face-decades-long-megadroughts, reported, "'Megadroughts' that last for decades are threatening to strike already parched Western U.S. states by the end of the century, a new study finds, with one model predicting that a drought lasting about 35 years may be a 'near certainty.'"
A megadrought would bring back the devastating dustbowl conditions of the 1930s to California, Utah, Nevada, New Mexico, and Colorado, but would last for a much longer period of time, according to the study published Wednesday in the journal *Science Advances*.

‘Using a combination of temperature and precipitation models,’ the *Guardian* reports, ‘the study predicts a 70 percent chance of a megadrought by the end of the century, should rainfall levels remain the same, with a 90 percent chance of an elongated drought should rainfall decrease, as most climate models forecast.’

‘We can’t rule out there could be a 99.9 percent chance of a megadrought, which makes it virtually certain,’ Toby Ault, a scientist at Cornell University and lead author of the study, told the *Guardian*.

‘Historically, megadroughts were extremely rare phenomena occurring only once or twice per millennium,’ the study observes. ‘According to our analysis of modeled responses to increased [greenhouse gas emissions], these events could become commonplace if climate change goes unabated.’
A map shows the rising risk of megadraughts corresponding to varying increases in global temperatures. (Image: Science Advances)

'With 4 degrees of warming, which is the rate the planet is currently heading for, megadraughts are almost a certainty,' EcoWatch notes.

'A megadrought occurring again in the Southwest in the coming decades would impose unprecedented stresses on water resources of the region, and recent studies have shown that they are far more likely to occur this century because of climate change compared to past centuries,' write the study authors, scientists from Cornell University, the Lamont-Doherty Earth Observatory of Columbia University, and the NASA Goddard Institute for Space Studies.

Indeed, California's six-year-long drought has already changed the landscape,
according to the *Guardian*: 'Areas of the Sierras have burned a few times and the forests aren't recruiting back, they are turning into grasslands and bush lands,' Mark Schwartz, professor of environmental science at the University of California, told the newspaper.

'Water availability is a deep issue for people living in the arid south-west,' Schwartz added. 'Megadroughts have the ability to dry up Lake Mead [which supplies water to Las Vegas] and hamper crops in southern California. We are doing a relatively poor job of allocating water efficiently. We need to get better at that.'

'The new report does proffer a crumb of hope," the *Guardian* writes, 'if greenhouse gas emissions are radically cut then the risk of megadrought will reduce by half, giving a roughly 50:50 chance that a multi-decade stretch of below-average rainfall would occur this century. But the research found that the emissions cuts would have to be far steeper than those agreed to by nations in Paris last year, where a 2C limit on warming was pledged.'

'We would need a much more aggressive approach than proposed at Paris,' Ault told the newspaper. 'It's not too late to do this but the train is leaving the station as we speak.'

Nika Knight, "Are Climate-Related 'Hot Blobs' Spreading and Killing Marine Life Worldwide?" Marine heatwaves have killed whales, birds, sea lions, mangroves, and coral—and research suggests they are increasing as the climate warms," Common Dreams, August 15, 2016, http://www.commondreams.org/news/2016/08/15/are-climate-related-hot-blobs-spreading-and-killing-marine-life-worldwide, reported, "A massive swath of hot water off the West Coast of North America devastated marine life for years—killing sea lions, whales, starfish, birds, and more—and new research finds that such marine heatwaves are growing more and more frequent.

Michael Slezak in the *Guardian* and Craig Welch in *National Geographic* this weekend both published in-depth explorations of the unprecedented phenomenon. It is indeed a new problem, a result of a rapidly warming climate: a marine heatwave had never been formally recorded until the past few years and the term wasn't even coined until 2011, Slezak reported.

Welch described the havoc wreaked thus far by what climatologists termed "the blob," a hot spot off the North American Pacific coast that began in 2013:

In the past few years death had become a bigger part of life in the ocean off North America's West Coast. Millions of sea stars melted away in tide pools from Santa Barbara, California, to Sitka, Alaska, their bodies dissolving, their arms breaking free and wandering off. Hundreds of thousands of ocean-feeding seabirds tumbled dead onto beaches. Twenty times more sea lions than average starved in California. I watched scientists lift sea otter carcasses onto orange sleds as they perished in Homer—79 turned up dead there in one month. By year's end, whale deaths in the western Gulf of Alaska would hit a staggering 45. Mass fatalities can be as elemental in nature as wildfire in a lodgepole pine forest, whipping through quickly, killing off the weak and clearing the way for rebirth. But these mysterious casualties all shared one thing: They overlapped with a period when West Coast ocean waters were blowing past modern temperature records.

Slezak put it more simply: "Plague, famine, pestilence, and death was sweeping the northern Pacific Ocean between 2014 and 2015."

And while the blob appeared on the brink of disappearing in early 2016—with some scientists even declaring it dead—new research showed that it never left, and that it continues to disrupt the marine ecosystem from Alaska to Mexico. Three other such "blobs" were detected off the coast of Australia this year, Slezak noted, and the region's unprecedented rise in ocean temperatures spurred the death of most of the Great Barrier Reef, the wholesale killing of kelp forests that supported critical fisheries, and the worst mangrove die-off ever seen.
Global warming is the likely culprit, both Slezak and Welch noted. 'Is long-term warming somehow the puppeteer controlling things in the background?' Nate Mantua of NOAA's Southwest Fisheries Science Center in Santa Cruz, California, asked Welch. 'I haven't seen proof, but it's clearly a prime suspect.'

Indeed, a new body of research is focusing on determining how much—not whether—global warming will contribute to the increasing prevalence of these deadly underwater heat waves: Slezak wrote that "the big question facing researchers is if they are increasing in frequency or severity or both, as a result of global warming."

Emanuele Di Lorenzo, an oceanographer at the Georgia Institute of Technology who conducted an in-depth study of 'the blob,' warned that warming ocean temperatures have a multiplying effect, as one extreme event catalyzes several others.

'Looking at what is happening,' Slezak wrote, Di Lorenzo 'thinks climate change is increasing both the frequency and severity of marine heatwaves.' Slezak continues: 'So much so, he wonders if climate models are wrong, and underestimating the fluctuations in temperature that will occur as the globe warms.

'The real system—if you look at the observations, and this is a paper I will publish very soon—the increase in variance is much much stronger than what models are predicting,' he says. 'Maybe our models are too conservative.'"

Di Lorenzo says this sort of 'variance'—including things like heatwaves—will always be stronger in the ocean, because the ocean has a kind of 'memory' that means events build on top of each other, multiplying their effects.

That memory is a result of temperature changing much more slowly in the ocean, as well as the ocean being able to absorb more heat in general.

A climatologist recently confirmed that the frequency and duration of marine heatwaves is significantly increasing, Slezak wrote, and peer review and publication of that study is currently pending. Di Lorenzo remarked to Slezak that 'the increasing frequency of these events is well outside of what anyone predicted.'

The mass deaths wrought by heatwaves such as the North American 'blob' are likely a harbinger of things to come, both Slezak and Welch observed. Indeed, 'the blob offers something of an analogue for future seas under climate change,' Welch noted. 'And marine life in this sea of tomorrow will look very different.'"

Nika Knight, "Humans are Poisoning the Ocean—and It's Poisoning Us Back: New study shows deadly bacteria levels spiking in North Atlantic as ocean temperatures rise," Common Dreams, August 09, 2016, http://www.commondreams.org/news/2016/08/09/humans-are-poisoning-ocean-and-its-poisoning-us-back, reported, "It's no secret that we have trashed, poisoned, and warmed oceans at an unprecedented rate via human-caused climate change and pollution.

It seems that oceans may be paying us back in kind, according to a new study that found levels of bacteria responsible for life-threatening illnesses spiking in the North Atlantic region.

The study published Monday in the Proceedings of the National Academy of Sciences of the United States of America (PNAS) discovered that a deadly variety of bacteria known as vibrio is spreading rapidly throughout the Atlantic as a result of hotter ocean temperatures.

Marine ecologist Donald Boesch, president of the University of Maryland Center for Environmental Science, who was not involved in the research, described the shift to the Washington Post as 'an ecosystem-level effect of climate change':

What this new research does is present evidence of the increased prevalence of these bacteria over broad regions of the North Atlantic from preserved samples collected over 54
years. The prevalence of these bacteria has increased as the ocean has warmed, both as result of global warming and multi-decadal variations in ocean circulation. This trend may be caused by changes in the plankton community rather than just the temperature alone. In other words, increased prevalence may be an ecosystem-level effect of climate change.

Vibrio bacteria cause infections in humans and animals, and a growing number of people are hospitalized each year after consuming fish contaminated by the pathogen, the study notes, observing that the rapid rise in vibrio levels on the U.S. and European Atlantic coasts corresponds with the increasing number of hospitalizations for vibrio infections on both continents.

'We were able to demonstrate that there was an increase in the numbers of vibrios, probably a two or threefold increase, correlated with the increase in climate temperature, and then correlated with outbreaks of vibrio infections that have been recorded in the medical records,' said Rita Colwell, a microbiologist at the University of Maryland who is a co-author of the study, to the Post.

Colwell told the Post that the shift in vibrio bacteria numbers is just one of many enormous ecological transformations to come as a result of climate change. 'It's a disruption of the natural pattern, and it will be selecting for a number of species, and that’s the problem,' Colwell said.

'We don't just damage the oceans even as we ourselves go unaffected by the consequences of that damage,' the Post observes. 'Rather, from harm to fisheries to direct human health threats, that damage hurts us, too.'

The inupiat Eskimo community of Shishmaref held a special election in August to decide whether to move the village to higher ground in the face of increasing flooding, or remain in place, completing and augmenting a sea wall to increase the protection of the community (Rachel D’Oro, "Eroding Alaska village residents vote on future, whether to stay or move," NFIC, August 2016).

Les Neuhaus, "Sewage Overflow Again Fouls Tampa Bay After Storm," The New York Times, September 16, 2016, http://www.nytimes.com/2016/09/17/us/sewage-overflow-again-fouls-tampa-bay-after-storm.html?ref=todayspaper, reported, "When Hurricane Hermine bowled onto Florida’s Gulf Coast this month, officials in this city were confronted with a familiar problem: The hurricane and days of rain before it had overloaded St. Petersburg’s water pipes and treatment tanks so there was no room for the city’s waste. As a result, city officials said, over the course of roughly 10 days, the St. Petersburg authorities released 136 million to 151 million gallons of partly treated raw sewage, mixed with rainwater, into Tampa Bay. Officials said they were still determining the precise amount.

It was the third time in the last 13 months that St. Petersburg had discharged significant amounts of sewage containing a variety of bacteria and contaminants into local waters. On Friday, state environmental regulators said they would be looking into how the city handled the hurricane and its efforts to fix the waste-treatment system."

Mary Annette Pember, "Flooding in Northern Wisconsin Hits Bad River Reservation, July 14, 2016, https://indiancountrymedianetwork.com/news/native-news/flooding-in-northern-wisconsin-hits-bad-river-reservation/, reported, "Wisconsin Governor Scott Walker declared a state of emergency Tuesday in the northern part of the state after storms caused flooding in eight counties. The Bad River Ojibwe reservation, located in Ashland County, has been hit hard.

Several roads on the reservation and surrounding area have been washed out."

"High water has cut off car traffic to Ashland, the main town in the region. The Bad River near Odanah broke records with a rise of 27.28 feet." A natural gas main washed out
on the Bad River reservation leaving many without a means to prepare meals and some households have lost power."

Peter H. Gleick, "Water Strategies for the Next Administration: Water policy offers opportunity for nonpartisan agreement," *Science*, November 4, 2016, comments that the U.S. is urgently in need of an appropriate water policy, as "Water problems directly threaten food production, fisheries, energy generation, foreign policy, public health, and international security. Access to safe, sufficient and affordable water is vital to well being and to the economy. Yet the U.S. water systems, once the envy of the world, are falling into disrepair and new threats loom." The article provides an analysis of the problem complex and how it might be approached.


Climate change is responsible, scientists say. As the seasonal change creeps later into the year, not only here but all across the northern United States and Canada, the glorious colors will last longer, they predict — a rare instance where global warming is giving us something to look forward to."


Harnessing solar power is a viable alternative to fossil fuel that will establish the tribe's energy independence, a tribal media release states."  

Bill Vlasic, "New Rules Require Heavy-Duty Trucks to Reduce Emissions by 25% Over the Next Decade," *The New York Times*, August 16, 2016, http://www.nytimes.com/2016/08/17/business/energy-environment/epa-truck-emission-standards.html?ref=todayspaper, reported, "The Obama administration on Tuesday issued aggressive new emissions standards for heavy-duty trucks. The rules are expected to achieve better fuel efficiency and a bigger cut in pollution than the version that was first proposed last year. Officials said the new standards would require up to a 25 percent reduction in carbon emissions for big tractor-trailers over the next 10 years, and somewhat smaller improvements for delivery trucks, school buses and other large vehicles.

Over all, administration officials said the new rules would cut 1.1 billion metric tons of carbon emissions through 2027 and represent a global benchmark for reducing vehicle-exhaust pollutants linked to climate change."

Jennifer Medina and Matt Richtel, "California’s Emissions Goal Is a ‘Milestone’ on Climate Efforts," *The New York Times*, August 25, 2016, reported, "California will extend its landmark climate change legislation to 2030, a move that climate specialists say solidifies the state’s role as a leader in the effort to curb heat-trapping emissions. Lawmakers have passed, and Gov. Jerry Brown has promised to sign, bills requiring the state to reduce its greenhouse gas emissions to 40 percent below 1990 levels."
Though the governor had already set a similar goal in an executive order, the legislation will lock the goals into law. The ambitious plan targets both power plants and vehicle emissions. Unfortunately, the increase in wildfires is increasing the state's carbon pollution, while reducing the trees and other plant life which absorb CO$_2$.

Brent Harris, "A Coolant That Threatens to Heat Up the Climate," The New York Times, July 22, 2016, http://www.nytimes.com/2016/07/23/opinion/a-coolant-that-threatens-to-heat-up-the-climate.html?ref=todayspaper, reported, "Gases found in air-conditioners, refrigerators and aerosols are among the biggest threats to our climate. Pound for pound, these hydrofluorocarbons, or HFCs, can be vastly more powerful for planetary warming than carbon dioxide. World leaders are in Vienna to discuss these pollutants and should agree on a plan to quickly replace them with safer alternatives.

HFCs are on track to contribute up to 10 percent of global greenhouse gas emissions by 2050. They have become widespread following the phaseout of another refrigerant and aerosol propellant, chlorofluorocarbons, under a 1987 climate treaty known as the Montreal Protocol. CFCs were rapidly depleting the planet’s ozone layer, which shields Earth from the sun’s dangerous ultraviolet radiation.

The treaty has been enormously successful. Kofi Annan, the former secretary general of the United Nations, has called it “perhaps the single most successful international agreement.” Every member of the United Nations has ratified the protocol, and atmospheric concentrations of CFCs have begun to decrease. But the protocol’s exclusive focus on stopping ozone depletion left a loophole. Industry swapped CFCs for HFCs, resulting in a 258 percent increase in the use of heat-trapping HFCs since 1990."

Henry Fountain, "Ozone Hole Shows Signs of Shrinking, Scientists Say," The New York Times, June 30, 2016, http://www.nytimes.com/2016/07/01/science/ozone-hole-shrinking-montreal-protocol.html?ref=todayspaper&_r=0, reported, "Nearly three decades after the world banned chemicals that were destroying the atmosphere’s protective ozone layer, scientists said Thursday that there were signs the atmosphere was on the mend. The researchers said they had found “fingerprints” indicating that the seasonal ozone hole over Antarctica, a cause of concern since it was discovered in 1984, was getting smaller. Although the improvement has been slight so far, it is an indication that the Montreal Protocol — the 1987 treaty signed by almost every nation that phased out the use of chemicals known as chlorofluorocarbons, or CFCs — is having its intended effect.

Full recovery of the ozone hole is not expected until the middle of the century."

"Pacific Islands Nations Consider 'Pioneering' Treaty to Ban Fossil Fuels," Common Dreams, July 14, 2016, http://www.commondreams.org/news/2016/07/14/pacific-islands-nations-consider-pioneering-treaty-ban-fossil-fuels, reported, 'This is an avenue where the Pacific could again show or build on the moral and political leadership...to tackle climate change' by Nadia Prupis, staff writer

"Pacific Island nations are reportedly considering the world's first treaty to ban fossil fuels, which would require signatories to work toward renewable energy targets and prohibit any expansion of fossil fuel mines.

The leaders of 14 nations on the front lines of climate change are considering the treaty after an annual summit in the Solomon Islands known as the Pacific Islands Development Forum (PIDF). The treaty would establish a 'Pacific framework for renewable energy' and require 'universal access' to clean energy by 2030. It would also bind leaders not to approve any new coal or other fossil fuel mines nor provide subsidies for extraction or consumption.

'They seemed convinced that this is an avenue where the Pacific could again show or
build on the moral and political leadership that they've shown earlier in their efforts to tackle climate change,' PIDF climate change adviser Mahendra Kumar told the Guardian on Thursday. The Guardian explains:

The PIDF was formed in 2013, spearheaded by Fiji, and excludes Australia and New Zealand, which are members of the older Pacific Islands Forum. There were claims at the time that Australia and New Zealand attempted to sabotage the group's first meeting.

[...] But the treaty being considered by the newer group embraces the aspirational 1.5°C target set at Paris, setting mitigation targets that are in line with it, as well as establishing adaptation mechanisms to cope with the effects of that warming.

Kumar said the treaty could be adopted in 2018, though it was unlikely to happen earlier. The model treaty was crafted by the Pacific Island Climate Action Network (PICAN). According to the Guardian, the coalition of nongovernmental organizations wrote in a report that "The rationale is that potential Parties to the Treaty already possess the political courage and commitment needed to adopt a flagship legal instrument that is sufficiently ambitious to prevent catastrophic changes in the global climate system."

As Common Dreams reported in May, five Pacific Islands that make up part of the Solomon Islands' archipelago have already been lost to rising seas and coastal erosion associated with climate change. Residents have also been forced to relocate due to encroaching waters.

In 2015, the Alliance of Small Island States, a coalition of the most vulnerable Pacific Islands nations, demanded a moratorium on new coal mines.

PICAN's report continues: 'As there is currently no treaty that bans or phases out fossil fuels, the Treaty would set a pioneering example to the rest of the world.'

Michelle Innis, "In Shift, Australia Pledges More Resources for Climate Research," The New York Times, August 4, 2016, http://www.nytimes.com/2016/08/05/world/australia/climate-change-research-csiro.html?ref=todayspaper, reported, "In a surprising about-face, the Australian government said on Thursday that new resources would be allocated to climate research at the country’s science agency, months after the announcement of staff cutbacks that scientists said would jeopardize Australia’s important role in the field.

The staff reduction at the agency, the Commonwealth Scientific and Industrial Research Organization, or Csiro, had drawn stinging criticism from scientists around the world, with a petition calling its work “critical and irreplaceable” in global climate science.

Among other contributions, the agency plays a leading role in an important ocean-monitoring program called Argo, and the location of its Cape Grim research station in Tasmania makes it uniquely valuable in gauging greenhouse gases in the atmosphere.

The overall number of climate scientists at Csiro would rise to about 115 from 100, but that would be well short of the 140 working there before the cuts were announced in February."

John R. Platt, "Renewable Energy Is About to Get Supersized: Investors are pouring money into supergrids, which can carry electricity generated by huge but remote wind and solar farms across national borders," takepart, October 20, 2016, http://www.takepart.com/article/2016/10/20/get-ready-supergrid?cmpid=tpdailylead-2016-10-20, reported, "A new report from Navigant Research finds that investment in supergrids—large-scale power networks that could carry energy from wind and solar farms and across international borders—will hit $10.2 billion by 2025. That’s up from an estimated $8.3 billion this year.

Supergrids are “about capacity and distance,” said Richelle Elberg, principal research analyst for Navigant Research and one of the authors of the report. They would allow sources such as wind farms to provide energy to cities hundreds or even thousands of miles away. This
would let utilities invest in massive solar or wind farms in areas where they would generate the most electricity, which might not be where people live.

They would also provide flexibility to draw electricity from different sources if on any given day the wind dies or clouds block the sun in a particular region."

"Utilities already transmit power long distances—from state to state, for example, or between Canada and the U.S.—but this would take things to a new level. One planned supergrid, now under construction, would link energy production in China, South Korea, Mongolia, Russia, and Japan. The first phase of construction is estimated to cost $6.2 billion.

Much of the investment in supergrids so far—nearly 75 percent—is in Asia. China itself has driven most of that investment within its own borders."

Deirdre Fulton, "Melting Permafrost Releases Deadly, Long-Dormant Anthrax in Siberia: 'This week's anthrax outbreak signals that global warming is transforming Siberia's lonely wilderness into a feverish nightmarescape,'" Common Dreams, August 01, 2016, http://www.commondreams.org/news/2016/08/01/melting-permafrost-releases-deadly-long-dormant-anthrax-siberia, reported. A Russian heatwave has activated long-dormant anthrax bacteria in Siberia, sickening at least 13 people and killing one boy and more than 2,300 reindeer.

According to the Siberian Times on Monday:

A total of 72 people are now in hospital, a rise of 32 since Friday, under close observation amid fears of a major outbreak. 41 of those hospitalized are children as Russia copes with a full scale health emergency above the polar circle which has also killed thousands of reindeer.

A state of emergency has been imposed throughout the region in western Siberia, and reindeer herding communities have been quarantined.

While NBC News last week pinned the blame for the outbreak on '[t]he carcass of a reindeer thought to have died from anthrax decades ago,' new reports suggest an old burial ground could be the source.

Nadezhda Noskova, press secretary of the Yamalo-Nenets Autonomous Region government, told the Siberian Times:

We are working out all the versions of what has happened. The first version is that due to the very hot weather permafrost thawed and bared the carcass of an animal which died from anthrax long ago.

The other version is that it could have been a human body. The point is that Nenets and Khanty peoples do not bury their dead in the ground. They put them into the wooden coffins—they resemble boxes—and place them on a stand or hillock.

The old cemetery could be also the source of the disease.

But regardless of the precise culprit, there's little doubt that climate change is exacerbating the health crisis.

The Washington Post noted last week, 'Temperatures have soared in western Russia's Yamal tundra this summer,' with several regions seeing record heat. Indeed, temperatures in the Yamal tundra above the Arctic Circle have hit highs of 95°F this summer, compared to an average of 77°F.

The Post quoted two Russian researchers, who warned in 2011: 'As a consequence of permafrost melting, the vectors of deadly infections of the 18th and 19th centuries may come back...especially near the cemeteries where the victims of these infections were buried.'

"The extreme heat has triggered a seemingly endless rash of freak weather, natural disasters, and signs of ecological malaise, including enormous wildfires, record flooding, and natural moon bounces [methane bubbles] that might be explosive," staff writer Maddie Stone reported
at *Gizmodo*. 'But above all else, this week's anthrax outbreak—the first to hit the region since 1941—signals that global warming is transforming Siberia's lonely wilderness into a feverish nightmarescape.'

Or, as Charles Pierce wrote at *Esquire* on Monday, 'an anthrax strain that has spent 75 years resting, sleeping a lot, going a few times a week to the Bacteria Gym, and generally muscling up, gets another chance at sickening reindeer and people because the Great Climate Change Hoax has thawed the permafrost, so it gets its shot at the reindeer and people that didn't die in the record wildfires. I would point out that one of our two major political parties doesn't believe that any of this is happening, and that the party's candidate for president thinks it all might be a hoax thought up by the Chinese''


May shuttered the Department for Energy and Climate Change (DECC) on Thursday and moved responsibility for the environment to a new Department for Business, Energy & Industrial Strategy. The decision comes the same week as the U.K. government's own advisers warned in a report that the nation was not ready for the inevitable consequences of climate change, including deadly heat waves and food and water shortages.

This is shocking news. Less than a day into the job and it appears that the new prime minister has already downgraded action to tackle climate change, one of the biggest threats we face,' said Craig Bennett, CEO of the environmental group Friends of the Earth. 'This week the government's own advisors warned of ever growing risks to our businesses, homes and food if we don't do more to cut fossil fuel pollution.' Bennett wrote in an op-ed for the *Independent*:

Now, with Theresa May in power, we are looking for a clear commitment to policies that will put the country on track to meeting out Climate Change Act goals and to delivering the Paris climate change Agreement to keep global temperature rises to 1.5 degrees. But there is no department directly responsible for this.

[....] Time is running out to avert catastrophic climate change and to halt the decline of nature. This is about protecting people as well as the planet we live on. There is no time to lose for the new prime minister in changing path—and, thanks to David Cameron, so much time has already been lost.

Caroline Lucas, the Green Party's sole Member of Parliament (MP) in the House of Commons, tweeted that the move was 'a serious backwards step' and told the *Independent*. 'The decision to shut down DECC is a deeply worrying move from Theresa May. Climate change is the biggest challenge we face, and it must not be an afterthought for the government.'

May also made several controversial appointments to her new post-Brexit cabinet, including naming her one-time rival for prime minister, Andrea Leadsom, as Secretary of State for Environment, Food and Rural Affairs.

Leadsom in 2015 served as Minister for Energy at the Department of Energy and Climate Change, during which she reportedly asked officials whether climate change was real.

Environmental groups were distressed. Greenpeace executive director John Sauven said Thursday, "The voting record and affiliation with climate skeptics of key cabinet appointees are deeply worrying. They show a lack of understanding posed by climate change to the UK and the world.'

'If we are to continue to have a key global role in environmental action, we need urgent
reassurance from the new government that the hard won progress on climate and renewables targets, air pollution, and the protection of wildlife will not be sidelined or abandoned in the Brexit negotiations,' Sauven said.

And it was not just the advocacy sector that slammed the decision. Former Labor leader Ed Miliband tweeted, 'DECC abolition just plain stupid. Climate not even mentioned in new [department] title. Matters because departments shape priorities, shape outcomes.'

Stephen Devlin, an environmental economist at the New Economics Foundation, released a press statement titled 'We Can't Afford to Scrap DECC' wherein he described May's action as 'a terrible move' and said it 'signals a troubling de-prioritization of climate change by this government.'

'This reshuffle risks dropping climate change from the policy agenda altogether—a staggering act of negligence for which we will all pay the price,' Devlin said."

A study by Scientists at the University of Utah published in the Proceedings of the National Science Foundation, October 10, 2016, found that since 1979 climate change has been responsible for more than one-half of the dryness of western forests and in the increase in the length of fire seasons. Since 1984, those factors have enlarged the cumulative fire area by 16,000 square miles (Tatiana Schlosberg, "Half of Rise in Fire Risk Is Tied to Climate Change," The New York Times, October 11, 2016).


HFCs are just a small percentage of greenhouse gases in the atmosphere, but they function as a sort of supercharged greenhouse gas, with 1,000 times the heat-trapping potency of carbon dioxide. The Kigali deal was seven years in the making, and is a compromise between rich nations and poorer, hotter ones, including some where rising incomes are just starting to bring air-conditioners within reach. Wealthier nations will freeze production of HFCs more quickly than poorer countries, though some nations, including those in Africa, elected to phase the chemicals out more rapidly than required, citing the grave threats they face from climate change."

"the Kigali deal includes specific targets and timetables to replace HFCs with more planet-friendly alternatives, trade sanctions to punish scofflaws, and an agreement by rich countries to help finance the transition of poor countries to the costlier replacement products."

"Over all, the deal is expected to lead to the reduction of the equivalent of 70 billion tons of carbon dioxide from the atmosphere — about two times the carbon pollution produced annually by the entire world."

"The United States and other rich countries had pushed a plan that would freeze the use of the heat-trapping chemicals by 2021, reducing them to about 15 percent of 2012 HFC levels by 2046. That plan would have eliminated the equivalent of about 90 billion tons of carbon dioxide pollution from the atmosphere by 2050.

Negotiators from India and some of the world’s other hottest and poorest countries pushed back hard at that proposal. In India, millions of people are on the verge of being able to afford air-conditioners cooled by HFCs."

"The final deal will divide the world economy into three tracks. The richest
countries, including the United States and those in the European Union, will freeze the production and consumption of HFCs by 2018, reducing them to about 15 percent of 2012 levels by 2036.

Much of the rest of the world, including China, Brazil and all of Africa, will freeze HFC use by 2024, reducing it to 20 percent of 2021 levels by 2045.

A small group of the world’s hottest countries — India, Pakistan, Iran, Saudi Arabia and Kuwait — will have the most lenient schedule, freezing HFC use by 2028 and reducing it to about 15 percent of 2025 levels by 2047."


The losses add up to about 88 square miles of land ice cover, or just under 10 percent of the total area of the world’s tropical glaciers. Glaciers worldwide store about 70 percent of the world’s freshwater.

This the first study to assess all three of Bolivia’s main glacier ranges, according to the team of British and Bolivian scientists who revealed the dramatic ice loss in research published Thursday in the journal The Cryosphere."

"Based on current trends, the researchers estimated that the glaciers could fade to just 20 square miles by 2100.

The cities of La Paz and El Alto, whose 2.3 million residents comprise roughly 20 percent of the Bolivian population, rely on Andean glaciers for between 15 and 30 percent of their water supply, said scientist Simon Cook of Manchester Metropolitan University, the study’s lead author. 'The issue of water supply as these glaciers decline, to places like La Paz, has been documented before,' he said. 'What we’re saying, perhaps for the first time, is that these glaciers could be almost gone by the end of the century, which creates a significant water risk.'

The dangers don’t stop there. The researchers found that as the glaciers recede, they are creating high altitude lakes that can cause dangerous flooding for mountain communities downstream."


For years, China’s deserts spread at an annual rate of more than 1,300 square miles. Many villages have been lost. Climate change and human activities have accelerated desertification. China says government efforts to relocate residents, plant trees and limit herding have slowed or reversed desert growth in some areas. But the usefulness of those policies is debated by scientists, and deserts are expanding in critical regions.

Nearly 20 percent of China is desert, and drought across the northern region is getting worse. One recent estimate said China had 21,000 square miles more desert than what existed in 1975 — about the size of Croatia. As the Tengger expands, it is merging with two other deserts to form a vast sea of sand that could become uninhabitable.

Jiali lives in an area called Alxa League, where the government has relocated about
30,000 people, who are called 'ecological migrants,' because of desertification.

Across northern China, generations of families have made a living herding animals on the edge of the desert. Officials say that along with climate change, overgrazing is contributing to the desert’s growth. But some experiments suggest moderate grazing may actually mitigate the effects of climate change on grasslands, and China’s herder relocation policies could be undermining that."


If fuel prices remain low, and trucks continue to outsell cars, the industry will probably not meet the goal of 54.5 miles per gallon as a fleetwide average by 2025, but will probably come in at only about 50 miles a gallon, according to a report by the Department of Transportation and the Environmental Protection Agency."


Researchers used simulated sunlight to power a solar cell that converts atmospheric carbon dioxide directly into syngas, a combination of hydrogen gas and carbon monoxide that can be burned for energy or converted into liquid fuels."

NASA, in June 2016, was preparing to test an electrically powered light plane that if successful could be a forerunner of less greenhouse gas polluting light aircraft (Kenneth Chang, "NASA Plans A Test Plane That Flies On Electricity," The New York Times, June 18, 2016).

Taylor Hill, "Germany Wants to Ban Fossil-Fuel-Powered Cars: The nation’s parliament is calling for the elimination of the internal combustion engine by 2030," takepart, October 11, 2016, http://www.takepart.com/article/2016/10/12/trip-advisor-bans-ticket-sales-animal-selfies-elephant-rides, reported, "Germany, home of global automotive giants Mercedes-Benz and Volkswagen, is on the road to banning gas and diesel engines from its highways and byways. The Bundesrat, the upper house of Germany’s parliament, passed a resolution on Monday that calls for the elimination of vehicles powered by gasoline and diesel engines by 2030.

The resolution is nonbinding and needs the approval of the European Union, as it would also apply to vehicles from other EU nations. But it marks a shift in thinking for a country whose automobile industry is one of the largest in the world and the driver of the German economy."

Jack Healey and John Schwartz, "U.S. Suspends Construction on Part of North Dakota

The Army Engineers and the Justice Department acted saying that in this, and other cases, more consultation needs to take place with effected Indian nations before major projects go ahead.

The Natural Resources Defense Council (NRDC) was engaged, July 16, 2013, https://secure.nrdconline.org/site/Advocacy;jsessionid=0C488BACD505BB29A287C83AC75ED63D.app322a?cmd=display&page=UserAction&id=4045&autologin=true&s_src=EMOTARP ETACT0716FU&utm_source=alert&utm_medium=actr&utm_campaign=email, in a letter writing campaign to President Obama, saying, "I am alarmed that the oil industry plans to ship 1.5 million barrels per day of tar sands crude from Canada to the United States by pipeline and tanker -- flooding America with twice as much tar sands crude as the Keystone XL pipeline would have, choking our atmosphere with 350 million metric tons of carbon pollution and threatening virtually all of our coastlines and three major rivers with nearly impossible-to-clean-up oil spills. I urge you to direct your Coast Guard and EPA to impose an immediate ban on all tar sands tanker and barge traffic in U.S. waters.

I applaud you for responding to the dire threat of climate change by securing a breakthrough climate accord in Paris, cracking down on power plant pollution and rejecting the Keystone XL tar sands pipeline. But with evidence mounting that our climate is warming far more rapidly than predicted, we must act swiftly when new threats emerge. Please do not leave this issue for the next president to address -- act now to secure your legacy of climate leadership by blocking this tar sands onslaught. Thank you."

John R. Platt, "Oregon Finds Switching From Coal to Renewable Energy Is a Bargain: Replacing coal-fired electricity with ever-cheaper wind and solar power will raise utility rates just 0.1 percent by 2030," TakePart, August, 11, 2016, http://www.takepart.com/article/2016/08/11/switching-coal-renewable-energy-bargain-oregon?cmpid=tpdaily-eml-2016-12-01, reported, "Oregon may have a reputation for rainy weather, but the outlook for the renewable energy there is definitely sunny.

Earlier this year the state passed legislation that requires utilities to stop generating electricity from coal by 2030. At the time, one of Oregon’s two main energy utilities, Pacific Power, predicted that the switch to renewables would come with a fairly high cost, hitting customers with a rate increase of 0.8 percent per year through 2030. That’s a cumulative increase of about 12 percent over the next 14 years.

Since then, however, things have changed. After the legislation passed, Pacific Power put out a request for bids for renewable energy projects, and developers came back with prices much lower than expected.

How low? Try 0.1 percent through the year 2028. That’s not per year, like the previous estimate. It’s the projected rate increase for the entire time period."

"The cost savings come not only from solar energy’s increasing efficiency and falling prices for the technology output but from the volume of development."

Scotland’s coast aren’t harnessing the country’s winds to generate power. Instead, these blades are spinning underwater, using an even more predictable renewable power source in the region—tides.

The offshore array is the world’s first network of tidal turbines to deliver electricity to the power grid, according to Nova Innovation, the company behind the development.


The Kinder Morgan Trans Mountain project will increase the capacity of a 53-year-old pipeline to 890,000 barrels a day from 300,000 and expand the tanker port. In recent weeks, there have been several large protests against the project, particularly in Vancouver, British Columbia. But Rachel Notley, the premier of Alberta, has repeatedly said that the project is critical to the future of her province’s energy industry."


Final approval' of the Pacific NorthWest project led by Malaysia's state-owned energy company Petronas, as CBC reports, 'depends on the meeting of more than 190 'legally binding' and 'scientifically determined' conditions.'

The climate impacts of the fracked gas project have been described as 'just enormous,' and the Vancouver-based Wilderness Committee said the 'project would be the largest source of carbon pollution in Canada.'

Derrick O'Keefe points out at Ricochet that 'In a submission to the project's environmental assessment, Marc Lee of the Canadian Centre for Policy Alternatives described Pacific NorthWest LNG as a 'carbon bomb.'"

The multiple conditions the federal government attached to the project did little to quell climate concerns from environmental groups.

Matt Horne, associate B.C. director at the Pembina Institute, said, 'Even with the conditions included in the approval, the project would still be significantly higher polluting than other LNG proposals in the province (31% higher than LNG Canada, and 75% higher than Woodfibre LNG).'

On top of that, Horne said, 'B.C. is already projected to miss its climate targets by a wide margin and the province's new climate plan did little to solve the problem.'

Added Caitlyn Vernon, campaigns director at Sierra Club B.C., '190 conditions don't change the math: it's not possible to be a climate leader and build new fossil fuel infrastructure like the Petronas fracked gas plant.'

'Not only will this project push our Paris climate commitments further out of reach, it also goes against the expressed wishes of several First Nations along the route,' stated Mike Hudema, climate and energy campaigner at Greenpeace Canada.

And 'Beyond the project being one of the largest greenhouse gas emitters in Canada,' writes Council of Canadians political director Brent Patterson: 'the LNG terminal and its associated upstream operations would also consume 5.1 million cubic meters of fresh water
per year, the equivalent of the annual fresh water use of 56,000 people.' And then there's the issue of the project's impacts on salmon.

The Wilderness Committee explains that *the terminal 'is slated to be built on top of an eelgrass bed that supports 88 per cent of the salmon in the Skeena River and all those who rely on them.' Vernon says the approval means 'Canada's second largest salmon run, on the Skeena River, may have had its death warrant signed.'

Also warning of its impacts on the salmon population, Grand Chief Stewart Phillip of the Union of British Columbia Indian Chiefs said, 'This is another example of betrayal of the rights and interests of First Nations people.'

Ninety scientists and climate experts from Canada, the U.S., and Australia in May wrote to Prime Minister Justin Trudeau, urging him to reject the project, stating, 'Honoring the commitment Canada made in Paris to limit global warming well below 2.0 degrees above pre-industrial levels will require a massive effort to reduce emissions. We must begin by rejecting plans that would increase GHG emissions and lock us in fossil fuel extraction for decades to come.'

'If you are in a hole, you shouldn't dig deeper. What you should really do is start to get out of that hole,' signatory Kirsten Zickheld, a professor at Simon Fraser University, said to the *Vancouver Sun*. 'In this case, what it really means is leaving fossil fuels behind and embarking on a renewable energy trajectory.'

Otherwise, said Vernon, we can't 'expect to pass on a livable world to our children and generations yet unborn.'

Nadia Prupis, *Victory in Canada as Court Strikes Down Northern Gateway Pipeline: Opponents "said 'no' to Enbridge 12 years ago when it first proposed the project. And now that 'no' has the backing of the courts," Common Dreams, June 30, 2016, http://www.commondreams.org/news/2016/06/30/victory-canada-court-strikes-down-northern-gateway-pipeline, reported. "Environmentalists and Indigenous rights advocates celebrated on Thursday after a judge struck down the Canadian government's 2014 approval of a controversial pipeline project in a landmark ruling.

The court found (pdf) that the government had not done enough to consult with First Nations communities that would be impacted by the building of the Northern Gateway pipeline, approved under then-Prime Minister Stephen Harper.

The decision 'confirms that the environmental assessment of major pipeline projects was badly eroded by the previous government's dismantling of environmental laws,' said Barry Robinson, an attorney for the environmental law firm Ecojustice, which brought the case. Caitlyn Vernon, a spokesperson for the Sierra Club, told *CBC*, "Today is a good day for the B.C. coast, climate and salmon rivers. By overturning federal approval of Northern Gateway, the courts have put yet another nail in the coffin of this pipeline and tankers project.'

'First Nations, local communities, and environmental interests said 'no' to Enbridge 12 years ago when it first proposed the project. And now that 'no' has the backing of the courts,' Robinson said.

The *pipeline would have transported tar sands crude from Alberta to Kitimat, British Columbia*. Opponents have long warned that it would expand the use of dangerous fossil fuels, delay the implementation of clean energy, and increase dangers faced by the environment and impacted communities, including possible violation of First Nations treaty rights.

Critics have also pointed out that Northern Gateway's parent company, Enbridge, has a history of environmental destruction, including a massive pipeline rupture that spilled close to one million gallons of crude oil into Michigan's Kalamazoo River and Talmadge Creek in 2010—eventually forcing the company to pay $75 million in cleanup costs.

Karen Wristen, executive director of Living Oceans Society, one of the plaintiffs in the legal challenge, said Thursday, 'We know from Enbridge's own shoddy public safety record that..."
tar sands oil spills have devastating consequences. Today's decision is a victory across the board: for the wildlife living in this marine environment, and for the communities living at its shores.'

The social advocacy group Council of Canadians congratulated the First Nations communities and all other groups involved in the court case. The organization's executive director Maude Barlowe has previously called the opposition movement against Northern Gateway 'one of the most important fights we have right now.'

The court ruling also denotes an early victory for Alberta Premier Rachel Notley, who campaigned on a promise of ushering in climate-friendly policies, telling voters after a landslide victory in May 2015 that 'change has finally come to Alberta. New people, new ideas and a fresh start for our great province.'

Canadian Prime Minister Justin Trudeau approved the expansion of the Kinder-Morgan Pipeline in Western Alberta, linking the Alberta Tar Sands to an oil port in British Columbia. The pipeline's capacity is to be increased from 300,000 to 890,000 barrels a day ("Trudeau Approves Oil Pipeline Expansion in Canada," The New York Times, November 30, 2016). Nika Knight, "Western Canada Oil Spill Drenches Birds, Will Taint Drinking Water for Months to Come: 200,000 liters of crude oil spilled into North Saskatchewan River, soaking local wildlife and forcing cities to shut off public water supply, Common Dreams, July 26, 2016, http://www.commondreams.org/news/2016/07/26/western-canada-oil-spill-drenches-birds-will-taint-drinking-water-months-come, reported, "Despite a devastating pipeline leak that flooded the North Saskatchewan River with 200,000 liters of tar sands crude last Thursday, Husky Energy waited until Monday to shut down the leaking pipeline. An executive with the oil behemoth said the company was "deeply sorry" for the incident while announcing the pipeline closure.

The apology and pipeline shutdown also only occurred after two cities were forced to shut off their water supplies and photos emerged of birds drenched in "very, very, very thick bitumen," according to Saskatoon-based rescue organization Living Sky Wildlife Rehabilitation.

Provincial officials and wildlife rescuers both warn that the effects of the spill will be long-term.

Meanwhile, booms laid on the river to contain the spill have been ineffective, a provincial official who wished to remain anonymous told the Canadian Press, as high water levels have lifted the oil over the barriers. As of Monday evening, less than half of the oil spilled had been recovered.

The pipeline shutdown also came despite Husky's announcement on Sunday that the spill cleanup was complete.

Canada's environmental agency announced Monday that it is investigating the spill. Reuters reports on the oil's spread downstream:
The oil reached Prince Albert, population 35,000, hours earlier than expected on Monday, widening the impact and cost of the spill. Workers there raced to stretch a 30-kilometre hose to draw drinking water from another source.

A sheen was visible on the river in the morning, spurring the city to shut its water treatment plant intake, said city manager Jim Toye. It has two days worth of stored water before it must find another source.

'We thought we had more time,' Toye said in an interview. 'We (will) really hit the wall after two days.'

Less than half of the 1,572 leaked barrels of oil had been recovered as of Monday, Saskatchewan environment official Wes Kotyk said.

Upstream of Prince Albert, the city of North Battleford stopped drawing drinking water
from the river last week.

Prince Albert residents are stockpiling clean water in bathtubs and Tupperware containers, CBC reports, and city officials say they will seek compensation from Husky for the disastrous spill.

Another provincial official told the Huffington Post that North Battleford's and Prince Albert's drinking water could remain unsafe to drink for months.

North Battleford's residents are relying on well water, in the meantime. As for Prince Albert, Reuters reports: 'Once Prince Albert's stored water is exhausted, it hopes to use rainfall collected in a retention pond, buying itself four more days. After that it would rely on water from a 12-inch (30 centimeter) diameter hose to the South Saskatchewan River, running along a highway.'

A reporter with the CBC tweeted footage of a construction crew from Prince Albert "scrambling" to set up that hose:

Yet even that new arrangement may not be enough, as Toye told Reuters it would only stretch Prince Albert's water supply for another two months. Sam Ferris from Saskatchewan's Water Security Agency commented to the Huffington Post that the tainted water supply is 'not going to be a short-term event. It could go on for some time.'

Meanwhile, local wildlife rescue groups have set up a triage station near the origin of the spill in Maidstone, Saskatchewan, to help clean oil-drenched wild animals.

So far, three birds—a great blue heron, a Canada goose, and a sparrow—as well as a garter snake have been taken in for treatment. The sparrow has died. Rescuers expect many more animals will be taken in for clean-up in the days to come.

Jan Shadick from Living Sky Wildlife Rehabilitation spoke to CBC about the tragedy:

Shadick said treating the birds that have been recovered, and the possibility of many more birds needing treatment, filled her with 'great sadness.'

'For me, it's just really overwhelmingly sad to see these birds drenched in this black oil and know that I have to wait to wash them and do something about it. And to just see the struggle, I guess, in their eyes,' she said.

'Perhaps it's the potential that there are hundreds and hundreds of them and my, at the moment, sense of helplessness at [not] being able to fix it immediately.'

And despite the harm to wildlife and people's drinking water, Alberta Premier Rachel Notley defended the safety of pipelines to transport fossil fuels.

'Even with this spill it remains the case that absolutely the safest way to transport oil and gas is by way of pipeline,' she told the Canadian Press.

'Had a spill occurred on rail there might well be injuries involved. In everything you do there are risks, but I would suggest overall the risks [of pipelines] are low,' Notley added."


Another Pipeline burst in Alabama, October 30, 2016. The Colonial gas pipeline broke with a fiery explosion south of Birmingham. People were evacuated from within three miles of the break, as the gas escaping from the pipe was allowed to burn off ("Fiery Pipeline Explosion in Alabama," The New York Times, November 1, 2016).

Nadia Prupis, "California Oil Spill Leaves 'Gooey Mess'—And a Reminder of Big Oil's Dangers: 'It is distressing to once again see this kind of devastation visited upon a sensitive location',' Common Dreams, Thursday, June 23, 2016, http://www.commondreams.org/news/2016/06/23/california-oil-spill-leaves-gooey-mess-and-
remind-big-oils-dangers, reported, "An oil spill has reportedly leaked thousands of gallons of crude from a pipeline into a canyon in Ventura County, California, fire officials said Thursday—in what environmentalists say is a reminder of the dangers of coastal fossil fuel operations.

The leak spilled at least 29,000 gallons, or 700 barrels, as emergency crews used hoses to suck up the 'gooey mess' that was created when the oil formed a small lake in a gorge known as Prince Barranca, the Los Angeles Times reported.

The operating line has been shut down. The LA Times notes that it is the 10th time in 10 years that the pipeline company, Crimson Pipeline, has had its pipes break or fail.

Meanwhile, the oil company, Aera Energy, is jointly owned by Shell and ExxonMobil and is responsible for 25 percent of California's output, making it one of the state's biggest oil producers.

'It is distressing to once again see this kind of devastation visited upon a sensitive location,' said Brian Segee, senior attorney with the Santa Barbara-based Environmental Defense Center.

The figures on the oil spill have been difficult to verify. Earlier in the day, fire officials put the estimate at 5,000 barrels—or 210,000 gallons—before amending it to a much smaller number.

Segee noted that the response to last year's Plains All American oil spill on Santa Barbara's Refugio Beach was similar.

'So far estimates for the size of this spill have been all over the map. It is important to remember that with last year's Plains All American Oil Spill at Refugio Beach, the initial industry estimates were orders of magnitude below reality,' Segee said. 'But we are still very early in understanding the scope of this spill and the challenges that yet another major oil spill will deliver to our region. Regardless of the size, any amount of spilled oil is inexcusable and destructive.'

The Center for Biological Diversity (CBD) told the LAT the spill should serve as another warning of Big Oil's risks.

CBD attorney Kristen Monsell said, 'This major spill is another grim example of why we must get pipelines and oil drilling out of California's vulnerable coastal environment. The spill's already causing environmental damage. We've got to stop thinking about these oil spills as accidents and start regarding them as completely predictable ecological tragedies that we can prevent with strong action.'"

Unusually strong winds and dryness spread wildfire through Haifa and areas of Northern Israel for a number of days, in November 2016, devouring forests, damaging homes and other buildings and prompting the evacuation of thousands of people (Isabel Kershner, Israeli Officials Pointing to Arson as Wildfires Rage for Third Day," The New York Times, November 25, 2016).


These leases would have threatened this undeveloped region, known as the Badger-Two Medicine area, which is a federally-recognized Traditional Cultural District encompassing 130,000 acres along Montana’s Rocky Mountain Front and adjacent to the southeast boundary of Glacier National Park. For more than 10,000 years, the area has provided strength, subsistence and cultural identity for members of the Blackfeet Nation. Earthjustice is working in partnership with tribal members to protect this special area."
Greenpeace reported November 18, 2016, https://secure3.convio.net/gpeace/site/Advocacy;jsessionid=06E4D06D9815093C9EBA23C73C8EA07E.app313a?cmd=display&page=UserAction&id=2051&autologin=true, "The Obama administration just released its final plan on where fossil fuel companies will be allowed to start new drilling for the next five years. Earlier this year we got the good news that the Atlantic Ocean would not be leased to fossil fuel companies — and today, we can say the same for the U.S. Arctic Ocean"

Thomas Fuller, "Oakland Votes to Block Large Shipments of Coal," *The New York Times*, June 28, 2016, http://www.nytimes.com/2016/06/29/us/oakland-coal-transport-ban.html?ref=todayspaper, reported, "The city of Oakland, Calif., on Monday banned the transport and storage of large coal shipments, a blow to a developer’s plans to use a former Army base as an export terminal to ship coal to China and other overseas markets. The terminal would have been the largest coal shipment facility on the West Coast, with a planned capacity to increase coal exports in the United States by 19 percent, according to the Sierra Club, the environmental group."

Keith Bradshaw, "Despite Climate Change Vow, China Pushes to Dig More Coal," *The New York Times*, November 29, 2016, http://www.nytimes.com/2016/11/29/business/energy-environment/china-coal-climate-change.html?ref=todayspaper, reported, "America’s uncertain stance toward global warming under the coming administration of Donald J. Trump has given China a leading role in the fight against climate change. It has called on the United States to recognize established science and to work with other countries to reduce dependence on dirty fuels like coal and oil. But there is a problem: Even as it does so, China is scrambling to mine and burn more coal. A lack of stockpiles and worries about electricity blackouts are spurring Chinese officials to reverse curbs that once helped reduce coal production. Mines are reopening. Miners are being lured back with fatter paychecks. China’s response to coal scarcity shows how hard it will be to wean the country off coal. That makes it harder for China and the world to meet emissions targets, as Chinese coal is the world’s largest single source of carbon emissions from human activities."

However, Michael Forsyth, "China Aims to Spend at Least $360 Billion on Renewable Energy by 2020," *The New York Times*, January 5, 2017, http://www.nytimes.com/2017/01/05/world/asia/china-renewable-energy-investment.html?ref=todayspaper, reported, "China intends to spend more than $360 billion through 2020 on renewable power sources like solar and wind, the government’s energy agency said on Thursday. The country’s National Energy Administration laid out a plan to dominate one of the world’s fastest-growing industries, just at a time when the United States is set to take the opposite tack as Donald J. Trump, a climate-change doubter, prepares to assume the presidency. The agency said in a statement that China would create more than 13 million jobs in the renewable energy sector by 2020, curb the growth of greenhouse gases that contribute to global warming and reduce the amount of soot that in recent days has blanketed Beijing and other Chinese cities in a noxious cloud of smog."

Volkswagen and BMW have teamed up with Charge Point of California to install 100 electric car charging stations at key points along major highways on the U.S. east and west coasts ("Signs of Progress," *Christian Science Monitor*, October 21, 2016).
Franklin Courson reported by E-mail, November 14, 2016. "North Carolina is Burning," "First of all, we are in a severe drought situation. Our area has had only 1.3' of rain since September first and the land is parched. No rain in sight for at least another 10 days. As a result, fires have broken out. The largest is now over 7,000 acres and is in the county adjoining Asheville. Mandatory evacuations are in effect there. There are also voluntary evacuation in other parts of that county as well as our county where several fires have reached over 300-400 acres. There are around 30 fires, large and small in our area as well as Eastern Tennessee and the northern part of South Carolina. Firefighters from 30 states have travelled to help us."

Alan Blinder, "Wildfires Char Over 80,000 Acres in the Parched South," The New York Times, November 15, 2016. "Dozens of large wildfires raged on Tuesday in the South, where more than 80,000 acres have burned and where emergency officials faced ominous forecasts of more dry weather and spreading flames. Although the fires often stayed miles from cities and towns, the blazes had broad effects in the South. Smoke drifted far from the fires, reaching places like Atlanta and Charleston, S.C., and prompting state environmental agencies to issue air quality warnings."

John Jeter, Jonah Engle Bromwich and Niaj Choksi, "Gatlinburg Wildfires Force Evacuations: 'It Was Like Driving Into Hell'," The New York Times, November 29, 2016. "Deadly wildfires ripped through the foothills of the Great Smoky Mountains in Tennessee on Monday night and Tuesday, forcing thousands to flee as emergency responders sought to contain a blaze that conjured biblical comparison. 'Everywhere you looked, there were fires everywhere. It was like driving into hell,' said Rain Moore, 32, a lieutenant with the Sneedville Fire Department, about an hour and a half away. Mr. Moore said he arrived early Tuesday and, while fighting the fire in the darkness, saw orange flames burning from the center of trees, indicating a strong intensity.

Fueled by high winds and a drought in Tennessee, the fires damaged about 150 buildings and forced thousands to evacuate. Three people died and 14 others were injured, officials said Tuesday afternoon.

More than 14,000 people left Gatlinburg, and others were evacuated from nearby Pigeon Forge as well as other parts of Sevier County."

2016 was another difficult fire season across the west, including in Washington State. In the past, the Spokane Reservation has usually been protected from fire by rivers. But the combination of the new drought conditions and wind caused a fire to jump the Spokane Rover onto the reservation in three places burning out several farmers and ranchers, burning at least 15 head of cattle, injuring horses as well as wildlife, including elk and deer. More than 13,000 acres, 10 percent of the reservation, burned, cutting power, water and phone lines, while closing the windy main road to Spokane, whose guardrails were destroyed (Kara Briggs, "Spokane Reservation Engulfed In Smoke As Wildfire Rages On," ICTMN, August 26, 2016, https://indiancountrymedianetwork.com/news/native-news/spokane-reservation-engulfed-in-smoke-as-wildfire-rages-on/).

Kawaiisu and Paiute lands this week, destroying more than 250 homes and buildings and killing two people."

With Tornado season now much longer, on November 30, 2016, **tornadoes killed 5 people and damaged dozens of homes and businesses in Polk County, TN and Rosalioie, AL** ("Deadly Tornadoes Rip Through Alabama and Tennessee," *The New York Times*, November 30, 2016).

Richard Perez-Pena, "West Virginia Floods Cause 23 Deaths and Vast Wreckage," *The New York Times*, June 24, 2016, http://www.nytimes.com/2016/06/25/us/west-virginia-floods.html?ref=todayspaper, reported, "**Record flooding in West Virginia killed at least 23 people, stranded thousands, left thousands more without utilities, and washed away houses, roads and vehicles after a band of thunderstorms battered the region** on Thursday." Much of West Virginia received one to three inches of rain in a few hours June 23.

Very **heavy rains returned to Louisiana and southern Mississippi**, in mid-August, to bring wide spread flooding, with rain still falling, August 12. The Governor of Louisiana declared a state of emergency in several parishes, that was threatening to be extended to others as the rain continued ("Louisiana: Emergency order follows torrential rain, flooding," *San Francisco Chronicle*, August 13, 2016).

By August 15, with more rain coming, across much of Louisiana the floods had reached record levels, with 6 known dead, more than 20,000 people rescued, and many thousands more displaced. Some areas had received more than two feet of rain in 72 hours (Campbell Robertson, "Thousands Displaced in Storm-Drenched Louisiana," *The New York Times*, August 14, 2016, http://www.nytimes.com/2016/08/15/us/louisiana-storm-floods-rescue.html?ref=todayspaper).

Campbell Robertson and Alan Blinder, "As Louisiana Floodwaters Recede, the Scope of Disaster Comes Into View," *The New York Times*, August 16, 2016, http://www.nytimes.com/2016/08/17/us/louisiana-flooding.html?ref=todayspaper&_r=0, "As the receding floodwaters continued to expose the magnitude of the disaster the state has been enduring, Louisiana officials said Tuesday that at least 11 people had died, and that about 30,000 people had been rescued. Gov. John Bel Edwards acknowledged that the state did not know how many people were missing, but he said that nearly 8,100 people had slept in shelters on Monday night and that some 40,000 homes had been impacted to varying degrees."

The governor called this a "**thousand year flood,**" worst in Louisiana history, and scientists predict more of them as with global warming there is now 5% more water in the air than before industrialization began.

Henry Fountain, "Scientists See Push From Climate Change in Louisiana Flooding," *The New York Times*, September 7, 2016, http://www.nytimes.com/2016/09/08/science/global-warming-louisiana-flooding.html?ref=todayspaper&r=0, reported, "**Climate change has increased the likelihood of torrential downpours along the Gulf Coast like those that led to deadly floods in southern Louisiana last month, scientists said Wednesday.**

Using historical records of rainfall and computer models that simulate climate, the researchers, including several from the National Oceanic and Atmospheric Administration, found that global warming increased the chances of such intense rains in the region by at least 40 percent.

"But it's probably much closer to a doubling of the probability” of such an event, or a **100 percent increase**, said Heidi Cullen, chief scientist for Climate Central, the research organization that coordinated the study."

A heat wave across the Southwest in mid-June 2016, brought record 120 degree Fahrenheit temperature to Phoenix, AZ, June 19 (Acuweather.com, http://www.accuweather.com/en/us/phoenix-az/85004/weather-forecast/346935). The heatwave brought record high temperatures to several locations over a number of days and made more difficult fire fighting from California to New Mexico.

Feranda Santos, "Raging Wildfires in the Southwest Stretch Resources," June 22, 2016, http://www.nytimes.com/2016/06/23/us/raging-wildfires-in-the-southwest-stretch-resources.html?ref=todayspaper, reported, "Firefighters across Arizona and New Mexico battled 31 wildfires on Wednesday, their efforts complicated by a relentless heat wave and bone-dry conditions. And in the Angeles National Forest, on the northern edge of Los Angeles, two fires kept more than 300 families from their homes as the fires threatened to merge into one.

Other fires ignited in Colorado and Utah, threatening homes, closing roads and stoking the zero-sum competition for finite resources — firefighters and the airplanes and helicopters that dump chemicals and water."

"the Cedar Creek fire, burning on the Fort Apache Reservation in east-central Arizona, just outside the city of Show Low.

The Cedar Creek fire is burning at 6,300 feet, and temperatures were in the mid-90s on Wednesday — some five degrees above average, though nowhere near the 110 registered in Phoenix that day.

"Wildfires are judged not by size, but by complexity, and none were more complex in Arizona on Wednesday than the Cedar Creek fire, which had burned roughly 43,000 acres, an area about the size of Baton Rouge, La.

Another fire, named Juniper, in the Tonto National Forest, had consumed less than that — 31,000 square miles — but because the area it was burning was so remote, it had a smaller corps of firefighters assigned to it, according to official reports."

"At 4,900 acres, the San Gabriel Complex, as the merging Southern California fires have come to be known, was licking at backyards in the cities of Azusa and Duarte. Some 1,400 firefighters fought the flames Wednesday, taking advantage of the slightly cooler temperature to make headway."

As of July 15, the heat Southwest wave was continuing, and with very little rain. In Albuquerque, we usually have just a few days over 100 degrees each summer. So far this year, we have had a month of a great many 100 or more degree days. Some municipalities in New Mexico have had a number of record hot days for the date, and records for the number of days in a row over 100. Following an extremely dry winter and spring, the monsoons that normally begin late June or early August have yet to arrive, and Albuquerque has received less than 40% of the average rain fall for so far this year (local radio, TV and newspaper weather reports).

The heat wave that has been burning the Southwest, as of July 22, had spread across the U.S. with temperatures over 100 in Chicago, Detroit, Saint Louis, Cincinnati, and Washington, DC, and 95-100 in New York. Accuweather, http://www.accuweather.com, was predicting no relief through the end of July.

The heat wave was continuing to make fighting wild fires more difficult, with a sizable number in progress in late July. Christine Hauser, "Wildfires Sweep Through Nearly 50,000

One of the blazes, called the 'Sand Fire,' broke out on Friday in the Santa Clarita area and burned deeper into the mountains above Los Angeles over the weekend. It was about 10 percent contained, the United States Forest Service said Monday morning. The moving wall of flames had scorched more than 33,000 acres and had forced about 20,000 residents from their homes, the Los Angeles County Fire Department said.

A separate fire in the Big Sur area, on the central coast, had spread to nearly 15,000 acres by Monday morning, officials said." One person had been reported killed and one house destroyed by the Sand Fire.

Extreme weather crossing the U.S. in late July, brought unusual torrential rains to some places. Mike McPhatee, "Flood Rips Through Historic Maryland Town, Killing At Least 2," *The New York Times*, July 31, 2016, http://www.nytimes.com/2016/08/01/us/ellicott-city-flood-maryland.html?ref=todayspaper&_r=0, reported, "Ellicott City, Md., a historic town west of Baltimore, was devastated by flooding on Saturday night after more than six inches of rain fell in just two hours, sending a fast-moving current down its Main Street and leaving at least two people dead.

Officials and witnesses said the floodwaters rushed through the downtown area after torrential rain fell between 7 and 9 p.m. It ripped up sidewalks, gutted many of the town’s quaint shops and carried off vehicles, depositing some of them blocks away.

The body of a woman was recovered from the nearby Patapsco River early on Sunday, and the body of a man was also found, said Mark Miller, a spokesman for Howard County, where Ellicott City is the county seat.

'This was a different type of flooding than you would normally get when just the Patapsco rises — far more devastating,' Mr. Miller said. “It’s like the water was a piston. The water came through with such force.”

The Navajo Nation declared an emergency, in August, when heavy rain caused Salt Wash in the Mesa Farms area to flood, washing away houses, cars and livestock (Alysa Landry, "A series of crashes," *Navajo Times*, August 11, 2016).

Nadia Prupis, "As Southwest Burns, Climate Scientists Warn: You Ain't Seen Nothin' Yet" 'If we continue with business-as-usual burning of fossil fuels, by mid-century what we think of as extreme summer heat today will become a typical summer day," *Common Dreams*, June 22, 2016, http://www.commondreams.org/news/2016/06/22/southwest-burns-climate-scientists-warn-you-aunt-seen-nothin-yet, reported, "Wildfires in the Southwestern U.S. continued to rage on Wednesday, as the combination of extreme heat and erratic winds fueled the devastation and firefighters warned that blazes near Los Angeles were only about 10 percent contained.

As residents flee and emergency crews attempt to contain the infernos, climate scientists are warning that these deadly fires are climate change in action.

More than 20 fires are also burning in Arizona, Nevada, Utah, Washington state, Colorado, Montana, and New Mexico. Meanwhile, record-breaking heat reached 123°F in Palm Springs and 115°F in Phoenix. Death Valley recorded the country's hottest temperature on Monday at 126°F. At least six deaths have been attributed to the extreme heat.

Michael Mann, a professor of meteorology at Penn State University who was in Phoenix
for the Democratic National Platform committee meeting last weekend when the temperatures hit 106°F, told the panel that the extreme weather was 'an example of just the sort of extreme heat that is on the increase due to human-caused climate change.' The California cities of Azusa and parts of Duarte were evacuated as twin wildfires burned through the San Gabriel Valley, destroying more than seven square miles combined. Firefighters with the Angeles National Forest service told ABC News that the conditions were the hottest they'd ever encountered.

Mann warned on Tuesday that the worst is yet to come.

'The likelihood of record heat has already doubled in the U.S. due to human-caused warming, and that's just the tip of the proverbial iceberg,' he told the Huffington Post.

The high temperatures have stymied emergency workers' efforts to extinguish the fires, which began burning even before the heatwave hit.

Kevin Trenberth, a senior scientist at the National Center for Atmospheric Research, told the Huffington Post that there was no question the fires and scorching temperatures were the result of human-caused climate change.

The added heat from rising greenhouse gases equated to "running a small microwave oven over every square foot, at full power for 6 minutes, for every month of drought conditions" in the affected region, Trenberth said. 'So what used to be a regular heat wave now has extra oomph, and the danger is not just heat but also a wildfire risk.

Mann also warned that, absent immediate action to curb climate change, scorching heat in the region could become the new normal by 2050.

'If we continue with business-as-usual burning of fossil fuels, by mid-century what we think of as extreme summer heat today will become a typical summer day,' he said."

On August 4, though the heat was cooling off somewhat, 27 major fires continued burning in the western U.S. One in Southern California that had explosively spread in a few days, had burned a least 14 homes and killed one person ("Wildfires Bearing Down in Western States," The New York Times, August 4, 2016; and CNN TV news in San Jose, CA morning of, August 4, 2016).

On October 15-16, 2016, the State of New Mexico was in the midst of an unusual heat wave. In numerous places around the state, Albuquerque Channel 4 weather reported that temperatures equaled or exceeded the record highs for those days. In most cases the record that was broken was made in 2014 or 2015.

Cynthia H. Craft, "Like Tens of Millions of Matchsticks, California’s Dead Trees Stand Ready to Burn," The New York Times, August 29, 2016, http://www.nytimes.com/2016/08/30/science/california-dead-trees-forest-fires.html?ref=todayspaper, reported, "At the height of California’s fierce wildfire season, the Sierra Nevada and North Coast forests are choked with tens of millions of dead and dying trees, from gnarly oaks to elegant pines that are turning leafy chapels into tinderboxes of highly combustible debris.

Ground crews wielding chain saws, axes and wood chippers are braving the intense summer heat in the Sierra’s lower elevations, where most of the pine trees have died. The devastation and danger are greatest in the central and southern Sierra Nevada, where the estimated number of dead trees since 2010 is a staggering 66 million.

Scientists say rarely is one culprit to blame for the escalation in the state’s tree deaths, and the resulting fire hazard. Rather, destruction on such a broad scale is nearly always the result of a complex convergence of threats to forest ecosystems.

Chief among them is a severe, sustained drought in the Sierra Nevada that is stressing trees and disabling their natural defenses. Climate change is raising temperatures, making for warmer winters. No longer kept in check by winter’s freeze,
bark beetle populations are growing. Separately, a nonnative, potent plant pathogen is thriving in the moist areas of the North Coast, introduced to California soil by global trade. Opportunistic fungi are standing by, ready to finish the kill.

**Factor in human shortcomings** — poor or absent forest management, a failure to clear out ignitable dead wood, the darker temptation of arson, unchecked carelessness — and you have a lethal recipe." - But most of the several causes are directly related to global warming induced climate change.

Tornadoes striking twice in 10 days in August 2016, in Indiana, might be an indication of a new climate change weather pattern, although it is too soon to say if it is a one time event or a new pattern. As a hotter Earth puts more water in the air, more frequent tornadoes would be a likely result ("Are August tornadoes becoming more frequent?" USA Today Network. Shari Rudavsky, *The Indianapolis Star*, August 26, 2016, http://www.usatoday.com/story/news/nation-now/2016/08/26/august-tornadoes-frequency/89394800/).

Severe rain storms from tropical storm Earl, dumping as much as a month's rain in five hours, inundated the Mexican states of Puebla and Vera Cruz, August 8, 2016, causing flash floods and mudslides that killed hundreds of people, in the worst rain storm in half a century (Kirk Semple, "Sudden Storm Left Little Time to Flee Mudslides in Mexico," *The New York Times*, August 9, 2016).

Grassroots International, "Haiti and Climate Change," October 1, 2016, https://org2.salsalabs.com/o/5123/p/salsa/donation/common/public/?donate_page_KEY=14374, reported, "As you may know our partners in Haiti are feeling the harsh effects of climate change in a very real way every single day. When I went to Haiti last summer I saw with my own eyes a rice field so dry that the earth was literally cracking and pulling apart. As a result farmers were unable to make a living growing rice. And this was meant to be Haiti’s rainy season.

I also heard from our partners that natural water sources are drying up all over in the Northwest. Since the government doesn’t provide any water infrastructure, people now must walk 6 or 7 hours a day to access water."

As climate change has brought an increasing number of strong storms, though most often it is difficult to tell if any particular weather occurrence is the result of climate change, Haiti suffered tremendous damage, and likely loss of life, as Hurricane Matthew, with 145 MPH winds, became the worst natural event to strike the island nation since the 2010 earthquake. Initial reports indicated that at least 400 homes had been destroyed and several thousands of livestock had been killed. The threat of disease, particularly an expanded cholera epidemic, following the storm, was large. Hurricane Mathew was headed for the Atlantic coast of Florida and possibly north along the Atlantic coast to North Carolina, before heading out to sea. The rise in sea level makes such storms greater threats than previously (Azam Ahmed, "Hurricane Matthew Pummels Haiti and Moves Toward U.S.," *The New York Times*, October 4, 2016, http://www.nytimes.com/2016/10/05/world/americas/hurricane-matthew-caribbean.html?ref=todayspaper).

While it may never be known how many died in the near total devastation of some towns and rural areas of Haiti in Hurricane Mathew, by October 9, officially known and reported dead were well over 300 and could in fact be over 800 or even 1000.

Meanwhile, Hurricane Mathew passing offshore caused some damage in North Eastern Florida and on up through South Carolina, before swamping North Carolina for over 100 miles inland with massive amounts of rain. As of October 9, a number of rivers
were at record high levels and flooding and were expected to stay high, perhaps becoming even higher, for at least several days. Some people said this was the worst flooding ever experienced in North Carolina (Jess Bidgood, Alan Blinder and Jonathan M. Katz, October 9, 2016, "North Carolina, Saturated and Surprised, Reels from Hurricane Matthew," The New York Times, October 9, 2016, http://www.nytimes.com/2016/10/10/us/north-carolina-saturated-and-surprised-reels-from-hurricane-matthew.html?ref=todayspaper).

As a likely indicator of climate change, The English City of Carlisle has received three huge deluging storms since 2005 of a scale that previously occurred only every 200 years ("Storms in Succession The New York Times, September 13, 2016).

"Typhoon Haima Slams Into The Philippines," World Food Program, October 20, 2016, https://twitter.com/WFP_Philippines/status/78898345221783553, "Last night a Category 4 typhoon lashed the Philippines with 140 mile-per-hour winds, torrential rain and storm surges, according to the United Nations Office for the Coordination of Humanitarian Affairs. The storm left behind a broad path of debris, flooding, landslides and damage to homes and buildings.

One village official said it was the worst storm he’s ever experienced. 'I'm 60 years old, this is the strongest typhoon I have ever seen,' Willie Cabalteja told The Associated Press in the country’s Ilocos Sur province. 'We haven't slept. Trees were forced down, houses lost their roofs and fences and metal sheets were flying around all night.'

Yesterday's Super Typhoon Haima in the Philippines comes just weeks after Hurricane Matthew struck Haiti, leaving hundreds of thousands of people in need of emergency food assistance. Like Haiti, the Philippines is especially vulnerable to natural disasters. A changing climate means storms like these are becoming more frequent and intense. According to Reuters, Haima is the 12th typhoon to strike the island nation so far this year."


At least 21 people were killed and 77 injured in what officials described on Sunday as the worst flooding disaster in a half-century to hit Skopje, the Macedonian capital and a city of more than a half-million people in the central part of the Balkan Peninsula."


Heavy rains this past week in northern China caused extensive flooding, overwhelming levees and killing at least 72 people in one province, with many others missing, state media reported.

The death toll in Xingtai, an industrial city in Hebei Province, rose sharply on Saturday, days after a wall of water descended on one village in the middle of the night with little or no warning, according to the Beijing News. In addition to the 25 people in Xingtai who were confirmed dead, 13 were missing."


"Deadly Floods in India Force 1.2 Million People From Homes," The New York Times, July 26, 2016, http://www.nytimes.com/2016/07/27/world/asia/india-floods-assam.html?ref=todayspaper, reported, "Heavy rains and floods have killed at least seven people and forced about 1.2 million in India to leave their waterlogged homes in the northeastern state of Assam."

Lizette Alvarez and Francis Robles, "Intensified by Climate Change, ‘King Tides’ Change Ways of Life in Florida: King tides, which frequently flood South Florida even when the sun shines, are the most blatant example of the interplay between rising seas and the alignment of the moon, sun and Earth," The New York Times, November 17, 2016, http://www.nytimes.com/2016/11/18/us/intensified-by-climate-change-king-tides-change-ways-of-life-in-florida.html?ref=todayspaper&_r=0, reported on Fort Lauderdale, FL, "In an enclave of a city known as the Venice of America, where dream-big houses look out over a maze of picturesque canals, the comparison to the Venice of Italy no longer seems so appealing.

On Monday morning, shortly after November’s so-called supermoon dropped from view on Mola Avenue, it was easy to see why. The tide swelled on command. Seawater gurgled audibly up through manhole covers and seeped from the grass. Under a sunny sky, the water drowned docks and slid over low sea walls. By 8:15 a.m., peak tide, this street in the Las Olas Isles neighborhood was inundated, just like the Venice across the pond."

"In South Florida, which takes rising sea levels seriously enough to form a regional compact to deal with global warming, climate change is no abstract issue. By 2100, sea levels could swell high enough to submerge 12.5 percent of Florida’s homes. These so-called king tides, which happen frequently, are the most blatant example of the interplay between rising seas and the alignment of the moon, sun and Earth. Even without a drop of rain, some places flood routinely."

Suhasini Raj, "Lightning in India Kills More Than 70, Mostly Farmworkers," The New York Times, June 22, 2016, http://www.nytimes.com/2016/06/23/world/asia/india-lightning-deaths-bihar-monsoon.html?ref=todayspaper, reported, "Farmers in India have been fervently awaiting this year’s monsoon season after two consecutive years of inadequate rains. But they were ill prepared for the lightning.

In what may be a record, lightning strikes that punctuated the season’s inaugural heavy rains killed more than 70 people in India on Tuesday and Wednesday, disaster management officials said. Some reports in the Indian news media put the toll at nearly 100."

The combination of drought and deforestation (that reduces the ability of the land to hold water) in Malawi threatens the water supply for the capital, Lilongwe. In 2015, soldiers were posted in the national forest reserve 30 miles from the city to stop deforestation (Norimitsu Onshi, "Drought and Felled Trees Take a Toll at Makawe's Taps," The New York Times, August 21, 2016).
"Earthweek: Diary of a Changing World, August 26, 2016," *Albuquerque Journal*, August 29, 2016, reported that: as a result of global warming, the Arctic Ocean is likely to be free of ice in the summer by either 2017 or 2018. Storms earlier in 2016 brought down more than 100 trees in the forest in central Mexico where monarch butterflies spend the winter. Severe weather with heavy rain is reported to have killed 7% of the wintering butterflies. In the Antarctic, melting glaciers have put enough fresh water into the depths of the ocean so that it may be slowing down ocean water circulation there, which if it becomes sufficient, could change ocean currents, including those that bring warmer water to the edge of Antarctica. Tornadoes composed of millions of mosquitos have been observed in Russia, summer 2016. One such Mosquntado was seen in Portugal, in 2014.

Although the world's major banks have begun, slowly, to move away from financing deforestation, recent studies indicate that over the last few years they have continued to fund numerous very large projects that involve massive deforestation, including palm oil plantations. Some details are in Hiroko Tabuchi, "The Banks Putting Rain Forests in Peril," *The New York Times*, December 4, 2016.

Suzanne Daley, "Peru Scrambles to Drive Out Illegal Gold Mining and Save Precious Land: A force of Marines and rangers is outnumbered as it tries to protect the area anchored by the Tambopata reserve, one of the most biologically diverse places on earth," *The New York Times*, July 25, 2016, http://www.nytimes.com/2016/07/26/world/americas/peru-illegal-gold-mining-latin-america.html?ref=todayspaper, reported, "Trying to protect one of the most biologically diverse places on earth from an army of illegal miners that has carved a toxic path through the rain forest, the Peruvian government is setting up outposts and stepping up raids along the Malinowski River in the Tambopata Nature Reserve.

But some experts wonder whether it is far too little too late."


On top of that, we got PG&E to agree to replace Diablo Canyon with renewable energy, energy efficiency and storage. Plus, we won support for Diablo Canyon’s workers in the transition to a clean-energy economy."

Jonathan Soble, "Japan’s Nuclear Industry Finds a Lifeline in India After Foundering Elsewhere," *The New York Times*, November 11, 2016, http://www.nytimes.com/2016/11/12/business/international/japan-india-nuclear-deal.html?ref=todayspaper, reported, "Despite objections from antinuclear campaigners, Japan’s government cleared the way on Friday for companies that build nuclear power plants to sell their technology to India — one of the few nations planning big expansions in atomic energy — by signing a cooperation agreement with the South Asian country.

The deal is a lifeline for the Japanese nuclear power industry, which has been foundering since meltdowns at the Fukushima Daiichi power plant in northeastern Japan in 2011. Plans to build a dozen new reactors in Japan were canceled after that, a gut punch for some of the country’s biggest industrial conglomerates, including Toshiba and Hitachi."

Vivian Yee and Patrick McGeehan, "Indian Point Nuclear Power Plant to Close by
The Indian Point nuclear plant will shut down by April 2021 under an agreement New York State reached this week with Entergy, the utility company that owns the facility in Westchester County, according to a person with direct knowledge of the deal.

Adam DeRose, "EPA Announces Plans to Begin Next Phase of Navajo Uranium Mine Cleanup," ICTMN, September 12, 2016, https://indiancountrymediapower.com/news/native-news/epa-announces-plans-to-begin-next-phase-of-navajo-uranium-mine-cleanup/, reported, "Federal officials took the first step this week toward a planned $1 billion cleanup of abandoned uranium mines in and around the Navajo Nation, seeking bids to assess the problem and begin planning the project.

The Environmental Protection Agency expects to use about $85 million for the planning, part of a nearly $1 billion settlement with Kerr-McGee Corp., later Tronox Inc., which operated mines in Arizona and New Mexico."

Environmental Action, reported, July 12, 2016, "t wasn't that kind of bang: After an amazing week of action all over the country, we won a big victory in Baltimore (your author's home town), when Houston Big Oil pusher Targa Resources withdrew plans to ship volatile crude oil on so-called "Bomb Trains" through to the port.

It was a great way to wrap up the #StopOilTrains week of action that so many Environmental Action members have shown up or chipped in to support. Click here to see the report (including lots more photos and video from events) in our blog: http://environmental-action.org/blog/ban-the-bomb-trains-week-of-action-ends-with-a-bang/.

Our goal for the week was to raise awareness about the bomb trains -- shipments of crude oil and other fossil fuels by rail through United States and Canada. While some events were overshadowed by the bloody violence in Texas, Louisiana and Minnesota -- many more went forward as planned and delivered real results.

Our hashtag dominated Twitter on July 6, the anniversary of an oil train derailment and explosion in Lac-Mégantic, Quebec, that killed 47 people. The Pacific Northwest has dominated headlines since a derailment in Oregon ignited a blaze that one of the first responders told Oregon Public Broadcasting "looked like the apocalypse."

But Bomb Trains run all across the United States, including through Houston, Chicago’s South Side and Philadelphia, where people of color are the majority. That’s why, our movement came together for the 3rd annual #StopOilTrains week of action — hosting dozens of events from coast to coast that showed the risk, called attention to the issues and demanded action."

Lauren McCauley, "NASA Study Nails Fracking as Source of Massive Methane 'Hot Spot': The 2,500-square mile plume is said to be the largest concentration of the potent greenhouse gas in the country," Common Dreams, August 16, 2016, http://www.commondreams.org/news/2016/08/16/nasa-study-nails-fracking-source-massive-methane-hot-spot reported, "A NASA study released on Monday confirms that a methane "hot spot" in the Four Corners region of the American southwest is directly related to leaks from natural gas extraction, processing, and distribution.

The 2,500-square mile plume, first detected in 2003 and confirmed by NASA satellite data in October 2014, is said to be the largest concentration of atmospheric methane in the U.S. and is more than triple a standard ground-based estimate. Methane, the primary component of natural gas, is a highly-efficient greenhouse gas—84 times more powerful than carbon dioxide, and a significant contributor to global warming.
The study, published in the *Proceedings of the National Academy of Sciences* and funded primarily by NASA and the National Oceanic and Atmospheric Administration (NOAA), surveyed industry sources including gas processing facilities, storage tanks, pipeline leaks, and well pads, as well as a coal mine venting shaft.

It found that leaks from only 10 percent of the individual methane sources are contributing to half of the emissions, confirming the scientists' suspicions that the mysterious hotspot was connected to the high level of fracking in the region.

There are more than 20,000 oil and gas wells operating in the San Juan Basin, where Arizona, Colorado, New Mexico, and Utah meet. The U.S. Energy Information Administration estimates that overall annual gas production in the basin is as much as 1.3 trillion cubic feet, mostly from coal bed methane and shale formations.

'NASA's finding that the oil and gas industry is primarily responsible for the 'hot spot' is not surprising,' stated the Western Environmental Law Center, a nonprofit public interest law firm. 'In fact, the researchers found only one large source of methane not related to oil and gas operations: venting from the San Juan coal mine. This discovery renders attempts to point the finger at other potential emissions sources, like coal outcrops and landfills, definitively refuted.'

The study further underscores how problematic current estimates of methane emissions from oil and gas operations are.

'To estimate methane emissions from oil and gas facilities, the Environmental Protection Agency (EPA) uses a process-based approach that assumes a normal distribution of emissions for each process used in extraction, processing, and distribution, the authors wrote. In reality, the flux distribution can be heavily skewed, resulting in a heavy-tailed distribution.

The Western Environmental Law Center expressed concern over the unknown sources of the remaining 50 percent of emissions and took issue with the study's conclusion that mitigation will only require 'identifying and fixing a few emitters.'

'The other 50 percent of methane emissions in the region cannot be ignored, and mitigating field-wide emissions will require the oil and gas industry to cut emissions from all sources, large and small, if we are to eliminate New Mexico's 'hot spot,'" the group states.

Citing a recent report by energy consultants with ICF International, Ramon Alvarez, a senior scientist with the Environmental Defense Fund, notes that industry operations in the region have "the worst record in the nation" for methane leaks. 'Venting, flaring, and leaks from oil and gas sites on federal and tribal land in New Mexico, alone, effectively threw away $100 million worth of gas in 2013,' Alvarez wrote.

Both the NASA study and Alvarez point to new methane standards under development by the Obama administration as being key to reducing these emissions. But environmentalists contend that while these rules are 'a welcome safeguard,' as 350.org executive director May Boeve recently put it, 'The only way to protect our communities from the risks of fracking, and stave off the worst impacts of climate change, is to keep fossil fuels in the ground.'

Jie Jenny Zou, Center for Public Integrity, "Hot Mess: States Struggle to Deal with Radioactive Fracking Waste: Potentially dangerous drilling byproducts are being dumped in landfills throughout the Marcellus Shale with few controls," Common Dreams, June 20, 2016, http://www.commondreams.org/news/2016/06/20/hot-mess-states-struggle-deal-radioactive-fracking-waste," reported,

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The Marcellus Shale has transformed the Appalachian Basin into an energy juggernaut. Even amid a recent drilling slowdown, regional daily production averages enough natural gas to
power more than 200,000 U.S. homes for a year.

But the rise of hydraulic fracturing over the past decade has created another boom: tons of radioactive materials experts call an 'orphan' waste stream. No federal agency fully regulates oil and gas drilling byproducts — which include brine, sludge, rock and soiled equipment — leaving tracking and handling to states that may be reluctant to alienate energy interests.

'Nobody can say how much of any type of waste is being produced, what it is, and where it’s ending up,' said Nadia Steinzor of the environmental group Earthworks, who co-wrote a report on shale waste. (Earthworks has received funding from The Heinz Endowments, as has the Center for Public Integrity).

The group is among several suing the U.S. Environmental Protection Agency to regulate drilling waste under a federal system that tracks hazardous materials from creation to final disposal, or 'cradle to grave.' The EPA declined to comment on the lawsuit but is scheduled to file a response in court by early July.

Geologists have long known soil and rock contain naturally occurring radioactive materials that can become concentrated through activities like fracking, in which sand and chemicals are pumped thousands of feet underground to release oil and gas from tight rock. But concerns about fracking largely have focused on injection wells and seismic activity, with less attention paid to 'hot' waste that arrives at landfills and sets off radiation alarms.

An analysis by the Center for Public Integrity shows that states are struggling to keep pace with this waste stream, relying largely on industry to self-report and self-regulate. States have also been slow to assess and curb risks from exposure to the waste, which can remain radioactive for millennia. Excessive radiation exposure can increase cancer risks; radon gas, for example, has been tied to lung cancer.

The four states in the Marcellus are taking different approaches to the problem; none has it under control. Pennsylvania has increasingly restricted disposal of drilling waste, while West Virginia allows some landfills to take unlimited amounts. Ohio has yet to formalize waste rules, despite starting the process in 2013. New York, which banned fracking, accepts drilling waste with little oversight.

Inconsistencies have raised concerns among regulators and activists that waste is being 'shopped around' by companies seeking the path of least resistance, or unsafely reused. In March, Kentucky’s attorney general opened an investigation into two landfills he alleged illegally accepted radioactive drilling waste from West Virginia. A separate investigation is ongoing at the Kentucky Cabinet for Health and Family Services, where officials exchanged emails about whether landfill workers and schoolchildren might have been exposed to dangerous levels of radiation.

Bill Kennedy, a radiation expert at the consulting firm Dade Moeller, called radioactive drilling waste 'virtually unregulated' and said consistent standards are needed to 'protect workers, protect the general public, protect the environment.'

Kennedy co-chairs a committee working with regulators and industry to develop guidelines and recommendations for states. 'You can’t rely on industry to go it alone and self-regulate,' he said.

While radiation emitted from fracking waste may pale in comparison to that from nuclear power plant waste, Steinzor said regulators don’t know the cumulative impacts of landfilling the loads over time. 'There’s been such a push to expand the industry and to drill as much as possible,' she said. 'No one has had the desire or political will to slow the industry down long enough to figure out what the risks truly are.'

Race to the bottom

Trucks rolling into West Virginia landfills grind to a near halt as they pass fixed poles — monitors — that detect radiation above a set threshold. If the monitors go off, drivers reverse and
pass through them again. After a second alarm, landfill staff members check drivers and trucks with hand-held detectors.

An emergency state law required landfills to install the monitors in 2015 and submit reports detailing any alarms to West Virginia’s Department of Environmental Protection and Department of Health and Human Resources within 24 hours.

**More than 70 alarms have been reported since**, but what happened to the waste after they were set off is unclear. The reports routinely lack basic information, such as whether the waste was accepted or rejected, where it came from and how much of it there was. One report, for example, shows the landfill in Wetzel County, West Virginia, took in 14 tons of industrial bag filters from an unknown source in April 2015. The filters weren’t labeled as drilling waste but contained radium 226, an isotope associated with fracking.

Landfills must reject waste that exceeds state radium limits, yet the amount of radium in the filters was left blank on that form and every other alarm report generated in 2015. Radium 226 remains radioactive for thousands of years, breaking down into gases such as radon.

After the Center contacted the West Virginia Department of Environmental Protection about inconsistent or missing information in the reports, officials reviewed the records and acknowledged "discrepancies." They said they plan to work with state health officials to overhaul the reporting process, including revising the single-page form so it captures more useful information. Such efforts seem warranted: The health department, as a matter of practice, said it has been throwing away the reports it receives. A spokesman declined to comment further.

Scott Mandirola, waste director at the Department of Environmental Protection, said West Virginia regulators are doing their best to keep up with the fracking industry by collaborating with their counterparts in Ohio and Pennsylvania. "Everybody's dealing with it differently," he said, pointing out widely held concerns that one state will become the preferred dumping ground. "It was obvious there was waste being shopped around."

Bill Hughes, who sits on the Wetzel County Solid Waste Authority, doubts the state will enact or enforce rules that burden industry. West Virginia is not going to do anything that Pennsylvania and Ohio are not required to do, he said.

Last year, the Department of Environmental Protection conducted its first environmental analysis of potential impacts from landfilling drill cuttings. The report, which was mandated by the state Legislature, looked at the threat of groundwater pollution from the leaching of radioactive materials through soil and found 'little concern.'

Hughes said it was the first time state legislators had openly acknowledged that drilling waste was more than just dirt and rock and could pose a radiation hazard. The report noted that before the waste was hauled to landfills, oil and gas companies simply buried it in pits on well-pad sites.

**Twisting in the wind**

On windy days, grit gathers on Toni Bazala’s home in South Huntingdon Township, 40 miles south of Pittsburgh, staining her white shutters black. A chain-link fence separates her property from the Yukon landfill 200 feet away.

"We look like we’re in a desert," said Bazala, 74. The black dust from the landfill, she said, is like "an acid that goes down your throat."

Max Environmental Technologies, Inc., which runs Yukon and another nearby site, has footed the bills for annual cleanings of her house’s exterior and paid for a new air conditioner, she said.

The company recently surprised Bazala and her husband with a legal waiver restricting them from speaking publicly about the cleanings in court, or to state and federal regulators. "What it amounted to was, ‘If you don’t sign this paper, you don’t get your house pressure-washed.’"

The retired couple refused to sign and has no plans to leave. "I wouldn’t even dream of selling my house," Bazala said. "We don’t have much, but what we have is ours."
Former township supervisor Mel Cornell said relocation isn’t an option many can afford. He spent years inspecting Yukon, often raising concerns about radiation measured on site, but quit and retired early to Florida last year. ‘They can’t clean people’s bodies when they breathe that in,’ Cornell said of the dust. On at least one occasion, he said, he vomited while inspecting the landfill because the stench was so overpowering.

The township has repeatedly sued Max Environmental for producing a strong odor Cornell called 'burnt cement,' which began in 2013 when Yukon started accepting drilling waste. The company has tried masking the odor with a bubblegum-scented deodorizer and paid a $10,000 fine to the township in monthly $25 installments.

Township residents say penalties have failed to spur lasting improvements or quash Yukon’s expansion plans. Yukon has been inspected more than 200 times for solid waste issues since March 2013, racking up more than $200,000 in fines. The company admitted to odor and other violations in an August consent decree with the Pennsylvania Department of Environmental Protection.

Max Environmental’s Carl Spadaro, who previously worked for the department, declined to be interviewed but wrote in an email to the Center that the company has “shown time and time again that we strive to operate in compliance.” Homes have been pressure-cleaned 'for many years to remove pollen, mildew and staining,' he wrote. When asked about the waiver Bazala refused to sign, Spadaro added, 'We suggested to a neighbor that to continue this service, an acknowledgement of the reason for the service would be appropriate.'

Pennsylvania regulators have increasingly restricted disposal of radioactive waste, instituting monthly intake limits on landfills. But the rules keep changing. Sludge, which is left over from drilling waste processed by treatment plants, is considered highly concentrated and radioactive. But the state has gone back and forth on exactly how much of it landfills can take from one year to the next.

In a panel discussion last year, Spadaro called Pennsylvania’s protocols 'rather stringent, saying they force landfills like Yukon to scale back the waste it takes. Landfills in the state maxed out monthly radioactive waste caps at least 87 times last year, often forcing haulers to try elsewhere.

But some haulers can be persistent. In January, a driver was caught trying to dispose of the same load from a northeastern Pennsylvania well pad three times at the same landfill in one day.

Gregg Macey, a professor at Brooklyn Law School, reviewed hundreds of Department of Environmental Protection emails and other documents obtained in an open-records request by Earthjustice, an environmental law group. His report highlighted the agency’s growing confusion over increasing numbers of radiation alarms at landfills and mislabeled waste.

Emails from 2010 to 2013 show regulators reviewed records and found waste taken by landfills that should have gone to out-of-state facilities equipped to handle low-level radioactive debris. Officials also expressed concern that landfill operators didn’t fully grasp how to handle the new waste stream.

‘We need a statewide guidance on the handling, sampling and protocol and we need it yesterday not a year from now,’ a state employee wrote in the fall of 2012, signing his email, 'frustrated in the field.' In 2013, an employee commenting on a backlog of waste awaiting state review, wrote, ‘We need to find a solution for this and it sure isn’t allowing the boxes to pile up.’

None of these concerns was mentioned in a highly anticipated report by the Department of Environmental Protection last year that found 'little potential for harm to workers or the public from radiation exposure due to oil and gas development.' The study was quickly championed by energy interests.

Some, however, have questioned the study’s methodology and the impartiality of its author, Perma-Fix Environmental Services, a nuclear waste contractor. The state works closely with Perma-Fix to assess landfill radiation risks 1,000 years in the future.
'We have evolved since 2013,' said state waste and radiation director Ken Reisinger, insisting there is 'plenty of space' in Pennsylvania for drilling waste. 'We have continued to refine our science and we continued to question ourselves on the protocols.'

Steinzor, with Earthworks, said that without a federal tracking system, states have no reliable way of ensuring waste isn't being illegally dumped. Pennsylvania regulators were able to pinpoint final burial locations for a third of nearly 300 loads rejected in 2015, but two-thirds remain unaccounted for.

Critic under fire
Bill Hughes has sat on the Wetzel County Solid Waste Authority in West Virginia for 15 years — five as chairman — but he has a feeling this year will be his last.

A staunch fracking critic, Hughes has spoken out against the dumping of radioactive drilling waste alongside household trash in municipal landfills.

Located at the base of West Virginia’s Northern Panhandle, Wetzel County has become a prime destination for out-of-state drilling waste. Hughes, 71, concedes that he’s “made a lot of noise” about the dumping of such waste in the county’s 238-acre landfill; since 2012 it’s outpaced the intake of all other garbage combined.

In February Hughes, a retired electrician who belongs to the Heinz-funded FracTracker Alliance, was sued by the landfill’s operator, Lackawanna Transport Company. Lackawanna is seeking damages that “could be in excess of $1 million,” claiming Hughes illegally invoked his chairmanship of the waste authority to temporarily block the company from building a separate, lined surface pit for drilling waste in 2013.

Nearly 100 public commenters raised concerns about the pit — known as a cell — which would allow Wetzel to accept an unlimited amount of drilling waste. West Virginia does not count such waste as part of Wetzel’s monthly cap of 9,999 tons, which is meant to conserve space and limit the life of the landfill. Wetzel has already taken 650,000 tons of drilling waste since 2013.

Further south, in Harrison County, Meadowfill Landfill sought approval for a similar cell in 2013 and won easy approval. That landfill has gone on to become the state’s top disposer of drilling waste, taking in nearly 900,000 tons since 2013, including loads deemed too radioactive for Pennsylvania.

News of the million-dollar lawsuit against Hughes rattled the Wetzel authority’s volunteer members, who had bickered with him about mounting legal costs associated with fighting the proposed cell. In March, they told the authority’s lawyers to withdraw official opposition to it, and a state commission approved it a short time later.

Authority members are unpaid, but the authority itself and its popular county recycling program are funded largely by landfill fees, creating potential conflicts of interest, Hughes said. His term on the authority expires in July.

‘Wild West’ in Ohio
Rachelle Quigg and her son had a rude awakening one summer night in 2014 when a neighbor’s property in Hammondsville, Ohio, was invaded by large yellow tanks and humming trucks.

'It was like the most bizarre thing ever,' Quigg said, describing trucks noisily pulling in and out at all hours of the night. She said the Ohio Department of Natural Resources sent an inspector in February 2015 only after she and others complained to a television news crew. 'It seemed like they had too much to deal with; they couldn't bother.'

A month later, officials ordered the company responsible, Anchor Drilling Fluids USA Inc., to shut down and clean up the property, which it did in July 2015. The company was not penalized outside of being ordered to close the site.

In lieu of issuing permits, the state has allowed more than 40 facilities to handle and treat drilling waste under a temporary authorization process since 2014. Some applications were approved the same day they were submitted — unlike permits, which require public
Department of Natural Resources spokesman Eric Heis said companies consult with state engineers prior to filing applications, which shortens review times. Temporary authorizations are granted without public comment.

**Under Gov. John Kasich, the department has drawn criticism for being deferential to industry.** A 2012 memo detailed joint plans by the department and Kasich’s office to rally support for fracking by undercutsing “environmental-activist opponents, who are skilled propagandists.” The memo singled out opponents, including the Sierra Club and Democratic legislators, and potential allies such as Halliburton and other energy and business interests. The plans were never carried out.

Melanie Houston of the Ohio Environmental Council said rulemaking efforts have moved at a snail’s pace, creating a “Wild West” milieu. Proposed guidelines would require landfill operators to install radiation monitors and report alarms to health officials and the Ohio Environmental Protection Agency, which shares authority with the Department of Natural Resources.

The Ohio EPA began the rulemaking process in 2013, but has yet to approve any rules. Statewide, six landfills reported accepting 583,000 tons of drilling waste in 2013. In 2014, eight landfills reported taking in nearly double that amount.

Emails obtained by the Center through an open-records request show state officials struggled to coordinate response to an alarm last July triggered by drilling “filter socks” in East Sparta that were emitting roughly 200 times the state’s radiation limit. The socks, which separate liquid and solid drilling waste, were picked up unknowingly by a residential garbage truck. The waste was shipped to a Utah nuclear waste site in October, since it was too radioactive for a much closer facility in Michigan.

**Dumping in New York**

**Like Ohio, New York is mulling new rules.** In February, Gov. Andrew Cuomo announced proposed regulations requiring landfills to install radiation monitors and lower the radioactivity of disposed waste. The state’s Department of Environmental Conservation is accepting public comments through the summer.

The proposals come a year after an Environmental Advocates of New York report claimed thousands of tons of fracking waste were being landfilled upstate. 'There were a lot of residents pretty outraged,' said report author Elizabeth Moran.

When the state’s fracking ban took effect in 2014, Cuomo cited health officials who called potential risks, such as water contamination from radioactive waste, 'too great' to bear.

But data show **seven New York landfills have accepted at least 460,000 tons of solid fracking waste since 2010**, according to Moran. The numbers, based on self-reported estimates from oil and gas companies operating in Pennsylvania, are incomplete.

They don’t reflect, for example, **Pennsylvania fracking waste that was processed by a New Jersey landfill and later sent to Staten Island in New York City.** Records obtained by Delaware Riverkeeper in 2014 showed the treated drilling waste was used in 2011 to cover the Brookfield Avenue Landfill, an illegal dumping ground that was shuttered in the 1980s and is undergoing a $240 million cleanup.

Lacking confidence in the state, several New York counties have banned fracking waste disposal, while a bill outlawing the dumping, use or sale of all fracking byproducts is being considered by the New York City Council.

Moran suspects many New Yorkers don’t know that radioactive waste is being scattered in the state.

'We banned fracking,’ she said, ‘so people don’t think we’re part of this dirty process.’”

A series of earthquakes in Alberta from 2011-16 have been found to have been **caused directly by fracking**, as a result of pressure increases, first from injecting fracking...
fluids, and then from their remaining in the ground (Henry Fountain, In Alberta, a Link Between Fracking and Earthquakes," *The New York Times*, November 18, 2016).

The Sierra Club reported and commented, December 4, 2016, https://sierra.secure.force.com/actions/National?actionId=AR0061792&id=70I3000001DkgAAC&data=af74bb7938539fa1a4343fadf9e1765827001e2baab7cb6dd9869dbd09dbe90d5032833c10adaedda207f87878818561&utm_medium=email&utm_source=sierraclub&utm_campaign=beyondoil&utm_content=DAPL, "The Obama administration just announced that it will not grant the final easement for the Dakota Access Pipeline! Instead, the Army Corps of Engineers will conduct an environmental review and explore alternate routes for the project, away from the Missouri River crossing which would impact Tribal land and cultural resources.

Take action: Thank the Obama administration for listening to the Water Protectors' call for an environmental review of the Dakota Access Pipeline.

Under this announcement, Energy Transfer Partners must stop construction of the pipeline on the Standing Rock Sioux's ancestral homelands until an environmental review has been conducted that includes public input.

The fight to reject the Dakota Access Pipeline isn't over and we aren't going to back down until this pipeline is rejected once and for all, but the administration's announcement today ensures Energy Transfer Partners can't continue its assault on the Standing Rock Sioux's ancestral homelands. This couldn't have happened without the Standing Rock Sioux and the Water Protectors standing up for what's right and solidarity from millions of Americans. Sierra Club supporters like you made an unprecedented 20,000 calls and sent 115,000 letters to the White House last month alone on this issue."

"Over the past few months, thousands of people and hundreds of Tribes from around the world have traveled to North Dakota to peacefully support the Standing Rock Sioux and oppose this dangerous pipeline. Their prayers and songs were increasingly met by a militarized police force using dogs, water cannons, rubber bullets, pepper spray, concussion grenades, and other tactics designed to intimidate, antagonize and invoke fear. This weekend more than 2,000 veterans traveled to the camps to show their support for Standing Rock and serve as self-proclaimed 'human shields.'

"History has taught us that it's never a question whether a pipeline will spill, rather a question of when, and a comprehensive environmental review will show that this dirty and dangerous project will threaten the safety of every community it cuts through. The 1,168-mile Dakota Access Pipeline, if completed, would carry 450,000 barrels of fracked oil every day through four states. It would cut through communities, farms, sensitive natural areas, wildlife habitat, and tribal lands like the Standing Rock Sioux Tribe's ancestral lands. It would also cross under the Missouri River just upstream of the Tribe's drinking water supply, where a spill would mean a serious threat to the Tribe's health, culture, and way of life."

International Indian Treaty Council, "United Nations expert Grand Chief Edward John will visit Standing Rock to gather information on Human Rights Violations Resulting from Pipeline Construction," October 28, 2016, http://hosted.verticalresponse.com/1383891/01805cf6b0/545546365/aa063f1824/, reported, "On Saturday October 29th, 2016 Grand Chief Edward John, member of the United Nations Permanent Forum on Indigenous Issues (UNPFII) will arrive in North Dakota, USA at the invitation of the Standing Rock Sioux Tribal Chairman Dave Archambault. As a United Nations (UN) expert, he will be visiting in his official capacity to observe the continued impacts of the Dakota Access Pipeline (DAPL) construction such as threats to water, Treaty rights and sacred areas. He will also collect information and testimonies on the escalating levels of repression, violence and intimidation against Tribal members and their
supporters by state law enforcement, private security and the National Guard which have been widely reported on social and other media. Roberto Borrero representing the International Indian Treaty Council (IITC) will accompany him as a human rights observer. IITC Board member William Means of the Oglala Lakota Nation is already on site.

The pipeline would carry nearly half a billion barrels of crude oil a day, and would cross the Missouri River threatening the Tribe’s main water source and sacred places along its path including burials sites. IITC and the SRST submitted two joint urgent actions to the UN Human Rights system, including four UN Special Rapporteurs, in August and September of this year. The submission highlighted a number of human rights violations and requested that these UN human rights mandate holders call upon the United States to uphold its commitments under the UN Declaration on the Rights of Indigenous Peoples and the 1868 Ft. Laramie Treaty.

Grand Chief Edward John has been an Indigenous expert member of the UNPFII from North America for the past 6 years. He is a hereditary Chief of the Tl’az’t’en Nation from British Columbia Canada. Roberto Mukaro Borrero is a member of the IITC Board of Directors representing the United Confederation of Taino People, based in the Caribbean and serves as IITC’s UN Programs and Communications Coordinator.

Grand Chief John expressed his reasons for carrying out this visit as a UN expert focusing on the Rights of Indigenous Peoples:

The United Nations Permanent Forum on Indigenous Issues has been following this situation and issued a statement of concern on August 31st, 2016. Indigenous Peoples human and Treaty right to water, protection of sacred sites, and right to free prior and informed consent before development is carried out affecting their territories, and the protection of Indigenous human and environmental rights defenders are all areas that the Permanent Forum has prioritized. These are all matters of concern in the current developments occurring in North Dakota United States as a result of the ongoing Dakota Access Pipeline. As a member of the Permanent Forum, I will be traveling to North Dakota tomorrow at the invitation of the Standing Rock Sioux Chairman Dave Archambault to further observe and investigate the situation there, including the increase in law enforcement and military in the areas along with over a hundred arrests and other forms of violence that have been reported. I will report my findings back to the Permanent Forum and I hope to be able play a role in making recommendations to all parties that respect the rights the affirmed in UN Declaration on the Rights of Indigenous Peoples which the United States now supports.'

The Sioux Tribe (SRST) has also extended an invitation to Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of indigenous Peoples, which is currently in process.

A primary concern expressed by the SRST is the potential devastating effects on the Missouri River, its primary water source. In his letter inviting Grand Chief Edward John dated today, October 28th, 2016 Chairman Archambault expressed the urgency of the situation facing the Tribe: 'Currently, we are experiencing violence and intimidation from state law enforcement, private security as well as the North Dakota National Guard which are moving to forcibly remove us from our encampment located on unceded Treaty lands. Over 120 arrests have been made in the last two days, and tear gas, mace, compression grenades and other forms of violence have been used against tribal members and our supporters representing over 300 US Native Nations who are peacefully protecting our human, environmental, and cultural and Treaty rights. Our Tribe can no longer sacrifice our sacred water, our graves and our Mother Earth, and our future generations for the financial gain of private industry which has shown no regard for our rights or concerns.'

For more information contact: Andrea Carmen, andrea@treatycouncil.com, (520)273-6003 or Roberto Borrero, IITC Communications Coordinator, communications@treatycouncil.org, (917) 334-5658.

(See also reports on Standing Rock and the Dakota Access Pipeline in Environmental Activities, above).
As of the end of October, Sue Skalcky ad Monica Davey, "Tension Between Police and Standing Rock Protesters Reaches Boiling Point," The New York Times, October, 28, 2016, http://www.nytimes.com/2016/10/29/us/dakota-access-pipeline-protest.html?ref=todayspaper, reported, "For months, tensions had mounted between protesters and law enforcement officials over the fate of an oil pipeline not far from the Standing Rock Sioux Reservation. Late this week, the strained relations boiled over as officers tried to force the protesters out of an area where they had been camping.

Scores of officers dressed in riot gear walked in a wide line, sweeping protesters out of the area as face-to-face yelling matches broke out. Several vehicles, including at least one truck, were set ablaze. A standoff unfolded beside a bridge known as the Backwater Bridge, where protesters set fire to wooden boards and signs and held off the line of officers over many hours.

By Friday evening, officers said they had arrested at least 142 protesters on charges including engaging in a riot and conspiracy to endanger by fire and explosion. Protesters gathered near the bridge were refusing to leave, the authorities said.

Each side complained vehemently about violent tactics by the other. Officers said that protesters had attacked them with firebombs, logs, feces and debris. They acknowledged using pepper spray and beanbag rounds against the protesters, as well as a high-pitched sound device meant to disperse crowds."

"The confrontation has been brewing for months as Energy Transfer Partners tries to finish construction of the Dakota Access pipeline, which is to carry oil 1,170 miles from North Dakota to Illinois. Company officials contend that the pipeline will be a safer way to transfer oil. But Native Americans and environmental activists, many of whom have gathered here, say the $3.7 billion pipeline threatens the region’s water supply and would harm sacred cultural lands and tribal burial grounds.

Even as crews here were continuing construction of the pipeline along private lands, all sides were awaiting a review by the Army Corps of Engineers on a crucial stretch of the proposed path, through Army Corps land and under the Missouri River."

"Protesters were not being asked to evacuate a second, larger camp that they have set up on federal land, a few miles away. The authorities said those who were swept off the private land would be permitted to stay in the second camp.

But tribal leaders said the land in question was tribal land, and called on federal authorities to step in and oversee the actions of local law enforcement — particularly given Thursday’s sweep, which brought the total number of protesters arrested since August to 411."

The "private land" in question is within the boundaries of lands that two treaties between the Standing Rock Sioux Tribe and the U.S. government sets out as Standing Sioux land. But the government has not adhered to those treaties concerning the reservation boundary.

"UN Denounces Abuse of Free Assembly Rights for Water Protectors Standing Against DAPL," ICMN, November 17, 2016, https://indiancountrymedianetwork.com/news/native-news/un-denounces-abuse-of-free-assembly-rights-for-water-protectors-standing-against-dapl/, reported, "The militarized response to water protectors’ efforts to stop construction of the Dakota Access Pipeline through sacred burial grounds and underneath a key water source constitutes 'excessive force' that is directly at odds with the right to assemble peacefully, a key United Nations expert has ruled.

The use of 'rubber bullets, teargas, mace, compression grenades and bean-bag rounds while expressing concerns over environmental impact and trying to protect burial grounds and other sacred sites of the Standing Rock Sioux Tribe' should in itself stop the pipeline’s construction, said the Office of the UN High Commissioner for Human Rights in a statement on November 15."
Maina Kiai, the UN Special Rapporteur on the rights to freedom of peaceful assembly and association, said that depriving arrestees of basic necessities during their lockup infringes on their human rights. So does lumping those who were taking peaceful action in with those whose actions veered toward the more aggressive, he said.

'Marking people with numbers and detaining them in overcrowded cages, on the bare concrete floor, without being provided with medical care, amounts to inhuman and degrading treatment,' said Kiai in the UN statement. 'The right to freedom of peaceful assembly is an individual right, and it cannot be taken away indiscriminately or en masse due to the violent actions of a few.'

Kiai added his voice to two others from the UN, as well as echoed demands from the U.S. government that Energy Transfer Partners stop work around Lake Oahe.

'I call on the Pipeline Company to pause all construction activity within 20 miles east and west of Lake Oahe,' declared the Special Rapporteur.

Embridge Energy terminated its plan to build the Sandpiper crude oil Pipeline in Northern Minnesota, in September 2016 ("Embridge Energy drops plans for Sandpiper crude oil Pipeline through Northern Minnesota," NFIC, September 2016).

Deirdre Fulton, 'Fatigue, Migraines Linked to Fracking as Case Builds for National Ban: 'It is abundantly clear that fracking is harming people, and the only solution is to stop fracking'," Common Dreams, " Thursday, August 25, 2016, http://www.commondreams.org/news/2016/08/25/fatigue-migraines-linked-fracking-case-builds-national-ban, reported. "13 Comments

New research published Thursday links severe fatigue and migraine headaches to hydraulic fracturing, or fracking, leading to renewed calls for a ban on the controversial oil and gas extraction method.

Researchers from the Johns Hopkins Bloomberg School of Public Health reported their findings online in the journal Environmental Health Perspectives, saying their research adds to "a growing body of evidence linking the fracking industry to health problems."

The study was based on a survey of 7,785 adult primary care patients of the Geisinger Health System, a healthcare provider that covers 40 counties in north and central Pennsylvania. With the Marcellus Shale running below most of Pennsylvania, the northeastern and southwestern parts of the state have become ground zero for drilling.

According to a press statement from Johns Hopkins, the researchers found that 1,765 respondents (23 percent) suffered from migraines; 1,930 people (25 percent) experienced severe fatigue; and 1,850 (24 percent) had current symptoms of chronic rhinosinusitis, defined as three or more months of nasal and sinus symptoms.

The researchers then used publicly available well data to estimate participants' exposure to the fracking industry—accounting for both the size and number of wells, as well as the distance between wells and people's homes. 'While no single health condition was associated with proximity to active wells, those who met criteria for two or more of the health conditions were nearly twice as likely to live closer to more or larger wells,' they reported.

'These three health conditions can have debilitating impacts on people's lives,' said study author Aaron W. Tustin, a resident physician in the Department of Environmental Health Sciences at the Bloomberg School. 'In addition, they cost the health care system a lot of money. Our data suggest these symptoms are associated with proximity to the fracking industry.'

And while the study proves correlation, not causation, senior author Brian S. Schwartz, a physician and environmental epidemiologist at the Bloomberg School of Public Health, told the New York Times, 'there have now been seven or eight studies with different designs and in
different populations, and while none is perfect, there is now a growing body of evidence that this industry is associated with impacts on health that are biologically plausible. Do we know the exact mechanism? No. That requires further study.'

In fact, noted Food & Water Watch executive director Wenonah Hauter on Thursday, 'this is the third study released by Hopkins in the past year that connects proximity to fracking sites with adverse health outcomes. Last fall, researchers found an association between fracking and premature births and high-risk pregnancies, and last month, found ties between fracking and asthma.'

'While the industry will no doubt continue to refute the expanding science about the dangers of fracking, we can't afford to ignore it,' said Hauter, who is a vocal proponent of a national fracking ban. 'The public health and climate impacts of extreme fossil fuel extraction requires bold leadership to keep fossil fuels in the ground and transition swiftly to renewable energy.'

Indeed, said Diane Sipe, Pennsylvania resident and steering committee member of Pennsylvanians Against Fracking: 'Enough is enough.'

'It is abundantly clear that fracking is harming people, and the only solution is to stop fracking,' Sipe declared. 'The people in this state do not deserve to be put in harm's way by leaders who are choosing to ignore the dangers of fracking and related infrastructure. It is time for Governor [Tom] Wolf to follow the example set in New York, and put the well-being of his constituents above the profits of the oil and gas industry and ban fracking in Pennsylvania once and for all.'

A separate study, also published Thursday, found that prenatal exposure to fracking chemicals may threaten fertility in female mice.

'The evidence indicates that developmental exposure to fracking and drilling chemicals may pose a threat to fertility in animals and potentially people,' said the study's senior author, Susan C. Nagel of the University of Missouri. 'Negative outcomes were observed even in mice exposed to the lowest dose of chemicals, which was lower than the concentrations found in groundwater at some locations with past oil and gas wastewater spills.'

She added: 'These findings build on our previous research, which found exposure to the same chemicals was tied to reduced sperm counts in male mice. Our studies suggest adverse developmental and reproductive health outcomes might be expected in humans and animals exposed to chemicals in regions with oil and gas drilling activity.'

Niraj Chokshi and Henry Fountain, "Oklahoma Orders Shutdown of Wells After Record-Tying Earthquake," The New York Times, September 3, 2016, http://www.nytimes.com/2016/09/04/us/earthquake-ties-record-for-strongest-in-oklahoma-history.html?ref=todayspaper, reported that in Oklahoma, where numerous earthquakes have been found to be caused by injecting waste water from fracking into deep wells, at the beginning of September, "Oklahoma officials on Saturday ordered oil and gas operators to shut down three dozen wastewater disposal wells following a 5.6-magnitude earthquake that tied a record as the strongest in state history."

The quake, centered near Pawnee, rattled the state just after 8 a.m. Eastern time Saturday, tying a record set in 2011 for the strongest such tremor in Oklahoma history, according to the National Weather Service. Local officials reported moderate to severe damage and at least one nonlife-threatening injury."

"Gov. Mary Fallin declared a state of emergency for Pawnee County. She said on Twitter that crews inspecting bridges for damage found few in need of repair."

The United States Geological Survey recorded later earthquakes of magnitudes 3.6, 3.4 and 2.9. The first quake was felt as far away as Chicago and Austin, Tex.

Thousands of earthquakes have hit Oklahoma in recent years. Most have been
imperceptible, but the number that can be felt — generally of magnitude 3.0 and higher — has risen significantly. Only three earthquakes of that size or stronger were recorded in 2009. Last year, the state had 907 such quakes. So far this year, there have been more than 400."

Kristi Eaton, "Oklahoma’s Largest Earthquake Shuts Down Osage, Pawnee Nation," ICTMN, September 8, 2016, https://indiancountrymedianetwork.com/news/native-news/oklahomas-largest-earthquake-shuts-down-osage-pawnee-nation/, reported, "Operators of 17 disposal wells in the Osage Nation have agreed to shut down operations following a 5.8-magnitude earthquake over the weekend, a move that will help keep people safe but could affect the tribe’s economy, the chairman of the Osage Nation Minerals Council said."

Ian Urbina, "A Model for ‘Clean Coal’ Runs Off the Tracks:" A Mississippi project, a centerpiece of President Obama’s climate plan, has been plagued by problems that managers tried to conceal, and by cost overruns and questions of who will pay, The New York Times, July 5, 2016, http://www.nytimes.com/2016/07/05/science/kemper-coal-mississippi.html?ref=todayspaper&_r=0, reported, "The fortress of steel and concrete towering above the pine forest here is a first-of-its-kind power plant that was supposed to prove that “clean coal” was not an oxymoron — that it was possible to produce electricity from coal in a way that emits far less pollution, and to turn a profit while doing so.

The plant was not only a central piece of the Obama administration’s climate plan. It was also supposed to be a model for future power plants to help slow the dangerous effects of global warming. The project was hailed as a way to bring thousands of jobs to Mississippi, the nation’s poorest state, and to extend a lifeline to the dying coal industry.

The sense of hope is fading fast, however. The Kemper coal plant is more than two years behind schedule and more than $4 billion over its initial budget, $2.4 billion, and it is still not operational."

Lauren McCauley, "Damning Probe Finds EPA 'Turning Blind Eye' to Toxic Chemical Cocktails: Despite the EPA's claims, information on dangerous synergistic effects is publicly available. In fact, the agro-giants collected it themselves," Common Dreams, July 19, 2016," reported, "While the use of one toxic chemical—on our foods, lawns, and elsewhere—has its inherent risks, scientists warn that the combination of two or more such ingredients in common pesticides could have an even more noxious impact, one which is commonly overlooked.

In fact, an investigation released Tuesday by the environmental watchdog Center for Biological Diversity (CBD) found that over the past six years the U.S. Environmental Protection Agency (EPA) has approved nearly 100 pesticide products that contain these so-called "synergistic" compounds, effectively "increasing the dangers to imperiled pollinators and rare plants."

As CBD explains, '[s]ynergy occurs when two or more chemicals interact to enhance their toxic effects,' turning "what would normally be considered a safe level of exposure into one that results in considerable harm.'

'The EPA is supposed to be the cop on the beat, protecting people and the environment from the dangers of pesticides. With these synergistic pesticides, the EPA has decided to look the other way, and guess who's left paying the price?' asked Nathan Donley, a scientist with the Center and author of the report, Toxic Concoctions: How the EPA Ignores the Dangers of Pesticide Cocktails (pdf).

One toxic cocktail that has gotten some attention is Dow AgroScience's Enlist Duo, which contains two of the most commonly used pesticides in the nation: 2,4-D and glyphosate. The EPA approved the product in October 2014 but revoked the license after discovering a patent application in the U.S. Patent and Trademark Office Database that warned of synergistic toxicity to plants.
Following the lead of the EPA, Donley analyzed the patent database for other recent pesticide products approved by the EPA for agrochemical giants, Bayer, Dow, Monsanto, and Syngenta.

According to Donley, among the key findings are:

- **69 percent of these products (96 out of 140) had at least one patent application that claimed or demonstrated synergy between the active ingredients in the product:**

- **72 percent of the identified patent applications that claimed or demonstrated synergy involved some of the most highly used pesticides in the United States, including glyphosate, atrazine, 2,4-D, dicamba and the neonicotinoids thiamethoxam, imidacloprid and clothianidin, among others.**

As the research notes, another example of a common pesticide that has proven synergy but that the EPA has failed to cross-examine for compounded impacts are bee-harming neonicotinoids.

'It's alarming to see just how common it's been for the EPA to ignore how these chemical mixtures might endanger the health of our environment,' Donley said.

'It's pretty clear that chemical companies knew about these potential dangers, but the EPA never bothered to demand this information from them or dig a little deeper to find it for themselves,' he added.

Andre Leu, an organic farmer based in Australia and president of the International Federation of Organic Agricultural Movements (IFOAM), has done extensive research on the subject of synergistic compounds.

In Leu's 2014 report *The Myths of Safe Pesticides* (pdf), he states unequivocally that it is a 'myth' that pesticide formulations are 'rigorously tested.'

Leu writes: 'Given that the other chemical ingredients are chemically active as they are added to the formations to make the active ingredient work more effectively, the assumption that they are inert and will not increase the toxicity of the whole formulation lacks scientific credibility. The limited scientific testing of formulated pesticide products shows that they can be hundreds of times more toxic to humans than the pure single active ingredient.'

Donley said that 'the EPA has turned a blind eye for far too long to the reality that pesticide blends can have dangerous synergistic effects. Now that we know about all the data that are out there, the EPA must take action to ensure that wildlife and the environment are protected from these chemical cocktails.'

Nadia Prupis, "Greenpeace: 'Extremely High' Jump in Post-Fukushima Radioactive Chemicals: Concerns are 'both ongoing and future threats, principally the continued releases from the Fukushima No. 1 plant itself and translocation of land-based contamination,' Common Dreams, July 21, 2016, http://www.commondreams.org/news/2016/07/21/greenpeace-extremely-high-jump-post-fukushima-radioactive-chemicals, reported, 'Japan reported Thursday that waterways in the Fukushima district have hundreds of times more radiation now than before 2011, when the nuclear disaster that forced the evacuation of at least 160,000 people occurred."

Looking back at the past five years, the environmental group's new report, *Atomic Depths: An assessment of freshwater and marine sediment contamination: The Fukushima Daiichi nuclear disaster—Five years later* (pdf), finds that the hazardous chemical cesium-137 was present in the soil on the banks of the Abukuma, Niida, and Ota rivers.

'The extremely high levels of radioactivity we found along the river systems highlights the enormity and longevity of both the environmental contamination and the public health risks resulting from the Fukushima disaster,' said Ai Kashiwagi, energy campaigner at Greenpeace Japan. "These river samples were taken in areas where the Abe government is stating it is safe for people to live. But the results show there is no return to normal after this nuclear catastrophe.'
The report states:

Fukushima prefecture and neighboring prefectures have a number of major and minor river systems that flow from contaminated upland forests to coastal plains, and ultimately empty into the Pacific Ocean. These river systems, in particular the Abukuma, Naruse, Nanakita, Natori, Kuji, and Naka, as well other smaller river systems including the Mano, Nitta, Ota, and Ukedo, have catchments of thousands of square kilometers.

'The radiological impacts of the Fukushima nuclear disaster on the marine environment, with consequences for both human and nonhuman health, are not only the first years. They are both ongoing and future threats, principally the continued releases from the Fukushima No. 1 plant itself and translocation of land-based contamination throughout Fukushima Prefecture, including upland forests, rivers, lakes and coastal estuaries,' the report continues.

Lake Biwa is a particularly contentious site, as it provides drinking water for about 14 million people in the Kansai region, the Japan Times reports.

Kansai Electric Power Co. wants to restart nuclear reactors in the nearby Fukui Prefecture, while residents in the area have been fighting to keep them shut down, the Times says.

Greenpeace states:

The lifting of evacuation orders in March 2017 for areas that remain highly contaminated is a looming human rights crisis and cannot be permitted to stand. The vast expanses of contaminated forests and freshwater systems will remain a perennial source of radioactivity for the foreseeable future, as these ecosystems cannot simply be decontaminated.

'The radiation levels in the sediment off the coast of Fukushima are low compared to land contamination, which is what we expected and consistent with other research,' said Kendra Ulrich, senior global energy campaigner at Greenpeace Japan. 'The sheer size of the Pacific Ocean combined with powerful complex currents means the largest single release of radioactivity into the marine environment has led to the widespread dispersal of contamination.'

The report comes as the 'much-hyped ice wall,' an underground refrigeration system created to build a barrier to contaminated groundwater, is said to have 'failed to stop groundwater from flowing in and mixing with highly radioactive water inside the wrecked reactor buildings.'

'The scientific community must receive all necessary support to continue their research into the impacts of this disaster," said Ulrich. 'In addition to the ongoing contamination from forests and rivers, the vast amount of radioactivity onsite at the destroyed nuclear plant remains one of the greatest nuclear threats to Fukushima coastal communities and the Pacific Ocean.'

'The hundreds of thousands of tons of highly contaminated water, the apparent failure of the ice wall to reduce groundwater contamination, and the unprecedented challenge of three molten reactor cores all add up to a nuclear crisis that is far from over,' she said."

The Tennessee Valley Authority announced, in September, that it is selling the partially constructed Bellefonte Nuclear Plant in Alabama at a huge loss, the site to be used for other purposes ("Partially Built Nuclear Plant To Be Sold at Huge Loss," The New York Times, September 12, 2016).

Nika Knight, "At Least Six Million Americans Are Drinking Toxic 'Teflon Chemicals' With Their Water: 'The available data only reveals the tip of the iceberg of contaminated drinking water'," Common Dreams, August 10, 2016, http://www.commondreams.org/news/2016/08/10/least-six-million-americans-are-drinking-
toxic-teflon-chemicals-their-water,. reported, "At least six million Americans in 33 states are being exposed to unsafe levels of industrial perfluorooctanoic acid (PFOA) chemicals in their drinking water, found a study published Tuesday in the journal Environmental Science and Technology Letters.

'Virtually all Americans are exposed to these compounds. They never break down. Once they are released into the environment, they are there.' —Xindi Hu, Harvard University "And the available water data only reveals the tip of the iceberg of contaminated drinking water," said study co-author Dr. Philippe Grandjean of the Harvard School of Public Health to the Charleston Gazette-Mail.

The Washington Post details the researchers' findings:
194 of 4,864 water supplies across nearly three dozen states had detectable levels of the chemicals. Sixty-six of those water supplies, serving about six million people, had at least one sample that exceeded the EPA's recommended safety limit of 70 parts per trillion for two types of chemicals — perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA).

PFOA and PFOS chemical compounds—including C8, popularly known as the Teflon chemical—are extremely dangerous to human health, and despite an EPA advisory released earlier this year and increasing calls for action, research shows they are near-ubiquitous in the United States.

'Virtually all Americans are exposed to these compounds,' said Xindi Hu, the study's lead author and a doctoral student at Harvard's Department of Environmental Health, to the Post. "They never break down. Once they are released into the environment, they are there.'

Moreover, the study also notes that research suggests 'That exposure to these chemicals can make people sick, even at or below the concentration recommended as acceptable under the EPA health advisory,' according to the Gazette-Mail.

'The EPA advisory limit ... is much too high to protect us against toxic effects on the immune system,' said Grandjean to the Gazette-Mail.

PFOAs are the contentious center of a years-long legal battle against DuPont, which manufactured the chemical for decades—and dumped it into public waterways—despite knowing that it was severely harmful to human health and the environment. Thousands of personal injury cases are currently pending against the chemical giant.

The Gazette-Mail further reports:
DuPont and other companies have agreed on a voluntary phase-out of the chemical, but researchers noted in this week's study that declines in production in the U.S. and Europe have been offset by increases in developing regions such as Asia. Scientists have also been increasingly concerned about chemical contamination of consumer products, and the new study provides important details about the potential threats from waste disposal practices and varying uses of the substances.

The dire situation is a result of decades of weak or no regulations, as Hu remarked to the Harvard Gazette: 'For many years, chemicals with unknown toxicities, such as [PFOAs], were allowed to be used and released to the environment, and we now have to face the severe consequences.'

'In addition, the actual number of people exposed may be even higher than our study found," Hu continued, 'because government data for levels of these compounds in drinking water is lacking for almost a third of the U.S. population—about 100 million people.'"

Lauren McCauley, "Making Case for Clean Air, World Bank Says Pollution Cost Global Economy $5 Trillion: Impact is most severe in developing nations where '93 percent of deaths and nonfatal illnesses attributed to air pollution worldwide occurred' in 2013," Common Dreams, September 8, 2016, http://www.commondreams.org/news/2016/09/08/making-case-clean-air-world-bank-says-pollution-cost-global-economy-5-trillion, reported, "Air pollution is the fourth-leading cause of premature deaths worldwide and the problem only continues to worsen, but governments have been reluctant to make the dramatic changes necessary to
In an effort to strengthen the case for action, the World Bank along with the Institute for Health Metrics and Evaluation (IHME) at the University of Washington, Seattle released a joint study (pdf) Thursday warning about the economic effects of pollution-related fatalities.

In 2013, one in every 10 deaths was caused by diseases associated with outdoor and household air pollution—such as lung cancer, stroke, heart disease, and chronic bronchitis. And, according to the study, these fatalities cost the global economy roughly $225 billion in lost labor income. That number rises to more than $5 trillion when accounting for so-called 'welfare costs'—what people are willing to pay for the reduction or prevention of pollution-induced death.

Noting that the losses equal the combined gross domestic product (GDP) of India, Canada, and Mexico, the report authors say the findings are 'a sobering wake-up call.'

And this problem is only growing worse, particularly in developing nations where rapid urban growth is clogging city air while billions of households are still reliant on cooking with solid fuels—such as wood, charcoal, coal, and dung—which produce high levels of damaging pollutants.

In 2013 about 93 percent of deaths and nonfatal illnesses attributed to air pollution worldwide occurred in these countries, where 90 percent of the population was exposed to dangerous levels of air pollution,' the report states. 'Children under age 5 in lower-income countries are more than 60 times as likely to die from exposure to air pollution as children in high-income countries.'

What's more, these fatalities are crippling poor nations economically.

In 2013, which is the most recent data available, China lost nearly 10 percent of its GDP, India lost 7.69 percent, while Sri Lanka and Cambodia each lost roughly 8 percent, as a result of pollution-related deaths.

'Apart from the sheer magnitude of the costs, the disproportionate impacts on the poorest segments of the population make air pollution a threat to shared and inclusive prosperity,' the report states. 'The poor are more likely to live and work in polluted environments, but they are less able to avoid exposure or self-protect.'

Rich nations are not immune, however. Pollution was found to have cost the United States $45bn, Germany $18bn, and the United Kingdom $7.6bn. Iceland, with losses of just $3m, was found to be the least impacted by deaths related to dirty air.

The report does not even include the myriad other economic impacts of pollution, such as health costs as well how it impacts productivity 'by stunting plant growth and reducing the productivity of agriculture,' for example, or by 'making cities less attractive to talented workers, thereby reducing cities' competitiveness.'

Therefore, the true costs could be 'very much more,' as Urvashi Narain, lead author and senior environmental economist for IHME, put it. Adding, 'The scale of the problem is truly daunting.'

'However impressive and abstract these large numbers are, it is our hope that the cost of premature deaths for countries' economies will leave the pages of this study and inform public debate and policy decisions at the national level,' the authors conclude. 'In country after country, the cost of pollution in human lives and on the quality of life is too high. We must work together to reduce it.'

The vast majority of these children, about 220 million, live in South Asia, in places where air pollution is at least six times the level that the World Health Organization considers safe, Unicef said. The agency said the children faced serious health risks as a result.

"Children are uniquely vulnerable because their lungs are still developing," said Nicholas Rees, the author of the report.


Thomas Erdbrink, "As a Noxious Smog Descends, Tehran Tries to Ignore It," The New York Times, November 15, 2016, http://www.nytimes.com/2016/11/16/world/middleeast/tehran-iran-smog.html?ref=todayspaper, reported, "Like many other metropolises in developing countries, including New Delhi and Beijing, Tehran and other Iranian cities regularly disappear under a thick blanket of smog. Every year in the autumn, the pollution gets trapped by the Alborz Mountains that hug the city like an overbearing mother. It happens so often that it is hardly news anymore. For most Iranians, the pollution is the new normal, a problem so large and complex that it is better just to pretend that it is not there.

Of course, the consequences are undeniable. On Tuesday, a City Council member said that 412 people had died because of the pollution in recent days. Iranian officials estimate that the pollution causes the premature deaths of about 45,000 people nationwide each year.

Hospital wards are filled with coughing patients. Children are told to cover their mouths when they go outside. With the increase in air pollution over the past decade, cases of bone marrow and lung cancer related to high levels of lead in the air have exploded, health experts say."

Geeta Anand, "Farmers’ Unchecked Crop Burning Fuels India’s Air Pollution," The New York Times, November 2, 2016, http://www.nytimes.com/2016/11/03/world/asia/farmers-unchecked-crop-burning-fuels-indias-air-pollution.html?ref=todayspaper, reported, "Desperate to reduce the pollution that has made New Delhi’s air quality among the worst in the world, the city has banned private cars for two-week periods and campaigned to reduce its ubiquitous fireworks during holiday celebrations.

But one thing India has not seriously tried could make the most difference: curtailing the fires set to rice fields by hundreds of thousands of farmers in the nearby states of Punjab and Haryana, where much of the nation’s wheat and rice is grown.

Although India’s environmental court, the National Green Tribunal, told the government last year to stop farmers from burning the straw left over from their rice harvests, NASA satellite images in recent weeks have shown virtually no abatement. Farmers are continuing to burn most of the leftover straw — an estimated 32 million tons — to make room to plant their winter wheat crop.

While fireworks associated with the Hindu holiday of Diwali were blamed for a particularly bad smog problem in recent days, smoke from the crop fires blowing across the northern plains into New Delhi accounts for about one-quarter of the most dangerous air pollution in the winter months. In the growing metropolis of nearly 20 million people, pollution soared well above hazardous levels in the past week."
Julie Turkewitz, "Tainted Water Near Colorado Bases Hints at Wider Safety Concerns," *The New York Times*, July 25, 2016, http://www.nytimes.com/2016/07/26/us/tainted-water-near-colorado-bases-hints-at-wider-safety-concerns.html?ref=todayspaper&reported, "Fountain — named for a creek that once gave life to this southern Colorado town — is now part of a growing list of American communities dealing with elevated levels of perfluorinated chemicals, or PFCs, in their drinking water. In the last few months, PFC poisoning has upended municipalities around the country, including Hoosick Falls, N.Y., home to a plastics factory, and North Bennington, Vt., once home to a chemical plant.

Unlike in many of the other places, the contamination in Fountain and in two nearby communities, Widefield and Security, is not believed to be related to manufacturing. Rather, the authorities suspect that it was caused by Aqueous Film Forming Foam, a firefighting substance used on military bases nationwide.

Defense Department officials initially identified about 700 sites of possible contamination, but that number has surged to at least 2,000, most of them on Air Force bases, said Mark A. Correll, a deputy assistant secretary for environment, safety and infrastructure at the Air Force.

All of the nine bases that the Air Force has examined so far had higher-than-recommended levels of PFCs in the local drinking water. Four bases identified by the Navy were also found to have contaminated water. In some places, the contamination affects one household. In others, it affects thousands of people.

The bases are in Alaska, California, Colorado, Delaware, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania and Virginia.

'It’s quite possible it will touch every state,’ said Jennifer Field, a professor at Oregon State University and an expert on the chemistry of Aqueous Film Forming Foam. ‘Every place has a military base, a commercial airport, an oil refinery, a fuel tank farm’.

Suhasins Raj and Ellen Barry, "Delhi Closes Over 1,800 Schools in Response to Dangerous Smog," *The New York Times*, November 4, 2016, http://www.nytimes.com/2016/11/05/world/asia/delhi-closes-over-1800-schools-in-response-to-dangerous-smog.html?ref=todayspaper&_r=, reported, "For the first time ever, more than 1,800 public primary schools in India’s capital will close on Saturday to protect children from exposure to dangerous levels of air pollution, the authorities said on Friday.

The decision affects more than a million children.

A thick, acrid smog has settled over the capital over the past week, a combination of smoke from burning crops in surrounding agricultural states, fireworks on the Hindu festival of Diwali, dust and vehicle emissions.

Levels of the most dangerous particles, called PM 2.5, reached 600 micrograms per cubic meter in different parts of the city this week, according to the Delhi Pollution Control Committee.

Sustained exposure to that concentration of PM 2.5 is equivalent to smoking 40 cigarettes a day, said Sarath Guttikunda, the director of Urban Emissions, an independent research group.

The particles are small enough to deeply penetrate the lungs and enter the bloodstream, increasing the risk of stroke and heart failure, and can cause severe respiratory problems including asthma and pneumonia."

George Monbiot, "One-Way Street," published in the *Guardian* 9th November 2016, www.monbiot.com, reported on Great Britain, "The High Court judgment on air pollution is an opportunity to rethink our whole transport system.

The government’s defeat in the High Court last week was devastating – but I’m not
talking about the Brexit judgment. The environmental lawyers ClientEarth sued it over air pollution for the second time, and for the second time won. After trying every trick in the book to continue poisoning the British population, the government will now have to take action. This will mostly consist of designating more clean air zones, in which diesel engines will be restricted. After 18 years of promoting diesel, that’s quite a reversal. In several city centres, we will be entitled to inhale the atar of roses and essence of orange blossom that wafts out of petrol engines. Outside the clean air zones, you are politely requested to die quietly.

Washington state regulators, in August 2016, adopted a new, more stringent, clean water standard based on how much fish people eat, including many tribal people who consume relatively high amounts of fish (Phoung Lee, "Washington adopts 'fish consumption' rule after years of debate," NFIC, August 2016).

Jen Hayden, "Sinkhole at FL fertilizer company leaked 215 mil gallons of radioactive water, seeped into aquifer," Daily Kos, September 19, 2016, http://www.dailykos.com/story/2016/9/19/1571828/-Sinkhole-at-FL-fertilizer-company-leaked-215-mil-gallons-of-radioactive-water-seeped-into-aquifer?detail=email&link_id=7&can_id=2304a48b2891e77b9b6c14d1ce535f4f&source=email-cartoon-the-basket-is-full&email_referrer=cartoon-the-basket-is-full&email_subject=cartoon-the-basket-is-full.reported, "The Mosaic Company noticed a dropping water level at their fertilizer facility in Mulberry, Florida on August 27th and notified state authorities. They didn’t notify the public for another 3 weeks and by then a large amount of 'slightly radioactive water' had already leaked:

A sinkhole spanning 45 feet (13.7 meters) in diameter opened at a Mosaic Co phosphate fertilizer facility in Florida, leaking 215 million gallons of 'slightly radioactive water'; a company spokesman said on Friday.

Needless to say, people are questioning why it took the company three weeks to notify the public.

'It’s hard to trust them when they say 'Don’t worry,' when they’ve been keeping it secret for three weeks,' she said.

The Floridian aquifer is massive and extends all the way to South Carolina, supplying much of Florida with their water:

The Floridian aquifer, as opposed to surficial aquifers, is the portion of the principal artesian aquifer that extends into Florida, parts of southern Alabama, southeastern Georgia, and southern South Carolina. In Georgia, it supplies the cities of Savannah and Brunswick. In Florida it supplies the cities of Daytona Beach, Deltona, Flagler Beach, Gainesville, Tampa, Jacksonville, Ocala, Orlando, St. Petersburg, and Tallahassee, several municipalities in South Florida, and numerous rural communities.

Residents are beginning to protest and question the reporting and clean-up process:

Jessica Broadbent lives a few miles from where the sinkhole swallowed all of that water.

'It’s going into our water supply,' she said. 'It affecting our children. Our children’s children, eventually, our community. It affects our environment.'

She adds she is concerned about the lapse in time between when the sinkhole opened, and when the public was made aware of the issue.

'Oh, I’m very upset about that,' she said. 'I think there should’ve been a hundred percent transparency. The minute there’s a leak, a sinkhole, whatever the case may be, there needs to be immediate community involvement and understanding so that there can be transparency. So it doesn’t look like a cover up because that’s what it looks like.'
Mosaic is using ground water well P-4 to recover water that was lost as a result of the sinkhole formation. The well, which is 24-inches in diameter and 800 feet deep, is located west of the south gyp stack and is shown in the photo below.

How’s it possible to recover radioactive water that has already seeped into the aquifer? Resident Bruce Mullins asked the same question in an interview with WFLA:

‘If you drop 215 million gallons of water into a moving body of water, how in the world are you going to reclaim even a good portion of that much less any of it?’ Mullins said. ‘I would like to see the science behind that and how they can prove that they have reclaimed this water.’

WFLA was able to capture video footage of what appears to be the water leaking into the aquifer, noting the stream of water was not seen in video from the day before. They also note the EPA and Florida environmental agencies kept a lid on the leak for three weeks as well. In the jaw-dropping interview below, a Mosaic rep says the clean-up process will take years, but everything is fine. Just. Fine. Nothing to see here."

The Navajo Nation Department of Health announced, in September 2016, that the Navajo Birth Cohort Study has found high concentrations of uranium in the urine of those studied. 21% of those studied had higher amounts of uranium in their urine than the national average, with more than a third of the men and almost a quarter of the women having uranium in their urine. Most disturbing is that Navajo young people have on average an increasing amount of the metal in their urine. As new born babies, the average is only .6%. At six months that rises to 17%, and at one year 24%. The overall Navajo average of uranium concentration in Urine has also been increasing. In 2014, it was 7%. in 2016, it was 21%. Further study is needed to determine the geographical spread of the uranium contamination of people, resulting from year’s of mining of the radioactive metal at over 500 sites on the reservation (Terry Bowman, "Study finds uranium in Navajo Babies," Navajo Times, September 22, 2016).

Emily J. Gertz, "Contamination Threatens One of the World’s Biggest Freshwater Supplies: Scientists find high salt and arsenic concentrations in an aquifer that 750 million people rely on for drinking water and irrigation, August 29, 2016, http://www.takepart.com/article/2016/08/29/contamination-threatens-one-world-s-biggest-freshwater-supplies?cmpid=tpdaily-eml-2016-08-30, reported, "Three-quarters of a billion people across four South Asian nations rely on one vast water basin for much of their irrigation and drinking water. Called the Indo-Gangetic Basin, it stretches east to west over 618 million acres, sitting like a cap over the Indian subcontinent, and contains about 7,200 cubic miles of groundwater, roughly 20 times the annual flow of the region’s Brahmaputra, Ganges, and Indus rivers combined.

Satellite measurements collected since 2002 have led to worries that the region’s aquifers were being severely depleted by overuse, increasing vulnerability to failed harvests, skyrocketing food prices, and civil unrest.

But in a new study that includes on-the-ground measurements from 3,429 water wells across the basin over multiple years, an international team of scientists has found that water quality, not quantity, is a much bigger problem.

More than 60 percent of the Indo-Gangetic Basin is too contaminated with salt or arsenic to be safe for drinking or agriculture, according to research published Monday in the journal Nature Geoscience."

Taylor Hill, "Coffee Grounds Could Clean Up Lead-Contaminated Water: Researchers find that a sponge like material made of recycled espresso could make drinking water safer,"
Coffee is one of the most commonly consumed beverages in the world, which makes spent coffee grounds one of the most frequently tossed out waste products of your morning routine. Over the years, people have found myriad uses for spent coffee grounds, ranging from fertilizer fodder to meat marinades, but scientists have found a way to use the discarded grounds to filter lead and mercury out of water.

The discovery could give residents dealing with harmful heavy metals in their water systems cheap and sustainable access to safer drinking water. Scientist Despina Fragouli and her colleagues at the Italian Institute of Technology found that mixing spent coffee grounds with a silicone product creates a rubbery foam substance capable of separating out lead and mercury from water, according to a study published in the journal ACS Sustainable Chemistry & Engineering.

The New Mexico Rio Grande Pueblos of Isleta, Sandia, Santa Ana and Cochiti came together with the Audubon Society and the Club at Las Campanas, a Santa Fe golf course, to return important water flow to the Rio Grande River. The Pueblos and the club each contributed around 100 acre-feet of their water from the San Juan-Chama diversion project, while the Audubon Society worked closely with the Middle Rio Grande Conservation District on bringing the San Juan-Chama water to the Rio Grande, and sought New Mexico state funding for habitat restoration on tribal land (Sandra Postal, "Native Americans and Conservationists Collaborate to Return Vital Flow to the Rio Grande," National Geographic's Freshwater Currents, September 28, 2016).


In some years, as much as two-thirds of the freshwater that would normally reach the bay—an estuary where freshwater and ocean water mix—is diverted for urban and agricultural use, effectively starving the ecosystem, according to a new report from the Bay Institute, an environmental organization dedicated to protecting and restoring the local watersheds."

The water is already becoming more saline, driving out some fish species. As the fresh water supply lessons, the whole eco system is being impacted.

A combination of heavy demand for water from oil drillers and the shrinking of glaciers due to global warming has been drying up the centuries old Karez tunnel irrigation system of China’s Xinjiang Province (Andrew Jacobs, "Xinjiang's Ancient Water Tunnels Are Running Dry," The New York Times, September 22, 2016).


The authorities in the Karnataka city of Bangalore banned public gatherings and deployed
riot police officers as protesters set fire to vehicles and pelted buildings and cars with stones. The police fired on protesters who were setting fire to police vehicles in Bangalore, killing one and injuring two others, said Madhukar Narote, an assistant subinspector for the state police.

The water is on a river that runs between states. Droughts and weak monsoons, happening more often and likely related to climate change, often cause conflicts over water in India.


A government ministry said it was investigating a possible leak of industrial waste, but had not determined what caused the discoloration. One hint at the possible cause is the path the river, the Daldykan, takes past the Norilsk Nickel mine and metallurgical plant, by many measures one of the world’s most polluting enterprises. The plant belches so much acid rain-producing sulfur dioxide — two million tons a year, more than is produced in all of France — that it is surrounded by a dead zone of tree trunks and mud about twice the size of Rhode Island."


Ms. King’s 3-year-old son, Josiah, has a worrisome amount of lead in his blood, according to test results she received last week. Like about 1,100 other poor, largely black residents of West Calumet, including 670 children, she is scrambling to find a new home after Mayor Anthony Copeland of East Chicago announced last month that the residents had to move out and that the complex would be demolished."

"The extent of the contamination came as a shock to residents of the complex, even though it is just north of a huge former U.S.S. Lead smelting plant and on top of a smaller former smelting operation, in an area that was designated a Superfund site in 2009. Now, in a situation that many fearful residents are comparing to the water crisis in Flint, Mich., they are asking why neither the state nor the Environmental Protection Agency told them just how toxic their soil was much sooner, and a timeline is emerging that suggests a painfully slow government process of confronting the problem."


A new report, the W.H.O.’s most comprehensive analysis so far of outdoor air quality worldwide, also said about three million deaths a year — mostly from cardiovascular, pulmonary and other noncommunicable diseases — were linked to outdoor air pollution. Nearly two-thirds of those deaths are in Southeast Asia and the Western Pacific region, compared with 333,000 in Europe and the Americas, the report said."

The chemical industry in China suffered almost one accident a day from January to


Those companies – Tesoro and Par Hawaii Refining – will invest a total of $425 million on pollution controls and local environmental projects, according to a settlement reached on July 18 with the U.S. Justice Department and the EPA. The settlement, also known as a consent decree, is subject to public comment through August 22.

Tesoro will also pay a $10.45 million civil penalty, to be shared by the United States, the states of Alaska and Hawaii, and the Northwest Clean Air Agency."

Nika Knight, "Up to 14 Million Children Exposed to Toxic Industrial Chemicals in Schools: Harvard researchers estimate toxic PCBs may be present in up to 26,000 U.S. schools," Common Dreams, October 06, 2016, http://www.commondreams.org/news/2016/10/06/14-million-children-exposed-toxic-industrial-chemicals-schools, reported, "Millions of children in the U.S. are being exposed to deadly polychlorinated biphenyls, or PCBs, in their schools, despite the fact that such chemicals have been banned for decades.

That's according to a new report from Sen. Ed Markey (D-Mass.) that analyzed Harvard research and Environmental Protection Agency (EPA) data, and which also uncovered a dismal lack of regulation around the illegal chemicals in school buildings.

PCBs are industrial chemicals so toxic that they were banned by Congress 40 years ago.

'PCBs are some of the most toxic and persistent chemicals ever produced,' said Ken Cook, president of the Environmental Working Group (EWG), which analyzed the data on PCBs in Sen. Markey's report. 'It's shocking to find that while they were banned decades ago, millions of kids and other Americans continue to be exposed today.'

Indeed, EWG in a 2005 study found 147 different PCB contaminants in the umbilical cord blood of 10 American newborns.

The environmental group explains the dangers associated with PCB exposure and how such exposure can occur:

PCBs, or polychlorinated biphenyls, have been linked to cancer, harm to the immune system, neurological damage, learning deficits, lowered birth weight and decreased thyroid function. Manufactured from the 1920s to the 1970s by Monsanto, PCBs were used as insulators for electrical equipment, oils for hydraulic systems, plasticizers in paints and caulks, components of fluorescent light fixtures and in consumer products such as carbonless copy paper. Not long after Monsanto introduced PCBs, the company discovered they were hazardous, but hid that information from the public and regulators.

Schoolchildren are most often exposed by old, PCB-laden caulk and crumbling fluorescent light fixtures. They may also come in contact with PCBs that leached into soil, or that were incorporated into paints and floor finishes. Any school building constructed between the 1950s and the late 1970s is likely to test positive for PCBs, but the EPA does not currently require such tests.

It's worth noting that Monsanto has been sued multiple times in different states for knowingly contaminating the environment with PCBs, but those suits have thus far been unsuccessful.

'Because [PCBs] were commonly used in building materials for decades, they
continue to contaminate classrooms in between 13,000 and 26,000 schools nationwide,' the Washington Post reports.

Old building materials are 'leaking PCBs into the schools where the kids and the teachers inhale them. They get contaminated dust on their skin,' Harvard professor Robert Herrick, whose research has focused on the problem for years, told WNPR. 'Our research has shown that in the teachers, if you look at the PCB levels in their blood, they have higher levels than you find in the general population.'

Moreover, Sen. Markey's office released a report (pdf) Wednesday on the phenomenon of PCBs in schools based on EPA data and Herrick's research, and found that the regulations for such chemicals in schools are extremely weak or nonexistent.

'My report reveals that first, schools do not test for PCB hazards, and are not required to do so,' Markey told the Connecticut public radio station. 'And when PCB contamination is found, no one has to report it to the EPA... To put it plainly, we have no real idea how many students are being exposed to PCBs in their classroom each and every day.'

'This is absolutely outrageous,' said Jennifer deNicola, president of the public health advocacy group America Unites for Kids. 'No parent or educator should stand for it. Our government, which requires that children attend school, should also ensure they're in schools and classrooms free from toxic chemicals like PCBs'.

The Chinese government has promised to replace running tracks at schools made of industrial waste that is reported to have sickened children (Owen Guo, "China Vows to Replace Running Tracks That Have Sickened Schoolchildren," The New York Times, June 24, 2016).

Medical doctors and scientists in the United States are calling for tougher regulations on chemicals that come into households causing health problems. These include fire retardants in upholstery, chemicals used to make plastic flexible, and make vegetables and fruits more abundant. The chemical industry supported a weak bill to begin slowly testing many household impacting chemicals, but many scientists and Mds find the legislation far to weak (Roni Caryn Rabin, "Doctors and Scientists Call for Tougher Regulation of Toxic Household Chemicals," The New York Times, July 2, 2016).

Nika Knight, "Indonesia's Illegal Deforestation Fires Killed Over 100,000: Study: Illegal fires used to deforest land for palm oil and pulpwood plantations are raging again today," Common Dreams, September 19, 2016, http://www.commondreams.org/news/2016/09/19/indonesias-illegal-deforestation-fires-killed-over-100000-study, reported, "As illegal forest-clearing fires once again burn acres of tropical peatland in Indonesia, new research on last year's deadly blazes estimates that 100,000 people died prematurely from the toxic haze that resulted from the fires.

The fires are set each year to cheaply and quickly clear tropical peatland for palm oil and pulpwood plantations. While technically illegal, Indonesia has historically failed to regulate the devastating practice.

An Indonesian scientist described the fires last year as a 'crime against humanity,' and NASA characterized the out-of-control blazes as the worst climate disaster on Earth at the time, as Common Dreams reported.

Yet the Indonesian government last year only reported 19 deaths from the blaze that forced school closures and grounded flights in the neighboring countries of Malaysia, Singapore, and Thailand.

Now, research from scientists at Harvard and Columbia estimates that the human death toll was over 5,000 times the government estimate.

'If nothing changes, this killer haze will carry on taking a terrible toll, year after year.' —
Yuyun Indradi,  Greenpeace Indonesia

The study, published Monday in the journal *Environmental Research Letters*, 'combined satellite data with models of health impacts from smoke exposure and readings from pollution monitoring stations,' the *Guardian* notes.

The results led the researchers to estimate that 100,300 died from the toxic haze that blanketed the region for weeks in 2015. They estimated 91,600 deaths in Indonesia, 6,500 in Malaysia, and 2,200 in Singapore.

And those estimates are conservative, Greenpeace International observed in a statement:

The cost to human health calculated in the new report is a conservative estimate, because the study did not include the impacts of the cocktail of other toxins which formed part of the haze, such as carbon monoxide, formaldehyde, hydrogen cyanide, arsenic and a host of others. It considered only premature adult deaths brought on by breathing high levels of smoke particles known as PM2.5. Measuring 2.5 micrometres or less, they are small enough to be inhaled and some are small enough to be absorbed into the bloodstream. They are known to cause deaths due to lung, heart and circulatory diseases including asthma, heart attack and stroke. Harm to children and pregnancies was not included, although the report notes that 'impacts on children are likely significant.'

Indeed, Greenpeace International also quoted Dr. Nursyam Ibrahim, deputy of the West Kalimantan chapter of the Indonesian Medical Association, saying that the 'greatest impact from breathing particles from peat fire smoke falls on vulnerable groups such as the elderly, pregnant women, babies, and children.'

'The Indonesian Medical Association in West Kalimantan calls on all parties to work together to prevent fires, especially in peatlands,' Ibrahim added. 'What is at stake is a decline in the quality of Indonesia's future human resources. We are the doctors who care for the vulnerable groups exposed to toxic smoke in every medical center, and we know how awful it is to see the disease symptoms experienced by babies and children in our care.'

The toll wasn't limited to humans, of course. Orangutans were also displaced and sickened by the thousands as their habitats went up in smoke.

And the disaster continues, as fire season is once again well under way in Indonesia. Last month, Singapore was again blanketed in the toxic haze produced by Indonesia's plantation industry's "slash and burn" practices.

Several weeks ago, environmental groups also reported that the illegal practice of burning peatland was spreading to the relatively untouched province of Papua.

'More than a hundred thousand are estimated to have died prematurely last year. Now fires are back again. If nothing changes, this killer haze will carry on taking a terrible toll, year after year,' said Greenpeace Indonesia forest campaigner Yuyun Indradi. 'Industry and government must take real action to stop forest clearing and peatland drainage for plantations.'

'Now that we know the scale of the death toll, failure to act immediately to stem the loss of life would be a crime,' Indradi concluded."

Ivory Coast has suffered perhaps the fastest deforestation in Africa, having lost 80 percent of the woodland it had in 1960, by 2010. Officials say the largest cause is the thousands of people who set up illegal cocoa farms in the midst of protected forest. Recently, the government has taken steps to end the practice, forcing perhaps 51,000 cocoa growers out of the forest. But no steps have been taken at resettlement, and the flood of refugees has been creating a humanitarian crisis (Sean Lyngaas, "From Dwindling Forests, a Flood of Refugees," *The New York Times*, December 2, 2016).

Scientists surveying the Great Barrier Reef said Tuesday that it had suffered the worst coral die-off ever recorded after being bathed this year in warm waters that bleached and then weakened the coral.

About two-thirds of the shallow-water coral on the reef’s previously pristine, 430-mile northern stretch is dead, the scientists said. Only a cyclone that reduced water temperatures by up to three degrees Celsius in the south saved the lower reaches of the 1,400-mile reef from damage, they added.

On some atolls in the north, all the coral has died, said Prof. Terry Hughes, the director of the ARC Center of Excellence for Coral Reef Studies at James Cook University in Townsville, in the eastern state of Queensland. Professor Hughes and a team of scientists drew their findings from about 900 dive surveys along the length of the reef in October and November.

‘The good news is that in the south, only about 1 percent of the reef’s coral has died, and the mortality rate in the middle is about 6 percent,’ Professor Hughes said. Vibrant color has returned to that coral, and the reef there is in good condition, he added.

Jim Robbins, "Tiny Invader, Deadly to Fish, Shuts Down a River in Montana," The New York Times, August 23, 2016, http://www.nytimes.com/2016/08/24/us/tiny-parasite-invader-deadly-to-fish-shuts-down-yellowstone-river-in-montana.html?ref=todayspaper, reported that Montana wildlife officials shut down almost 200 miles of the Yellowstone and its tributaries to recreation, in late August 2016, to prevent the parasite proliferative kidney disease, or P.K.D., which kills mountain whitefish, and possibly trout from spreading to other rivers, or south into Yellowstone National Park. Climate change is the primary cause, bringing warmer and lower water in which P.K.D. can spread among the fish. Thousands of dead whitefish have lined the banks of the river.

"Is It Time to Reframe the Conversation," Whale and Dolphin Conservation (WDC), August 25, 2016, whales.org, commented, "A recent article published in Oceanography by Dr. Phillip Clapham is entitled Managing Leviathan: Conservation challenges for the great whales in a post-whaling world. In the article, Dr. Clapham reviews the history of modern whaling (i.e. industrial, commercial whaling) and its removal of nearly 3,000,000 whales in the 20th Century alone, reducing some populations by 99% of their pre-whaling abundance. To give some perspective, a reduction of this size would be comparable to reducing the current US population to a place where only the residents of the city of Los Angeles would remain.

Clapham details what he refers to as “The Era of Excess”, reporting on the excess of legal catches as well as exposes the impacts of the unreported illegal takes that occurred, primarily by the former USSR, further devastating whale populations. In one example, he notes that Soviet whalers reported killing 2,710 humpback whales, but actually slaughtered more than 48,000, of which 25,000 were killed in just two whaling seasons. He references data in which he and his colleagues identified 11 populations of baleen whales, which whaling had driven to extinction. That is not to say that the species do not remain, but, just as with humans, whale species have their own irreplaceable historical cultural societies, some of which are now lost forever.

While Clapham notes that some whale populations are recovering, he also provides an overview of the current threats limiting their recovery, highlighting entanglement/bycatch, ship collision, noise and pollution. However, he spends time considering the big unknown of whale recovery - climate change. He notes that some whale species may be able to cope with expanding new habitats while others may be impacted by prey depletion, glacial retreat and ocean acidification.

But it is his final segment that may be his most important where he credits the recent research of Joe Roman, James McCarthy, Trish Lavery, Lavenia Ratnarajah, Andrew Pershing and their colleagues, all of whom point to the significant ecological role played by whales in the
marine ecosystem and, as a result, the health of our shared planet. These data demonstrate that whales make iron, nitrogen and other nutrients available to surface dwelling phytoplankton, the primary producers who photosynthesize much of the air that we breathe and serve as a food source for tiny zooplankton who, themselves, are preyed upon by fish and krill and other marine life which become sustenance for still others, including the commercially valuable fish on which much of the world relies. These data also reveal that whales sequester carbon and can help combat the increasing impacts of climate change.

According to the United Nations, climate change is now impacting each every single country on each continent, impacting the lives of individuals and communities as well as disrupting national economies. From farmers whose crops suffer from droughts to global fisheries which “assure the livelihoods of 10-12% of the world’s population” to the availability of drinking water, climate change impacts us all.

Clapham concludes what WDC has always believed that 'the continued recovery of the world’s great whales is a conservation goal that is not just noble and appropriate, but also very much in our self-interest.' That is to say, that WDC’s vision of a world where every whale and dolphin is safe and free is not a noble gesture, but a necessary goal for a healthy planet on which humans and wildlife can survive and thrive.

The bottom line is that we need whales. We should not be setting upper limits at which we consider them no longer in need of protection - protecting their future protects ours. The conversation must advance from one in which we discuss their 'management' to one in which we not only promote and enable their recovery, but ensure that they can thrive. There are no thresholds of removal that we should consider sustainable - whether it be the loss from whaling, ship strike, bycatch or live captures – removing them from their roles as ecosystem engineers is ultimately our loss and it needs to stop.

Obviously recovering the great whale populations alone is not enough to create and maintain a healthy global ecosystem and economy, but the fact they have a significant ecological role should not be dismissed; and neither should the role of WDC and other organizations/individuals whose work leads to meaningful protection. We are not so naïve as to think that all of the world will grow to love and appreciate whales and dolphins the way we do. Indeed, loving whales and needing them are two different things, but what we could, and should, all agree is that we increasingly need a world where every whale and dolphin is safe and free.

~ Chris Butler-Stroud, CEO, Whale and Dolphin Conservation"


On the floor of a remote island lagoon halfway between Hawaii and Fiji, the giant reef site had been devastated by unusually warm water. Its remains looked like a pile of drab dinner plates tossed into the sea. Research dives in 2009 and 2012 had shown little improvement in the coral colonies.

Then in 2015, a team of marine biologists was stunned and overjoyed to find Coral Castles, genus Acropora, once again teeming with life. But the rebound came with a big question: Could the enormous and presumably still fragile coral survive what would be the hottest year on record?

This month, the Massachusetts-based research team finished a new exploration of the reefs in the secluded Phoenix Islands, a tiny Pacific archipelago, and were thrilled by what they saw. When they splashed out of an inflatable dinghy to examine Coral Castles closely, they were greeted with a vista of bright greens and purples — unmistakable signs of life."

Mr. Obama will travel next week to Midway Atoll, a remote spit of land within the Papahanaumokuakea Marine National Monument, to recognize the designation and highlight the importance of protecting pristine lands and waters as the perils of climate change intensify."

The vaquita, the Earth’s smallest porpoise, is close to extinction, being caught in the nets of those fishing illegally in Mexican waters, despite the Mexican navy’s efforts to stop such fishing (Elisabeth Malkin, "Earth’s Smallest Porpoise Slips Closer to Extinction," *The New York Times*, May 16, 2016).


The lucrative "Himalayan Viagra Fungus," picked and sold as anaphrodesiac in Nepal, is seriously declining and becoming endangered as a result of climate change (Kai Schultz, "Climate Change Seen as Threat to Lucrative 'Himalayan Viagra Fungus'," *The New York Times*, June 27, 2016).


Richard Conniff, "Climate Change Killed This Critter, but Can Others Be Saved From Extinction? Scientist grapple with whether to relocate wildlife threatened by warming temperatures, sea level rise, and drought," *TakePart*, November 22, 2016, http://www.takepart.com/article/2016/11/22/climate-change-killed-critter-can-others-be-saved?cmpid=tpnnews-eml-2016-11-26-weekly, reported, "Australian scientists were 'devastated' in 2014 when they visited the tiny island home of the Bramble Cay melomys, the Great Barrier Reef's only endemic mammal, and found no one home. They described it as probably 'the first recorded mammalian extinction due to anthropogenic climate change'."

"That painful example has many conservationists thinking hard about what they call “assisted colonization.” That is, they are wondering whether and how to move species to places they have never lived before—because that may be their only chance to survive the climate change regimen of warner temperatures, rising seas, and extreme weather events like drought, flooding, and wildfire."
The African Wildlife Foundation reported November 15, 2016, https://secure.awf.org/COP22-petition?utm_campaign=fy17advocacy3&ms=B17V04E02M&utm_source=1611advocacy1adv&utm_medium=email&utm_content=15894509&spMailingID=15894509&spUserID=MTkyNjU1OTkzNTMwS0&spJobID=903326886&spReportId=OTAzMzI2ODg2S0, reported, "It turns out poachers aren't the only enemy threatening Africa's wildlife. A changing climate threatens wildlife's very existence: In warming temperatures mountain gorillas would lose 75% of their shrinking habitat. Elephants spend on cast amounts of water that would dry up in prolonged droughts. Cheetah populations are declining as increasing temperatures affect their ability to reproduce. Serengeti migration patterns will change bringing millions of animals into conflict with people."

Lauren McCauley, "Fall of the Wild: Study Documents 'Catastrophic Decline' in World's Untouched Places: With 10 percent lost in just 20 years, researchers say wilderness is being lost at a 'staggering' pace," Common Dreams, September 08, 2016, http://www.nytimes.com/pages/todayspaper/index.html, reported, "Wilderness, though remote by nature, is not immune to the ravages of humanity. In fact, according to a new study in the journal Current Biology, the world's wild places are undergoing "catastrophic decline" and could be facing elimination within decades if monumental policy shifts are not implemented.

'If we don't act soon, there will only be tiny remnants of wilderness around the planet, and this is a disaster for conservation, for climate change, and for some of the most vulnerable human communities on the planet,' warned lead author Dr. James Watson, of the University of Queensland in Australia and the Wildlife Conservation Society in New York. 'We have a duty to act for our children and their children.' Watson and his team mapped wilderness areas around the globe, which were defined as 'biologically and ecologically intact landscapes free of any significant human disturbance,' and then compared that to one produced by the same methods in the early 1990s.

The amount of wilderness loss in those two decades was 'staggering,' according to co-author Dr. Oscar Venter of the University of Northern British Colombia.

The study reported total losses of 3.3 million km² since the 1990s, particularly in South America, which experienced 29.6 percent loss, and Africa, with 14 percent. The world currently has a total of 30.1 million km² of remaining wilderness, which is primarily located in North America, North Asia, North Africa, and Australia.

Overall, the researchers found that rapid development had wiped out roughly 10 percent of wilderness over the past 20 years—a pace that, researchers say, spells disaster for these pristine ecosystems if no changes in policy are made.

'Despite being strongholds for endangered biodiversity, for buffering and regulating local climates, and for supporting many of the world's most politically and economically marginalized communities,' Watson noted that wilderness areas 'are completely ignored in environmental policy.'

'We probably have one to two decades to turn this around,' he warned.

Venter agreed, stating, 'You cannot restore wilderness, once it is gone, and the ecological process that underpin these ecosystems are gone, and it never comes back to the state it was.'

'Without proactive global interventions we could lose the last jewels in nature's crown," he continued. 'The only option is to proactively protect what is left.'

Indeed, coming just weeks after scientists announced that the planet has officially entered a new epoch, the Anthropocene, due to the impacts of human activity, the rapid decline of wild spaces also comes as 'no surprise' to many.

'Given the fact that we have already converted a third of the world's land surface to
agriculture of some kind, and that we are changing the atmosphere so rapidly that unless
we start taking truly effective action now, it should not be surprising that the wild and
natural areas of the world are being altered and even destroyed so rapidly,' said Peter
Raven, chairman of the National Geographic Committee for Research and Exploration and
president emeritus of the Missouri Botanical Garden, according to National Geographic."

Victoria Burnett, "Avocados Imperil Monarch Butterflies’ Winter Home in Mexico," The
New York Times, November 17, 2016, http://www.nytimes.com/2016/11/18/world/americas/ambition-of-avocado-imperils-monarch-butterflies-winter-home.html?ref=todayspaper, reported, "The green volcanic hills that tower above Apútzio de Juárez have begun to fill with swarms of monarch butterflies, which return each year for the winter stretch of their celebrated — and imperiled — migration. But downhill from the monarchs’ mountain roost, in the oak and pine forests that border this small farming town, there lurks a new threat to their winter habitat: a lust to grow the lucrative avocados that are being consumed at record rates in the United States.

Spurred by soaring demand for the creamy fruit, farmers here in the western state of Michoacán are clearing land to make room for avocado orchards, cutting oak and pine trees that form a vital buffer around the mountain forests where the monarchs nest."

Sean Lyngaa, "Ousting Squatter Farmers to Save Forest, Ivory Coast Sets Off New Crisis," The New York Times, December 1, 2016, http://www.nytimes.com/2016/12/01/world/africa/ivory-coast-forests-cocoa-farmers.html?ref=todayspaper, reported, "Ivory Coast has a serious deforestation problem: Some scientists say it is losing its woodlands faster than any other nation in Africa. Four-fifths of the forest cover that the country had when it became independent in 1960 was gone by 2010, according to the European Union.

Government officials put much of the blame on the many tens of thousands of people who took advantage of years of political unrest to seize land in protected forests and use it illegally to grow cocoa, the country’s most important export crop. Now, the officials say, the squatters have to go.

Teams of rangers like Mr. Ouattara fanned out across Mont Péko over the summer to evict the cocoa farmers. Deprived of their livelihood and driven from the forest, the farmers have poured into nearby villages, creating a humanitarian crisis that the United Nations estimates is affecting more than 51,000 people."


The settlement halts all killing activities in Wilderness and Wilderness Study Areas in Nevada—more than six million acres of our public lands—and requires the agency to abandon its woefully outdated 1994 Programmatic Environmental Impact Statement, which it relied on to justify killing wildlife nationwide.

The program will now be forced into the spotlight as it re-evaluates its killing practices, and that means you and I will have an opportunity to ensure that decisions are grounded in science and modern attitudes about the ethical treatment of animals, especially carnivores.

Our hope is that the program will finally abandon its outdated kill first, think later attitude and adopt a coexistence mandate.

Our legal victory also hopefully means the program’s days of killing over 4,000 native
animals every day with our tax dollars are numbered. That means less bloodshed and more compassionate coexistence with wolves, cougars, bobcats, and black bears as well as coyotes, beavers, and prairie dogs."

Danny Hakim, "Doubts About the Promised Bounty of Genetically Modified Crops," *The New York Times*, October 29, 2016, http://www.nytimes.com/2016/10/30/business/gmo-promise-falls-short.html?ref=todayspaper&_r=0, reported, "Twenty years ago, Europe largely rejected genetic modification at the same time the United States and Canada were embracing it. Comparing results on the two continents, using independent data as well as academic and industry research, shows how the technology has fallen short of the promise.

An analysis by The Times using United Nations data showed that the United States and Canada have gained no discernible advantage in yields — food per acre — when measured against Western Europe, a region with comparably modernized agricultural producers like France and Germany. Also, a recent National Academy of Sciences report found that “there was little evidence” that the introduction of genetically modified crops in the United States had led to yield gains beyond those seen in conventional crops.

At the same time, herbicide use has increased in the United States, even as major crops like corn, soybeans and cotton have been converted to modified varieties. And the United States has fallen behind Europe’s biggest producer, France, in reducing the overall use of pesticides, which includes both herbicides and insecticides."

The number of honey bee colonies worldwide declined by 12% during the winter of 2015-16, with the largest losses in Spain and and the United Kingdom ("By the Numbers," *Science*, August 12, 2016).

At least 2 million bees were killed by spraying of insecticide intended to kill mosquitoes that carry zika virus, at an apiary in Summerville, SC, when a city employee failed to notify the apiary of the coming spraying (Alan Blinder, "Aimed at Zika Mosquitoes, Spray Kills Millions of Bees," *The New York Times*, September 2, 2016).

"Breaking: Historic Action Protects Sacred Land in Utah and Nevada!" Pew Charitable Trust, December 28, 2016, http://view.pewtrusts.org/?qs=b057a2fe7cb8bcf6a5bbac9a368c45c6493ca8e7ca0ec05f651880fe e1647f3669d38cbbdfcfee95da8e81e3f5622c6b1e680e95367d20d7bb0bb0f361aceee480f3164005 4710934a2edd14bf3935c7c, reported, "President Barack Obama made history today by designating Bears Ears in southern Utah and Gold Butte in southern Nevada as national monuments, safeguarding significant cultural areas and honoring tribal nations with ancestral connections to the regions. Our two newest national monuments will preserve traditional land use, outstanding natural resources, and world-class opportunities for outdoor recreation for future generations.

This incredible victory for our public lands was made possible by thousands of people across the country who joined tribes and local elected officials, business owners, community groups, scientists, cultural resource specialists, and recreation enthusiasts to call on our national leaders to safeguard two beloved landscapes.

Bears Ears contains more than 100,000 archeological and cultural sites, is rich in biodiversity, and remains of critical importance to the Colorado River Basin, upon which 40 million Americans rely for clean water. Its red rock canyons, alpine peaks, and forested plateaus are a magnet for all types of outdoor enthusiasts from across the country and around the world. Gold Butte's marvels include thousands of petroglyphs, historic mining and pioneer-era artifacts, rare and threatened wildlife, dramatic geologic features such as red sculpted sandstone and rock spires, and fossil sites that are now protected forever."
But there are some in Congress who are attempting to dismantle the Antiquities Act, the law used by President Obama—and 15 past presidents of both political parties—to safeguard these and other national treasures."


Jeffrey Gettleman, "Closing China’s Ivory Market: Will It Save Elephants?" *The New York Times*, December 31, 2016, http://www.nytimes.com/2016/12/31/world/asia/china-ivory-ban-elephants.html?ref=todayspaper&_r=0, pointed out that it will take more than China simply making the ivory trade illegal to save the elephants. It will also have to go strongly after the illegal ivory market in China, which will expand with the closing of the legal market. Also, neighboring countries will need a strong crackdown on the ivory trade. If only China acts effectively, the ivory market will simply move abroad.


**U.S. Developments**

Many of the reports in this issue of U.S. government legislation, agency action, and court decisions are informed by electronic flyers from Hobbs, Straus, Dean and Walker, LLP, 2120 L Street NW, Suite 700, Washington, DC 20037, http://www.hobbsstraus.com. Reports from Indian Country Today Media Network, from the web, are listed as from ICTMN.

**U.S. Government Developments**

**Presidential Actions**

"Consultations on Improving Tribal Input into Federal Agency Decisions on Infrastructure Projects," Hobbs-Straus General Memorandum 16-061, October 10, 2016, http://hobbsstraus.com/general-memorandum-16-061, reported, "On September 23, 2016, the Obama Administration distributed a “Dear Tribal Leader” letter inviting Tribal Leaders to a series of consultation sessions on "how the Federal Government can better account for, and integrate tribal views on future infrastructure decisions throughout the country." The consultations will begin with a listening session on October 11th at the National Congress of American Indians (NCAI) Annual Convention in Phoenix. Then there will be five in-person consultations in Seattle, Albuquerque, Billings, Minneapolis, and Rapid City, followed by a phone consultation on November 21, 2016. The Administration is also accepting written comments until Friday, November 30, 2016. Comments may be submitted at consultation@bia.gov.

The “Dear Tribal Leader” letter sets out two questions on which the federal agencies are seeking input from Tribal Leaders:

1. How can Federal agencies better ensure meaningful tribal input into infrastructure-related reviews and decisions, to protect tribal lands, resources, and treaty rights within the existing statutory framework?
(2) Should the Federal agencies propose new legislation altering the statutory framework to promote these goals?

The Administration’s intent to conduct these consultations was announced on September 9th in a joint statement of the Department of Justice, Department of the Army, and Department of the Interior regarding Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, the lawsuit challenging the Dakota Access pipeline. That statement said that the Corps "will not authorize" construction of the pipeline on Corps land until it can determine whether it needs to reconsider any of its previous decisions regarding the pipeline under the National Environmental Policy Act (NEPA) or other federal laws. The announced consultation sessions are intended to address future infrastructure projects, not the Dakota Access pipeline, although tribal representatives will undoubtedly refer to their experiences with that pipeline project.

In preparation for the consultation sessions, on September 30th, NCAI hosted a webinar for tribal representatives and advocates in which NCAI Executive Director Jacqueline Pata reported that an NCAI workgroup would put together a framework paper to help prepare for the consultations and to be used in preparing written comments. During the webinar, a number of topics were discussed, including:

1. existing federal decision-making processes and ways in which tribal involvement may be limited, with resulting inadequate consideration of tribal concerns;
2. the nationwide permit program of the Army Corps of Engineers;
3. the National Historic Preservation Act (NHPA), historic properties of religious and cultural importance to tribes, the relevance of tribal oral traditions, and addressing Tribal concerns in memoranda of agreement and programmatic agreements;
4. the trust responsibility and its relevance for consultation with tribes;
5. possible administrative solutions, including regulatory fixes, updating relevant executive orders regarding consultation, government-to-government negotiations, and how to make consultation a more collaborative process;
6. analyzing the relevance of the United Nations Declaration on the Rights of Indigenous Peoples, including the "free, prior, and informed consent" provisions;
7. possible congressional solutions, including analyzing reform to NHPA, NEPA, the Clean Water Act, and other laws; and
8. a tribal communications strategy to advance Indian Country advocacy and counter opposition.

We believe that the Administration’s commitment to conduct these consultation sessions is a positive development. Whether it leads to real improvements in federal agency decision-making processes, of course, remains to be seen. That will depend, in part, on what tribes have to contribute during the consultation sessions."


"AN ALL-OF-GOVERNMENT APPROACH TO SERVING INDIAN COUNTRY
Public Safety and Justice Subgroup of WHCNA. The U.S. Department of Justice
(DOJ) and the Department of the Interior (DOI) will co-chair the Public Safety & Justice Subgroup (Subgroup) of the WHCNAA. The Departments formed the Subgroup at the September 6, 2016 WHCNAA principals meeting in response to the needs expressed by tribal leaders for the WHCNAA to concentrate on the unique legal and public safety concerns facing Indian Country such as jurisdictional matters, violence in Indian Country, infrastructure, training and capacity for tribal police and judicial systems, and more. The Subgroup will coordinate with other agencies to address public safety issues from an inter-agency perspective, and will ensure input from tribal representatives.

Interagency Trauma Initiative of the WHCNAA Health Subgroup. The federal government plays an important partnership role with tribal nations in improving the health and well-being of American Indian and Alaska Native communities. An area where this partnership is vital is in addressing traumatic events, some which may have been experienced historically and intergenerationally. The effects of trauma can be long-term and have effects on individuals, families, and communities. A few of the symptoms and effects are psychological distress, poor overall physical and mental health, and unmet medical and psychological needs.

These health impacts can be significant for American Indians and Alaska Natives who may also face disparities related to socioeconomic status, education, employment, access to services, the physical environment, food security, and physical activity, among others. To strengthen efforts focused on improving the well-being of tribal communities, the Health Subgroup is working to improve awareness on the impacts of trauma among executives, senior leaders, and employees; initiating collaborations across programs; and building the capacity for supporting trauma-informed services and practices.

Reinforcing the National Historic Preservation Act and Self Determination. The National Historic Preservation Act includes a provision for the Advisory Council on Historic Preservation (ACHP) to enter into agreements with Indian tribes to substitute a tribe’s historic preservation regulations for the ACHP’s regulations, commonly called the Section 106 process. Under such an arrangement, an Indian tribe has the ability to determine how federal agencies meet the requirements of Section 106 for projects on its lands. In March 2016, the ACHP entered into a substitution agreement with the Seminole Tribe of Florida whereby the tribe will carry out all historic preservation work on its tribal lands, a full expression of its sovereignty and self-determination. The agreement with the Seminole Tribe is only the second agreement the ACHP has entered into. The first was with the Narragansett Tribe in 2000. To both encourage other Indian tribes to consider such arrangements and to help them navigate the decision making process, the ACHP, in consultation with Indian tribes, will issue formal guidance in 2017.

The United States, Canada, and Mexico Commit to Improve Coordination on Violence Against Indigenous Women and Girls. On June 29, 2016 President Obama traveled to Ottawa, Canada for the North American Leaders’ Summit, where he met with Prime Minister Justin Trudeau of Canada and President Enrique Peña Nieto of Mexico. The three presidents made a tri-lateral commitment to address the scourge of violence against indigenous women and girls that exists across North America. The commitment encompasses knowledge-sharing on best practices to prevent and respond the needs of indigenous women and girls, including enhancing cooperation between the three nations, improving judicial and social service provision, and strengthening the capacity of government health services to provide culturally sensitive services to all indigenous recipients.

PROVIDING OPPORTUNITIES FOR NATIVE YOUTH

Gathering Gen-I Native Youth. On September 27, the Administration will host the second annual Tribal Youth Gathering. Tomorrow’s gathering builds upon a series of six events hosted by the White House, the U.S. Department of Health and Human Services (HHS), and the U.S. Department of Agriculture (USDA), which engaged over 500 youth in providing an understanding of the Generation Indigenous (Gen-I) Native Youth Challenge and providing participating youth the opportunity to share their perspectives on topics including health and
wellness, community, education, culture, and leadership with the federal government. These events also included activities to promote youth leadership, skill building, and education all in an effort to provide participating youth with the tools to reach their full potential.

**Measuring the Success of our Native Youth Programming**. As a part of the Generation Indigenous (Gen-I) initiative, the WHCNAA and the Office of Management and Budget (OMB) are working with federal agencies to establish metrics and collect data about challenges and disparities faced by Native youth. These metrics will be used to help track the effectiveness of federal efforts to close opportunity gaps, and will help identify where we are making progress, where we are falling short, and progress that can be made when the federal agencies take a coordinated approach in addressing issues that affect Native youth.

**Enhancing Support for Consistent Climate Change Education for Native Youth**. In 2015 and 2016, U.S. Fish and Wildlife Service, Bureau of Indian Affairs (BIA), the National Park Service (NPS), and other partners hosted the first two Tribal Youth Climate Leadership Congress (Congress) to promote youth engagement and positive community action for climate resilience for 89 native youth. The Congress is supported partly through the BIA’s Tribal Climate Resilience Program to support Tribal youth working on climate change research. Additionally, the Environmental Protection Agency (EPA) is continuing its Tribal Eco-Ambassador Program, which partners with federal scientists and tribal college and university students to address environmental problems, many of which are related to the impact of climate change.

**Supporting Education and Community Development through Tribal Colleges and Universities**. In 2016, USDA’s National Institute of Food and Agriculture invested $13.9 million in 34 Tribal Land Grant Institutions. The new awards support institutional research, education, and extension outreach capacity through projects that address student educational needs, provide positive tribal youth development experiences, and help to solve other locally identified tribal community, reservation, and regional development issues.

**Engaging Native Youth**. In 2015, the Advisory Council on Historic Preservation (ACHP) adopted the Native Youth Strategic Plan. In 2016, the agency sought input from tribal leaders and historic preservation staff on their priorities and how best to reach out to Native youth. Based on stakeholder input, the ACHP has produced an information packet about historic preservation geared for both Native youth and adults. The information is intended to introduce Native youth to historic preservation, both in general and as a potential career path. A report will also be issued and will include recommendations based on input from Native youth, tribal leaders, and tribal preservation professionals. It will be available at >www.achp.gov/nap< in the summer of 2017.

**Increasing Support for Locally-Tailored Education Interventions**. The Department of Education recently announced that it will make $17.4 million in new awards for the Native Youth Community Projects (NYCP) grants in FY 2016, which is triple the $5.3 million that was provided in FY 2015. NYCP supports preschool through college-level projects that help American Indian and Alaska Native youth prepare for college and careers. President Obama’s FY 2017 budget request expands NYCP funding to $53 million. Technical assistance has been provided and will support these and the State-Tribal Education Programs STEP programs from pre-application through the implementation of their grants.

**Investing in the Future of Youth in Indian Country**. In FY 2016, the Corporation for National and Community Service (CNCS), a federal agency that administers AmeriCorps, will invest a record $3.5 million in tribally sponsored AmeriCorps programming and $1.25 million in education scholarships. The majority of the scholarship recipients are from Indian Country – who in exchange for their service will receive the scholarship to help pay for college or to repay student loans. AmeriCorps members will tutor and mentor youth, teach nutrition and physical activity, preserve language and cultural heritage, protect the environment, connect veterans and their families to job opportunities, prepare for disasters, and tackle substance abuse issues.

**Training Community Change makers**. In September 2016, 120 Native Youth Ambassadors, ages
14-17, will participate in the U.S. Department of Housing and Urban Development’s (HUD) National Native Youth Summit in Washington, DC, with the goal of developing the next generation of Native community leaders. Youth will explore what community means and the impact homes have on personal health, education, energy conservation, and finances. The youth will design a Local Empowerment Project, such as community beautification, community-based gardens, clean-up programs, mapping sacred spaces, distributing information about energy efficiency in the home, or creating a community youth health club to implement upon their return home.

Promoting Economic and Social Development through Career Technical Education Pathways. The Bureau of Indian Education (BIE) Sherman Indian High School accepted a generous donation from the San Manuel Band of Mission Indians to continue a Career Technical Education Pathways Program that supports students attending the school. The funds support five distinct career technical education clusters. Students learn skills to work in agriculture, construction, health care, culinary arts, hospitality, tourism, and other careers. The program allows students at the boarding school to gain skills in industries promoting economic and social development for American Indian and Alaska Native communities.

“Culture & Meth Don’t Mix” Initiative. DOI’s Office of the Assistant Secretary of Indian Affairs in collaboration with BIA’s Office of Justice Services (OJS), BIE, and the Substance Abuse and Mental Health Services Administration (SAMHSA) of the U.S. Department of Health and Human Services (HHS), has created a program called “Culture and Meth Don't Mix” to provide a culturally appropriate approach for meth prevention among Native American youth through community and inter-agency involvement. The program includes a speaker series that will take place in BIE schools. The speakers will consist of speakers from OJS, a health professional recommended by SAMHSA, and one person from the community. There will be a different theme each month educating youth about the dangers of meth, focusing on the fact that Native culture does not have a place for meth use.

Employment Opportunities for Tribal Youth through Conservation Corps. In 2016, the Gulf Coast Ecosystem Restoration Council began funding Tribal Youth Conservation Corps focused on coastal cleanup, restoration and community construction projects. Part of the Obama Administration's 21st Century Conservation Service Corps, the Tribal Youth Conservation Corps invests in the next generation of tribal leaders by providing job training skills to enhance these young people’s ability to engage in the long-term Gulf restoration effort to help families, bolster local economies, and lead to a more resilient coast. $500,000 was specifically set aside to engage tribal youth in the region in these opportunities.

STRENGTHENING TRIBAL SOVEREIGNTY

United States to Assume Concurrent Criminal Jurisdiction. In January 2016, DOJ granted a request by the Mille Lacs Band of Ojibwe for the United States to assume concurrent criminal jurisdiction on the tribe’s reservation in central Minnesota. The decision was the second assumption of jurisdiction granted by the Department of Justice under the landmark Tribal Law and Order Act of 2010, which gave the Department discretion to accept concurrent federal jurisdiction to prosecute violations of the General Crimes Act and the Major Crimes Act within areas of Indian country that are also subject to state criminal jurisdiction under Public Law 280. The decision regarding the Mille Lacs Band will take effect on January 1, 2017.

Indian Country Criminal Investigator Training Program. The Indian Country Criminal Investigator Training Program is a joint training collaboration between FBI and BIA-OJS, hosted at FLETC-West in Artesia, New Mexico. The Indian Police Academy staff and the FBI Indian Country Crimes Unit developed a course focused on preparing to work on various crimes on Indian reservations. It includes expert instruction from a forensic pediatrician, a pathologist, and experts on investigations of child abuse and violent crimes under the Major Crimes Act. Students also receive 24 hours of forensic evidence collection; the course concludes with a practical exercise where students process a crime scene and determine investigative steps. The
course will be run twice yearly and each session will have up to 24 students.

**Tribal Re-entry.** On April 29, 2016, President Obama issued a Presidential Memorandum appointing the Federal Interagency Reentry Council, a Cabinet-level working group comprised of more than 20 member agencies, to coordinate and leverage existing federal reentry resources; dispel myths and clarify policies related to reentry; elevate reentry programs and effective policies; and reduce policy barriers to successful reentry. As a part of the broader effort, the Bureau of Justice Assistance (BJA) has developed resources on Tribal Reentry including: BJA Tribal Reentry Fact Sheet; National Reentry Resource Center’s Tribal Affairs Page; American Probation and Parole Association website; and Strategies for Creating Offender Reentry Programs in Indian Country.

**Consolidating Tribal Lands.** Authorized by the Cobell Settlement in 2009, which provided $1.9 billion to purchase fractional interests at fair market value within 10 years, DOI’s Land Buy-Back Program has paid more than $850 million to individual landowners and restored the equivalent of approximately 1.6 million acres of land for tribes. The program has announced the next 105 locations, which includes more than 96 percent of landowners with fractional interests and more than 98 percent of both fractional interests and equivalent acres in program-eligible area.

**Supporting Federally-Recognized Tribal Governments to Request a Presidential Emergency or Major Disaster Declaration.** The Sandy Recovery Improvement Act of 2013 (SRIA) amended the Stafford Act to provide tribal governments the option to request a Presidential emergency or major disaster declaration. The Federal Emergency Management Agency (FEMA) is working to finalize the Tribal Declarations Pilot Guidance, which describes the process for tribal governments to request Stafford Act declarations and associated disaster assistance while the Agency prepares for and conducts a notice and rulemaking process to implement this provision of SRIA through regulations. FEMA’s 90-day consultation period on the second draft of the Tribal Declarations Pilot Guidance received nearly 800 comments from over 500 tribal officials, representing 178 federally-recognized tribal governments. FEMA aims to publish the guidance this fall to begin the pilot period.

**Implementing the Forest Service Trust Responsibility.** National Forests and Grasslands often hold a historic connection to America’s first stewards, and USDA is working to align its procedures with this unique relationship. In 2016, the USDA Forest Service published the final Tribal Relations Directives, which provide more consistency and efficacy in consultations with Tribal Nations and helps Forest Service employees understand the requirements, complexities and opportunities of tribal relations. The Directives describe the Forest Service’s responsibility to implement programs and activities consistent with, and respecting, Indian treaty rights and fulfilling the federal government’s trust responsibility with Indian tribes.

**Strengthening Sovereignty.** Transportation Secretary Anthony Foxx appointed the first-ever Deputy Assistant Secretary for Tribal Government Affairs on May 16, 2016. Located in the Office of the Secretary, this position will serve as the liaison between tribes and tribal governments and the Department of Transportation. The Department also began the process of developing a Tribal Transportation Self-Governance Program (TTSGP). This program will provide tribes with an additional option on how they would like to carry out their transportation programs. DOT initiated the negotiated rulemaking process to propose regulations that would direct the TTSGP. The TTSGP Negotiated Rulemaking Committee, composed of tribal transportation leaders and federal officials, has already begun its work.

**Connecting Communities, and Improving Infrastructures.** The Tribal Transit Program at the Federal Transit Administration is expanding its technical assistance efforts to tribes receiving funds through the Tribal Transit Technical Assistance Assessments initiative. Through these assessments, FTA collaborates with tribal transit leaders to review processes and identify areas in need of improvement and then assist with solutions to address these needs—all
in a supportive and mutually beneficial manner. The FTA has performed 30 assessments and will continue these efforts. The Tribal Transportation Program is the largest program in the Office of Federal Lands Highway at the Federal Highway Administration, which is authorized at $465 million in FY 2016.

Prioritizing Tribal Connectivity. Broadband is essential in the 21st Century, but today too many lack high speed access. The Administration has prioritized increasing broadband capabilities across Indian Country: as part of ConnectED, an initiative designed to connect schools and libraries to the digital age, the Federal Communications Commission’s (FCC) E-rate program provided broadband, Wi-Fi, and telecommunications funding to 245 tribal schools serving over 60,000 students and 31 tribal libraries last funding year alone; the National Telecommunications and Information Administration's (NTIA) published a planning toolkit for tribal governments to develop a Community Broadband Roadmap for building broadband networks, enhancing public computer centers, expanding broadband to unserved areas, encouraging public-private partnerships, and promoting broadband connectivity to homes, businesses and institutions; and starting December 1st, the enhanced Lifeline program subsidy, which is available to low-income people living on Tribal lands, can be used to help cover the cost of broadband service. Additionally, as a step towards providing tribal communities and entities with the resources they need to deploy broadband infrastructure, today the U.S. Department of Agriculture’s Rural Utilities Service is announcing that it will aim to double its annual investment in telecom broadband loans in Indian Country—to $50 million in FY17—and dedicate staff to providing tribes with technical assistance to help unlock existing resources. And because broadband is critical to creating opportunity for Native Youth, the President’s Budget proposed significant investments in education information IT to enhance broadband and digital access for students at BIE-funded schools.

Sponsoring for Clean Energy. During 2016, the Department of Energy’s (DOE) Office of Indian Energy Policy and Programs (Indian Energy) will obligate nearly $15 million in direct support of clean energy deployment by tribes (Indian tribes and their governmental instrumentalities, including Alaska Native villages, Alaska Native Regional Corporations and Village Corporations, and Tribal Energy Resource Development Organizations). On August 17, DOE’s Office of Indian Energy announced the availability of up to $3 million to initiate the first steps toward developing and sustaining renewable energy and energy efficiency on tribal lands.

Improving Access to Data for American Indians and Alaska Natives (AIAN). In 2016, BIA and the Census Bureau signed a Memorandum of Understanding (MOU) as a first step in identifying and addressing AIAN data quality and availability issues. As a result of the MOU, BIA and Census are sharing geospatial data to improve the accuracy of tribal boundaries in time for the 2020 Census; a federal interagency work group was established to promote communication and collaboration; an inventory of existing federal AIAN data collections was developed to identify data gaps and establish a baseline for progress; and a series of workshops to address AIAN data issues is being planned.

Refining, Expanding and Engaging in Tribal Consultation. In FY 2016, HUD published its revised tribal consultation policy, proposed a tribal advisory committee, and completed negotiated rulemaking. HUD issued a Federal Register Notice seeking public comment on a proposed Tribal Intergovernmental Advisory Committee to further facilitate communication between HUD and Federally-recognized Indian tribes on all HUD programs. In January, HUD completed negotiated rulemaking with tribal representatives on the Indian Housing Block Grant funding formula.

Tracking Federal Initiatives to Build Resilience in Indian Country. The White House Council on Environmental Quality (CEQ) and the White House Council on Native American Affairs Environment, Climate, and Natural Resources Subgroup, have developed a progress report on the Tribal Supplemental Recommendations of the State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience. The report identifies programs and policies
that Federal agencies have developed or updated in response to the Tribal Supplemental Recommendations, which focus on the specific and unique perspectives of Native communities to build resilience to the impacts of climate change. Read more about it here.

HEALTHY COMMUNITIES & ENVIRONMENTS IN INDIAN COUNTRY

Supporting the Delivery of Traditional Foods in Indian Country. The 2014 Farm Bill provided additional flexibility for USDA to incorporate traditional foods into the Food Distribution Program on Indian Reservations (FDPIR) program managed by the USDA Food and Nutrition Service. In 2016, USDA increased the quantity and variety of traditional foods being distributed to low-income families and the elderly through FDPIR through the purchase of 120,000 pounds of bison, 216,000 pounds of frozen wild salmon, 55,000 pounds of wild rice, and 646,000 pounds of blue cornmeal, much of it supplied by Native American-owned businesses.

Partnering to Build Resilience in Tribal Communities. Two new partnerships will enable 160 AmeriCorps VISTA members to serve in Tribal communities over the next three years. The Resilience AmeriCorps program will place AmeriCorps VISTA members at 55 tribal locations to boost their capacity to prepare for severe weather. This expansion includes Conservation Legacy, American Indian Higher Education Consortium, Enterprise Community Partners, Tribal Colleges and Universities and Tribal Housing Authorities. Building on the Let’s Move in Indian Country and Seeds of Native Health initiatives, AmeriCorps VISTA is also joining with the University of Arkansas Law School’s Indigenous Food and Agriculture Institute and the Shakopee Mdewakanton Sioux Tribe to place AmeriCorps VISTA members in 10 tribes to help develop agricultural opportunities and nutritional priorities to benefit Tribal members.

Combating Climate Change in Tribal Nations: Climate Resilience Toolkit. In 2015, the Administration expanded the Climate Resilience Toolkit to include a new “Tribal Nations” theme, comprised of more than 40 resources—with more to be added in the future—to assist Tribal nations in climate change planning, adaptation, and mitigation. Resources include a comprehensive Tribal Climate Change Adaptation Planning Toolkit, and a set of guidelines for considering traditional knowledge in climate change initiatives. In July 2016, NOAA, in collaboration with the U.S. Global Change Research Program and a number of agencies, released new capabilities through the Climate Resilience Toolkit; these included county-scale climate projections for the continental United States, making climate information more locally relevant.

Engaging Communities and Connecting with Technical Experts and Resources through Community-based Data Collection. In 2015, EPA’s Indian Environmental General Assistance Program provided a grant to the Alaska Native Tribal Health Consortium (ANTHC), to support the release of a Local Environmental Observer (LEO) App. Expanding on the successful computer-based tool, the App allows observers to share photos and text from the field, complete with GPS locations. The LEO Network provides a model for engaging communities and connecting with technical experts and resources to allow communities to monitor, respond to, and adapt to new impacts and health effects. LEO experts apply local and traditional knowledge, western science and modern technology to record and share observations and to raise awareness about the conditions in the circumpolar north. Due to the success of the program, EPA and ANTHC are working to expand LEO internationally and in the Lower 48.

Building Knowledge and Connection for Environment, Climate Change, and Natural Resources. In May 2016, the Environment, Climate Change, and Natural Resources Subgroup—part of the White House Council on Native American Affairs—hosted a convening for Tribal leaders and Administration leadership to discuss the impacts of climate change on their Tribal communities. The Subgroup launched the Federal Tribal Climate Change Resource Guide—an online portal that creates a centralized place for Tribal government professionals to locate available resources from the federal government. This guide enables Tribal governments to identify resources, tools and expert advice from multiple agencies.

SUPPORTING NATIVE AMERICAN CULTURE & HERITAGE
Supporting Resiliency through Native Language and Culture. The Administration for Native Americans recently awarded nearly $3 million in funds under two new grant programs to support Native youth. The Native Language Community Coordination Demonstration Projects is a five-year demonstration project that will enable communities to increase their capacity to address gaps in providing continuous Native language instruction from childhood through post-secondary education. The Native Youth Initiative for Leadership, Empowerment, and Development (I-LEAD) funding will support community programs that promote Native American youth resiliency and foster protective factors such as connections with Native American languages and elders, positive peer groups, models of safe sanctuary, and more.

Protecting Confidential Information. The Advisory Council on Historic Preservation (ACHP) has issued a “Frequently Asked Questions” guidance document on protecting sensitive information about historic properties under Section 304 of the National Historic Preservation Act. Federal agency officials, State and Tribal Historic Preservation Officer (SHPO/THPO), Indian tribes, Native Hawaiian organizations, and other stakeholders in the Section 106 process often ask ACHP staff how sensitive information about historic properties can be protected from public disclosure. This new guidance, available here, builds upon the successful Section 304 Webinar the ACHP offers about how Section 304 works to protect such information and thereby prevent harm to historic properties. In developing this guidance, the ACHP coordinated closely with the NPS’ Keeper of the National Register of Historic Places program to ensure these FAQs identify the most commonly asked questions and provide helpful guidance to Section 106 practitioners as well as members of the public regarding what information may be withheld from disclosure, under what circumstances, and for what reasons.

Preserving Tribal Culture and Values by Supporting Efforts to Repatriate Cultural Items from Abroad. DOJ has launched an interagency group on cultural property with DOI, the Department of State, and DHS, with a focus on international repatriation. Next steps include strengthening interagency cooperation, responding to Congressional requests for information and comments on legislation, and holding government-to-government consultations on international repatriation, which will be launched at the 2016 Tribal Nations Conference.

Working with the United Nations Declaration on the Rights of Indigenous Peoples. The ACHP issued new guidance about the linkages between the U.N. Declaration and tribal and Native Hawaiian preservation issues in the Section 106 review process. The guidance helps federal agencies understand the right of indigenous peoples to participate in decision making when their rights would be affected, including with respect to the destruction of historic properties or sacred places of religious or cultural significance. The ACHP has extensively promoted the Declaration within the historic preservation community and issued initial guidance regarding Section 106 consultation and the Declaration.

Sacred Sites MOU Executive Committee Announces New Training. As part of the deliverables of the Sacred Sites MOU, the Executive Committee of the Sacred Sites MOU is announcing the release of “Native American Sacred Sites and the Federal Government, A Training for Federal Employees and Contract Staff Developed under the Sacred Sites Memorandum of Understanding,” a comprehensive online training module for federal employees and contractors, which is also available for free to the public. The Sacred Sites MOU was signed by DOD, USDA, DOI, DOE, and ACHP to improve the protection of and tribal access to Indian sacred sites on federally managed land."
Obama Administration Exceeds Ambitious Goal to Restore 500,000 Acres of Tribal Homelands," Office of the Secretary, U.S. Department of the Interior, October 12, 2016, stated in part, "U.S. Secretary of the Interior Sally Jewell and Principal Deputy Assistant Secretary – Indian Affairs Lawrence S. “Larry” Roberts announced that the Obama Administration has exceeded its goal of placing half a million acres of tribal homelands into trust for federally recognized tribes."

"The 500,000 acre goal was surpassed Friday when President Obama signed into law the bipartisan Nevada Native Nations Lands Act, which conveys more than 71,000 acres of Bureau of Land Management and U.S. Forest Service lands to the U.S. Department of the Interior to place into federal trust status for six Nevada tribes. The tribes will use their newly acquired lands to expand housing, provide economic development opportunities and promote cultural activities for and by their tribal members."

Congressional Developments

"Indian Trust Asset Reform Bill Enacted," Hobbs-Straus General Memorandum 16-040, June 27, 2016, http://hobbsstraus.com/general-memorandum-16-040, reported, "On June 22, 2016, the President signed HR 812 as PL 114-178, the Indian Trust Asset Reform Act (Act). The Act reaffirms the responsibility of the United States to Indian tribes; authorizes a demonstration project for tribes to voluntarily negotiate with the Secretary of the Interior to manage their own trust assets; creates the option for the Secretary to establish an Under Secretary for Indian Affairs; and sets up a process to terminate the Office of the Special Trustee. HR 812 was introduced by Representatives Simpson (R-ID); Cole (R-OK); and Heck (D-WA). Companion legislation was introduced by Senator Crapo (R-ID). A copy of HR 812, as presented to the President for signature, is here: https://www.gpo.gov/fdsys/pkg/BILLS-114hr812enr/pdf/BILLS-114hr812enr.pdf.

Background. The Act is generally considered to be the first major trust reform bill enacted since the American Indian Trust Fund Management Reform Act of 1994 (PL 103-412)—the legislation which was responsible for the creation of the Office of the Special Trustee in the first place. Previous iterations of the Act had been introduced and debated in the past several Congresses but never enacted. Below we briefly describe each title.

Title I – Recognition of Trust Responsibility. This title reaffirms the responsibility of the United States to Indian tribes and sets forth congressional findings recognizing the federal trust responsibility, including a duty to promote tribal self-determination regarding governmental authority and economic development.

Title II – Indian Trust Asset Management Demonstration Project. This title directs the Secretary of the Interior to establish and carry out an Indian trust asset management demonstration project. In order to participate, a tribe must first submit a written application which is subject to Secretarial approval. After approval, a tribe is to then submit a proposed Indian trust asset management plan (proposed plan). The proposed plan is required to include provisions that: identify the trust assets that will be the subject of the plan; establish objectives and priorities for these assets; allocate funding to meet these objectives and priorities; establish procedures for non-binding mediation or resolution of any dispute between the tribe and the federal government relating to the plan; establish a process for the tribe and the federal agencies affected by the plan to conduct evaluations of compliance with the plan; and identify any federal regulations that will be superseded by the plan. If the tribe has contracted or compacted functions or activities under the Indian Self-Determination and Education Assistance Act (ISDEAA) relating to the management of trust assets then the proposed plan is also required to include provisions that identify the functions or activities that are being or will be performed by the tribe under the contracts, compacts, or other agreements under the Act (such as the forest land management and surface leasing activities described below) and describe the practices and
procedures that the tribe will follow. During the development of the proposed plan, the Secretary is required to provide technical assistance. The Secretary may not approve a proposed plan unless it is consistent with federal treaties, statutes, and executive orders applicable to the trust assets or their management. The Secretary must approve or disapprove a proposed plan within 120 days of submission. This demonstration project will remain in effect for ten years after the date of enactment but may be extended at the Secretary's discretion.

Title II also includes a section on forest land management and surface leasing. This section allows the Secretary to approve a proposed plan which includes or incorporates by reference tribal surface leasing and/or forest land management regulations that would allow the tribe to conduct such activities under tribal regulation without separately obtaining Secretarial approval. 'Forest land management activities' are defined by reference in section 304(4) of the National Indian Forest Resources Management Act. 'Surface leasing transaction' means a residential, business, agricultural, or wind or solar resources lease of trust land or of fee land subject to restrictions against alienation. This section also provides that tribes may choose to submit a separate approval request to the Secretary for tribal regulations governing forest land management activities, even if that tribe does not submit or intend to submit an Indian trust asset management plan.

Title III – Improving Efficiency and Streamlining Processes. This title has four main sections.

Sec. 303 authorizes the Secretary to establish the position of Under Secretary for Indian Affairs within the Department of the Interior. Among the Under Secretary's designated duties would be the requirement that the Under Secretary coordinate with the Special Trustee for American Indians in order to ensure the orderly transition of Special Trustee functions to one or more appropriate federal entities. The Under Secretary would coordinate Bureau of Indian Affairs policies with the: Bureau of Reclamation; Bureau of Land Management; Office of Natural Resources Revenue; National Park Service; and U.S. Fish and Wildlife Service. The Under Secretary would also provide for regular consultation with Indians and Indian tribes who own interests in trust resources and trust fund accounts.

Sec. 304 requires the Secretary, one year from the date of enactment, to prepare a report, in consultation with Indian tribes which includes a transition plan for the Office of the Special Trustee (OST) to terminate within two years of the date of the report, unless the Secretary determines that an orderly transition cannot be accomplished within that timeframe. If the Secretary determines that more time is needed to complete the transition, the Secretary must submit an explanatory report and suggest an alternative transition date for congressional approval. This section also provides that tribes and tribal consortia may include OST fiduciary trust officers in their ISDEAA agreements.

Sec. 305 requires the Secretary, in consultation with tribes, to ensure that appraisals and valuations of Indian trust property are administered within 18 months of the date of enactment by a single entity within the Department of the Interior. This section also requires the Secretary to establish minimum qualifications for persons to prepare appraisals and valuations of Indian trust property. Once these minimum standards are met, the appraisals and valuations will not require Secretarial review or approval.

Sec. 306 requires the Secretary to identify any resulting cost savings from any function or activity that OST will not have to operate or carry out as a result of any transfer of functions or personnel under Title III and provide this information to the Tribal-Interior Budget Council (TIBC) or other appropriate advisory committee. The TIBC or other advisory committee may provide recommendations within 90 days of receiving such information on how any cost savings should be reallocated, incorporated into future budget requests, or appropriated."

"Native American Children's Safety Act Signed into Law," Hobbs-Straus General
Memorandum 16-037, June 17, 2016, http://hobbsstraus.com/general-memorandum-16-037, reported, "On June 3, 2016, the President signed S 184 as PL 114-165, the Native American Children's Safety Act (Act). The Act prescribes certain background check requirements to be undertaken by tribal social service agencies for tribal court-ordered foster care placements. S 184 was introduced by Senators Hoeven (R-ND) and Tester (D-MT) and companion legislation was introduced by Representative Cramer (R-ND). A copy of the Act is attached.

Tribes are already subject to criminal background check requirements for tribally-licensed foster care placements per Bureau of Indian Affairs (BIA) guidance issued pursuant to the Indian Child Protection and Family Violence Prevention Act (PL 99-570). At the same time, tribes who administer the Social Security Act's Title IV-E Foster Care and Adoption Assistance Act have additional background check requirements, creating overlapping and, in some cases, inconsistent requirements. There are also approximately 100 state-tribal Title IV-E agreements which may include background check requirement for tribes who are party to those agreements. The Native American Children's Safety Act amends PL 99-570 by incorporating into it the background check provisions found in the Title IV-E Foster Care and Adoption Assistance Act.

The Act specifies that tribal social services agencies must:

• Undertake criminal records check of each 'covered individual' who resides in the household or is employed at the institution in which the foster care placement will be made, and

• Conclude that each covered individual meets such standards as the tribe establishes.

A covered individual is any person 18 years of age or older and any person who the tribal social services agency determines is subject to a criminal records check. A home may not be licensed as a foster care home nor a child placed there if a covered individual has been found by a federal, state, or tribal court to have committed any crime set out in 42 U.S.C. 671(a)(20(A)) which is part of Title IV-E of the Social Security Act.

Criminal record checks are to include:

• Fingerprint-based checks of national crime information data bases;
• Checking of abuse registries maintained by the tribe, and any child abuse and neglect registry maintained by the state; and
• Any additional requirement that the tribe may determine is necessary and permissible.

In cases of emergency foster care placements, background checks do not need to be completed before the child is placed in a home.

An issue that received significant attention during the consideration of S 184 was the one of adults who take residence in a home after background checks have been completed and the child has been placed there. Thus, the Act includes the new requirement that tribes establish procedures to recertify foster homes at periodic intervals regarding the safety of the home and also for the purpose of background checks on adults who were not in the home at the time of the child’s placement.

Consultation/Guidance. Finally, the Act requires the Department of Interior to consult with tribes and to issue guidance or regulations regarding procedures for criminal records checks and for self-reporting by the head of the household or the operator of the institution who has knowledge of individuals in the home or institution who have been convicted of certain crimes or listed on a child abuse registry. Other topics for consultation are 'promising practices' for emergency foster care placements and certification of compliance with the Act.

We bring to your attention two of our General Memoranda regarding federal agency efforts to expand tribal access to national crime information data bases and BIA procedures for use in background checks for emergency child placements:

• General Memorandum 16-062 of August 25, 2015: Departments of Justice and Interior
Introduce Two Programs to Expand Tribal Access to National Crime Information Databases, and
• General Memorandum 15-065 of September 15, 2015: BIA Implementation Procedures
for the purpose Code X program: For Use in Background Checks for Emergency Child
Placements."

"Commission on Native American Children Signed into Law," Hobbs-Straus General
Memorandum 16-062, October 17, 2016, http://hobbsstraus.com/general-memorandum-16-062,
reported, "On October 14, 2016, President Obama signed S 246, the Alyce Spotted Bear
and Walter Soboleff Commission on Native Children Act, into law. The Act authorizes the
Alyce Spotted Bear and Walter Soboleff Commission (Commission), over a three-year
period, to evaluate and make recommendations regarding ways to improve tribal, state,
and federal programs affecting Native children. The title of the Act is a tribute to Alyce
Spotted Bear, a former Chairwoman of the Mandan, Hidatsa, and Arika Nation and Walter
Soboleff, a Tlingt elder statesman, scholar and religious leader. While the law provides that the
Commission is to be located in the Office of Tribal Justice in the Department of Justice, the
President's signing statement says that it will be considered an independent entity outside
of the executive branch, explaining:

While I welcome the creation of this Commission, it cannot be located in the executive
branch consistent with the separation of powers because it includes legislative branch appointees
(who here are empowered to direct other executive branch agencies to provide additional
resources to the Commission). I am therefore instructing the Attorney General to treat the
Commission as an independent entity, separate from the executive branch.

The President's signing statement may be found here:
https://www.whitehouse.gov/the-press-office/2016/10/14/statement-preside...

The legislation was introduced in January of 2015 by Senator Heitkamp (D-ND) along
with Senator Murkowski (R-AK). A companion bill, HR 2751, was introduced in June of 2015
by Representative McCollum (D-MN) with Representatives Cole (R-OK), Takai (D-HI) and
Denham (R-CA) as original cosponsors.

The Act authorizes an ambitious agenda for the Commission whose members would
be appointed by the President and by congressional leadership. Assisting the Commission
would be a Native Advisory Committee consisting of one representative of tribes from each
of the Bureau of Indian Affairs regions and one person who is Native Hawaiian.

Among the issues to be studied by the Commission are the impacts of concurrent
jurisdiction on child welfare systems, federal and private funding barriers, data collection,
sustainability of programs, cultural and socioeconomic challenges, examples of successful
programs, and interagency coordination issues. The Act includes a lengthy list of subjects
that the Commission's recommendations are to address.

The Senate bill as introduced included a $2 million authorization for the expenses
associated with the work of the Commission. However, the House deleted the funding
authorization and the bill as enacted does not include a specific funding authorization.

The Act provides that the Commission may approve the detailing of one or more
employees from the Departments of Justice, Interior, Education, and Health and Human
Services to work with them. The work of the Commission and the Advisory Committee will
need to be undertaken with available funds."

"Native American Tourism and Improving Visitor Experience Act Signed into Law,"
Hobbs-Straus General Memorandum 16-060, October 7, 2016, http://hobbsstraus.com/general-
memorandum-16-060, reported, "On September 23, 2016, President Obama signed into law S
1579, the Native American Tourism and Improving Visitor Experience Act (NATIVE Act)
as PL 114-221. The NATIVE Act is designed to facilitate international and domestic
tourism in tribal communities via updating federal agency tourism strategies and providing
increased resources and technical assistance to tribes, tribal organizations, and Native Hawaiian organizations for their tourism efforts. The focus of the NATIVE Act is the utilization tribal communities' rich and diverse cultures and histories in the visitor experience.

This legislation received bipartisan support and was sponsored by Senator Schatz (D-HI) and Representative Mullin (R-OK). Supporting organizations included the American Indian Alaska Native Tourism Association, the National Congress of American Indians, the Alaska Federation of Natives, and various tourism organizations.

Under the NATIVE Act, those federal agencies which have management plans and tourism strategies are instructed to consult with tribes regarding updating agency plans to include Indian tribes, tribal organizations, and Native Hawaiian organizations. The Act specifically lists the Departments of Commerce and Interior as among these agencies. The updated plans are to outline policy proposals on ways to increase and enhance tourism through improved: tourism data and analysis; agency websites and publications; visitor portals that feature Native heritage and language; accessible transportation; trade opportunities; and identification of agency programs to support tourism capacity-building. The Secretary of Interior, in consultation with the Secretary of Commerce, is instructed to enter into a memorandum of understanding or cooperative agreement 'with an entity or organization with a demonstrated record in tribal communities of defining, introducing, developing, and sustaining American Indian, Alaska Native, and Native Hawaiian tourism and related activities in a manner that respects and honors native traditions and values.' This organization is to facilitate efforts between the Departments of Commerce and Interior and to work with tribes on identifying technical assistance needs and delivery of that assistance.

The Act also instructs other federal agencies take actions to showcase Native traditions and history, to support tribal efforts to promote visitation, and to establish public-private partnerships geared to travelers, both domestic and international, who are arriving at airports and ports of entry. The Administration for Native Americans, the National Endowment for the Arts, and the National Endowment for the Humanities are encouraged to provide grants to support tribes' development of visitor programs and in using the arts and humanities to celebrate their diversity. The Smithsonian Institution is instructed to collaborate with tribes and other organizations to develop partnerships with non-Smithsonian museums and organizations to share their collections and to undertake joint research and other projects that would support tribal tourism efforts.

The text of the NATIVE Act may be found here: https://www.congress.gov/114/bills/s1579/BILLS-114s1579enr.pdf."

"Opioid Legislation Approved by Congress," Hobbs-Straus General Memorandum 16-048, July 22, 2016, http://hobbsstraus.com/general-memorandum-16-048, reported, "The House and the Senate have approved legislation aimed at addressing the urgent national issue of opioid abuse. This includes both the misuse of a certain class of pain medicines and the use of heroin. The skyrocketing death rates and the number of infants born affected by opioids around the nation prompted many congressional committees to hold hearings on this issue, including the Senate Committee on Indian Affairs. The legislation, the Comprehensive Addiction and Recovery Act of 2016 (CARA) (S. 524; conference report – H. Rept. 114-669) was approved by the House on July 8 by a vote of 407-5 and by the Senate on July 13 by a margin of 92-2. CARA contains tribal eligibility for a number of competitive grant programs; but there is no tribal-specific allocation of funds. An early effort to include a tribal allocation in the Senate's version of the legislation did not succeed.

The vote margins belie the strong differences of opinion over this legislation. The
Administration and congressional Democrats strongly supported mandatory emergency funding to address the opioid crisis while congressional Republicans stood firm for discretionary funding provided through appropriations bills. The Republicans prevailed. Up until the time of the floor votes it was not certain whether Democrats would vote for the bill. Efforts by Democrats in both Houses to provide additional emergency mandatory funding failed. House Republicans point out correctly that in the pending FY 2017 appropriations bills there is recommended funding for efforts to address opioid abuse, notably the Health and Human Services (HHS) and the Department of Justice (DOJ) bills. The prospects of enacting any FY 2017 appropriations bills is problematic and we expect a FY 2017 Continuing Resolution (CR) of some indeterminate length of time, possibly into December or even longer. Funding could be provided in a CR under the relatively rare addition of an "anomaly".

As of this writing CARA has not yet been transmitted to the White House for signature. President Obama, while disappointed with the bill, has said that he will sign it.

CARA covers a wide range of issues including prescribing practices; pain management and research; access to opioid overdose reversal drugs; medication-assisted treatment; prescription electronic reporting; HHS opioid education campaigns, including one geared to youth injured in sports; codification of several existing federal agency practices regarding opioid abuse; a DOJ new Comprehensive Opioid Abuse Grant Program; allowance under some circumstances for partial refill of prescriptions for controlled substances; and prescription and pain management provisions specific to prevention of prescription drug abuse under Medicare and Medicaid. It also has provisions specific to drug-addicted infants, residential treatment grants for pregnant and postpartum women, and the Veterans Health Administration.

Below is information on sections of CARA which specifically mention tribes:

Section 107. Improving Access to Overdose Treatment. No later than 180 days after the enactment the Secretary of HHS may provide information to health care facilities of the Indian Health Service on "best practices for prescribing or co-prescribing a drug or device approved or cleared under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et. seq.) for emergency treatment of known or suspected opioid overdose, including for patients receiving chronic opioid therapy and patients being treated for opioid use disorders." Similar provisions are included for the Secretaries of Defense and Veterans Administration for their health facilities. Section 107 also authorizes $5 million in grants for Federally Qualified Health Centers and others from FY 2017 through 2021 for expansion of access to drugs or devices for emergency treatment of known or suspected opioid overdose.

Section 201. Comprehensive Opioid Abuse Grant Program. The Attorney General is authorized to make grants to Indian tribes and state and local governments to provide services primarily relating to opioid abuse; developing, implementing, or expanding a treatment alternative to incarceration programs; training criminal justice agency personnel on substance use disorders and co-occurring mental illness and substance use disorders; the development of a mental health court; the development of a drug court; the development of a veterans treatment court program; creating programs focused on parents whose incarceration could result in their children entering the child welfare system; and the development of community-based substance use diversion programs sponsored by a law enforcement agency.

Tribes, state and local governments that are awarded a grant from this program may use all or a portion of that grant to contract with, or make one or more sub-awards to, one or more of the following (1) local or regional organizations that are private and nonprofit, including faith-based organizations; (2) units of local government; or (3) tribal organizations.

To request a grant, the chief executive officer of a tribe, state or local government must submit an application to the Attorney General and include the following:

"(1) A certification that Federal funds made available under this part will not be used to supplant State, local, or tribal funds, but will be used to increase the amounts of such funds that
would, in the absence of Federal funds, be made available for the activities described in section 3021(a).

(2) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

(3) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General),

(A) the activities or services to be funded by the grant meet all the requirements of this part;
(B) all the information contained in the application is correct;
(C) there has been appropriate coordination with affected agencies; and
(D) the applicant will comply with all provisions of this part and all other applicable Federal laws.

(4) An assurance that the applicant will work with the Drug Enforcement Administration to develop an integrated and comprehensive strategy to address opioid abuse."

Included is a provision to ensure that services may be provided to pregnant women who are eligible for grants under the Family-Based Substance Abuse Grant Program. (Section 501 of the bill also reauthorizes a grant program for residential treatment of pregnant and postpartum women who have an opioid use order, including assistance for their children). The CARA authorizes $103 million in each of fiscal years 2017 through 2021 for this grant program. The Attorney General is to distribute funds that "equitably address the needs of underserved populations, including rural and tribal communities; and focuses on communities that have been disproportionately impacted by opioid abuse…"

Section 202. **First Responder Training**. CARA codifies an existing grant program whereby HHS provides grants to tribes, tribal organizations, states and local governments that will allow "first responders and other key community sectors to administer a drug or device approved or cleared under the Federal Food, Drug and Cosmetic Act for emergency treatment of known or suspected opioid overdose." Grantees are also to use funds for training and to establish processes and protocols for referral to proper treatment. At least 20 percent of funds are to be awarded to entities that are not located in metropolitan statistical areas.

**CARA authorizes $12 million annually for this grant program for each of fiscal years 2017 through 2021.**

Section 301. **Evidence-Based Prescription Opioid and Heroin Treatment and Interventions Demonstration**. CARA codifies an existing Substance Abuse and Mental Health Services Administration program for grants, contracts, or cooperative agreements with tribes, tribal organizations, state substance abuse agencies, local governments and nonprofit organizations to expand the availability of medication-assisted treatment and other clinically-appropriate services. Funds are for use in areas where there is a high rate or rapid increase in the use of heroin or other opioids.

**CARA authorizes $25 million in each of fiscal years 2017 through 2021 for this program.**

**Pain Management Task Force.** We also point out that Section 101 would establish a Pain Management Best Practices Inter-Agency Task Force which would have a large number of representatives including HHS, relevant HHS agencies (presumably the Indian Health Service) and experts in the field of minority health. The Secretary of HHS is to ensure that the Task Force membership includes individuals representing rural and underserved areas. The Task Force is to study whether there are gaps or inconsistencies among federal agencies in their pain management best practices and to propose updates and recommendations regarding the same. The Task Force does not have rulemaking authority.

The Conference Report on CARA is available:
The U.S. Senate passed an infrastructure bill, September 15, 2016, that includes a provision for accelerated reimbursement to tribes and states for monitoring of the waters, including the San Juan River, impacted by the Gold King mine spill in Colorado in 2015. This most particularly effects the Navajo and Southern Ute nations (Alysa Landry, "Senate Passes Gold King Spill," Navajo Times, September 22, 2016).

"Efforts to Enhance Protection of Native American Cultural Objects, General Memorandum 16-069, October 28, 2016, http://hobbsstraus.com/general-memorandum-16-069, reported, "The Firm has recently been involved in a number of efforts designed to expand protection of Native American cultural objects, both by keeping them at home with their tribal communities and facilitating their repatriation domestically and internationally.

Tribes' possession and protection of their cultural objects, including their sacred objects and objects of cultural patrimony, is imperative for their cultural practices and ability to pass those practices down to future generations. Unfortunately, many of these important cultural objects are illegally removed from tribes and trafficked domestically and internationally. Once abroad, tribes are forced to fight often-losing battles to regain possession of them. The Pueblo of Acoma has significant firsthand experience with this problem, and it is currently fighting for the repatriation from France of an important shield.

For this reason, a better understanding of the extent of the problem and possible solutions, better coordination between federal agencies, and stronger legislation is necessary. Rep. Pearce (R-NM), Sen. Udall (D-NM), and Sen. Heinrich (D-NM) have been instrumental in championing the legislative efforts now underway, with bipartisan support, including Sen. Flake (R-AZ), Sen. McCain (R-AZ), Rep. Cole (R-OK), and others. Representatives from the Department of the Interior (DOI), Department of State (State), Department of Homeland Security, and Department of Justice (DOJ) are also important partners in these efforts.

PROTECT Patrimony Resolution

The initiative that has progressed the farthest to date is the Protection of the Right of Tribes to Stop the Export of Cultural and Traditional (PROTECT) Patrimony Resolution. The Resolution is designed to acknowledge the problem of illegal removal and trafficking of protected Native American cultural objects and to call for certain preliminary actions. It supports congressional development of an explicit restriction on exportation, calls on federal agencies to consult with tribes to find ways to address the problem, and calls on state and local governments and other stakeholders to work cooperatively to resolve the problem.

The House version of the Resolution, H.Con.Res. 122, was introduced on March 2, 2016 by Rep. Pearce. It gathered broad bipartisan support, with 16 Representatives signing on as cosponsors. The House passed the Resolution on September 21, 2016. Rep. Pearce in a congressional statement described the Resolution as Congress stating that it wants to study the problem of illegal removal and trafficking, determine ways to do better, and then resolve the problem. The Senate version, S.Con.Res. 49, was introduced on July 14, 2016, by Sen. Udall and passed on September 29, 2016. Although the two versions are largely substantively the same, and have been amended to bring them closer together, they are not identical.

The Resolutions, while approved by the House and Senate, do not have the force of law but are important in expressing the views of Congress and have added impetus for enactment of legislation on this matter in the next Congress.

STOP Act

Another legislative initiative moving forward is the Safeguard Tribal Objects of Patrimony (STOP) Act. The STOP Act strengthens existing federal laws. It applies to "Native American cultural objects," which it defines to include "cultural items" protected by the Native American Graves Protection and Repatriation Act (NAGPRA), "archaeological resources"
protected by the Archaeological Resources Protection Act (ARPA), and "objects of antiquity" protected by the Antiquities Act.

The STOP Act increases NAGPRA penalties, prohibits exportation of Native American cultural objects, and provides a limited immunity from federal prosecution when individuals repatriate Native American cultural objects. It also calls on the Government Accountability Office (GAO), in conjunction with specific agencies, to prepare a report covering the scope of illegal trafficking, the extent of prosecutions that take place under existing federal laws, and recommendations for eliminating trafficking and securing repatriation. Last, it creates a tribal working group to contribute information for the GAO report and to provide advice regarding methods for implementing the report's recommendations.

The Senate version of the STOP Act, S 3127, was introduced on July 6, 2016, by Sen. Heinrich. It has been referred to the Senate Committee on Indian Affairs. The House version, HR 5854, was introduced on July 14, 2016, by Rep. Lujan (D-NM). It has been referred to the House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs and the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations Subcommittees.

The two versions of the STOP Act mirror each other. However, congressional staff have solicited comments from federal agencies and have also received feedback from tribes, collectors, and other stakeholders. Therefore, the bill may see amendments based on this feedback before its passage. Specifically, there is a focus on finding a way to better define or provide guidance regarding the items that qualify as protected Native American cultural objects—which is really an attempt to better define the items protected under existing federal laws, without compromising tribal sensitivities.

Funding for Cultural Items Unit

An additional legislative effort is to secure funding for a Cultural Items Unit, see H. Rept. 114-632. The House Committee on Appropriations in a June 21, 2016, report approved for inclusion in the fiscal year 2017 DOI budget $1,000,000 for a Cultural Items Unit that would be located within the Bureau of Indian Affairs Division of Law Enforcement and tasked with investigating violations of NAGPRA and other similar federal laws.

GAO Report

On June 28, 2016, congressional representatives requested and on August 11, 2016, the GAO agreed to undertake a study on illegal removal and trafficking of Native American cultural objects. The GAO was asked to study the actions the federal government has taken to prevent illegal removal and trafficking, the status of the federal government's efforts to secure repatriation, the results of enforcement actions, and the market for illegal trafficking. The report requested is similar but not identical to the report requested in the STOP Act and a report that was initially requested in earlier versions of the PROTECT Patrimony Resolution.

Those who made the request include Rep. Goodlatte (R-VA), who serves as Chairman of the House Judiciary Committee; Rep. Sensenbrenner (R-WI), who serves as Chairman of the House Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; and Rep. Pearce.

DOI Tribal Consultations

While these legislative efforts proceed forward, federal agencies are also working to find ways to better protect Native American cultural objects, and specifically to secure repatriation from abroad. DOI has held various listening sessions and on September 27, 2016, held its first tribal consultation. Also participating in these sessions were representatives from State and DOJ.

These agency efforts are due in part to the Pueblo of Acoma's recent work to regain possession of a shield, which was stolen from the Pueblo but recently was listed for sale at a Paris auction house. This work has required coordinating with federal officials across the federal government. Although the federal agencies have not yet determined what the final product from these sessions will be, they have indicated that they are seeking comments on pending legislative
efforts. They also appear to be considering creating an interagency guidance document that would direct federal agency and tribal officials regarding the procedures federal agencies would utilize to protect Native American cultural objects and facilitate repatriation, which would undoubtedly incorporate lessons learned from repatriation efforts related to the Pueblo of Acoma's shield."

Rick Kearns, "Protecting Sacred Objects Bill Introduced In Senate," ICTMN, August 7, 2016, https://indiancountrymedianetwork.com/news/native-news/protecting-sacred-objects-bill-introduced-in-senate/, reported, "Preventing the exportation and sale of sacred objects and creating harsher penalties for these and related crimes are the goals of the recently introduced Safeguard Tribal Objects of Patrimony (STOP) Act that has bipartisan and tribal support.

On July 6, United States Senator Martin Heinrich (D-NM) announced the introduction of the STOP Act at a press conference in Washington, D.C."

Senate Names Conferees for Comprehensive Energy Legislation, Creating a Path Forward; Tribal Input Needed," Hobbs-Straus General Memorandum 16-046, July 19, 2016, http://hobbsstraus.com/general-memorandum-16-046, reported "On July 12, 2016, the Senate voted to go to conference with the House on legislation that would be the first major update to national energy policy in nearly a decade. If some version of this legislation is enacted, it could be that long again before Congress considers another update. The House and Senate have put forward dramatically different visions of what this update should look like (including very different tribal-specific provisions), which we detailed in our General Memorandum 16-041 of June 27, 2016. Given that Congress does not return from recess until September 6, 2016, now is an excellent time for tribes to review this legislation and weigh in with their respective congressional delegations.

The fact that the Senate voted to go to conference with the House is itself, significant. Citing far-reaching concerns with the House's version of the legislation and a Presidential veto threat, Senate Energy and Natural Resources Vice Chair Cantwell (D-WA) had resisted voting to go to conference. Reportedly, a deal has been reached for some of the more partisan elements of the House bill to be excluded, clearing the way for the conference process to commence.

Senate Conferees: Murkowski (R-AK); Barrasso (R-WY); Risch (R-ID); Cornyn (R-TX); Cantwell (D-WA); Wyden (D-OR), and Sanders (I-VT).

House Conferees: Upton (R-MI); Barton (R-TX); Whitfield (R-KY); Shimkus (R-IL); Latta (R-OH); McMorris Rodgers (R-WA); Olson (R-TX); McKinley (R-WV); Pompeo (R-KS); Griffith (R-VA); Johnson (R-OH); Flores (R-TX); Mullin (R-OK); Conaway (R-TX); Thompson (R-PA); Bishop (R-UT); Young (R-AK); Lummis (R-WY); Denham (R-CA); Westerman (R-AR); Smith (R-TX); Weber (R-TX); Hardy (R-NV); Zeldin (R-NY); Pallone (D-NJ); Rush (D-IL); Capps (D-CA); Matsui (D-CA); Castor (D-FL); Sarbanes (D-MD); Welch (D-VT); Lujan (D-NM); Tonko (D-NY); Loebsack (D-IA); Peterson (D-MN); Grijalva (D-AZ); Huffman (D-CA); Dingell (D-MI); Johnson (D-TX); and DeFazio (D-OR). Note: There are so many House conferees because they are assigned to different sections of the bill."

"Energy Bills Face Uncertain Prospects in Conference Committee," Hobbs-Straus General Memorandum 16-041, June 27, 2016, http://hobbsstraus.com/general-memorandum-16-041, reported, "Congress may be on the verge of passing a broad-scope federal energy policy bill. The Senate and the House have each passed an energy bill denominated S 2012, but the House version is quite different from the Senate version. Whether the differences can be reconciled into a version of the bill that could be passed by both the Senate and the House is an open question. Each of these bills contains broad, national provisions (some of which may have tribal implications), and each bill also includes certain provisions that are
specific to tribes. Tribes may want to weigh in with their congressional delegations regarding the next steps for this legislation.


**House Bill Status.** The House passed its energy policy bill, HR 8, the 'North American Energy Security and Infrastructure Act,' on December 3, 2015, by a mostly party-line vote. On October 8, 2015, the House passed HR 538, the "Native American Energy Act," sponsored by Representative Young (R-AK), Chairman of the House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs. See our General Memorandum 15-068 (September 16, 2015). HR 8 as passed in December 2015 included a number of tribal-specific provisions, but it did not incorporate the text of HR 538.

On May 25, 2016, the House took up the Senate's bill, struck out all of the language and then inserted the text of HR 8, along with text from a number of other House bills. Cong. Rec. H3117-3198. This House-passed bill is denominated S 2012, although it is very different from the Senate-passed bill. It was during this process that Chairman Young's Native American Energy Act was included as title IV of division C of the House-passed version of S 2012.

Having taken this action, the House has started the process for the House and Senate to convene a conference committee to fashion a compromise bill that would be sent back to each chamber for a vote. Senate Democrats, however, are opposed to going to conference because, while S 2012 received bipartisan support, HR 8 is considered a partisan bill which could not be passed by the Senate and which includes provisions that the President has threatened to veto. Below we discuss some provisions of potential interest to tribes in each of these bills.

**Senate Bill.** As passed by the Senate, S 2012, is 798 pages, divided into ten titles. The text of the bill can be found at: https://www.congress.gov/bill/114th-congress/senate-bill/2012/text/es?q=. As noted earlier, the SCIA bill is incorporated as title VI. It would amend the Indian Tribal Energy Development and Self-Determination Act ('the 2005 Act'), which was enacted as Title V of the Energy Policy Act of 2005, PL 109-58, most of which is codified at 25 U.S.C. §§ 3501-3506. The 2005 Act authorized tribal energy resource agreements (TERAs), a new mechanism intended to allow for expedited development of energy resources on tribal lands by eliminating the requirement for the Secretary of the Interior (typically acting through the Bureau of Indian Affairs) to approve leases, rights-of-way, and business agreements. The TERA mechanism, however, has not yet been used, and section 6013 of the Senate-passed version of S 2012 would make changes intended to streamline the process for approval of such agreements.

Other provisions of the SCIA bill that are incorporated into title VI of the Senate-passed S 2012 include amendment of: the Federal Power Act (16 U.S.C. § 800(a)) to include Indian tribes in the preference that states and municipalities have for hydroelectric project licenses from the Federal Energy Regulatory Commission; the Tribal Forest Protection Act of 2004 (25 U.S.C. § 3115a) to establish a Tribal Biomass Demonstration Project; and the Energy Conservation and Production Act of 1976 (42 U.S.C. § 6863(d)) to change the process through which tribes could seek direct funding from the Department of Energy's (DOE) Weatherization Assistance Program.

Aside from title VI, several of the other titles of the Senate-passed S 2012 include specific references to tribes. A prominent example is section 1001, 'Greater energy efficiency in building codes,' in title I – Efficiency. This section would amend the statutory authorization for the DOE's Building Energy Codes Program to expressly include tribes in
a manner comparable to states. 42 U.S.C. § 6833. Originally authorized in 1992, this federal assistance program helps states and local governments periodically upgrade the energy efficiency standards in their building codes for residential and commercial buildings. This section also includes a mandate for the Secretary of Energy to help the organizations that develop model energy codes to develop model codes for adoption by tribes in accordance with tribal law.

Other provisions in the Senate-passed S 2012 that specifically refer to tribes are in title II – Infrastructure, (several sections in subtitle D, 'Electricity and Energy Storage'); title III – Supply (a few references, including section 3012, 'Geothermal exploration test projects'; section 3304, 'Resource assessment' for critical minerals; section 3601, "21st Century Energy Workforce Advisory Board"; section 3602, 'Energy workforce pilot grant program'); title IV – Accountability (section 4102, 'Smart energy and water efficiency pilot program'; section 4401, 'Federal land management'); title VII – Brownfields Reauthorization (section 7007, 'Small community technical assistance grants'); title X – Natural Resources (section 10253, 'National fish habitat conservation').

While nominally an energy policy bill, the Senate-passed version also includes numerous provisions that have little connection with energy policy. For example, section 5002 would amend the authorization for the Land and Water Conservation Fund (54 U.S.C. § 200302) to make it permanent. Section 5003 would make a similar amendment in the authorization for the Historic Preservation Fund (54 U.S.C. § 303102).

House Bill. As passed by the House, S 2012 is 792 pages, divided into 4 'Divisions.' As noted earlier, the House struck the entire Senate bill and substituted its own text, including changing the short title of the bill to the "North American Energy Security and Infrastructure Act of 2016." Division A, "North American Energy Security and Infrastructure," includes nine titles; Division B, "Resilient Federal Forests," also includes nine titles; Division C, "Natural Resources," includes 26 titles; and Division D, "Science," includes four titles (designated V, VI, VII, and XXXIII). The text of the House-passed version is available at: https://www.congress.gov/bill/114th-congress/senate-bill/2012/text/eah?q....

As noted earlier, Chairman Young's Native American Energy Act is included as title IV of division C of the House-passed version of S 2012. It is very different from Chairman Barrasso's bill which is incorporated into the Senate-passed version of S 2012. For example, it does not address TERAs. What it would do is: reform the process for appraisals of land or trust assets for transactions that require the approval of the Secretary of the Interior; make a major change in the National Environmental Policy Act (NEPA) as it applies to transactions relating to Indian trust or restricted land; establish limits on judicial review of any 'energy related action'; authorize a Tribal Biomass Demonstration Project; authorize the Navajo Nation to enter into certain categories of leases, including mineral extraction leases, without approval by the Secretary; declare that any activity conducted pursuant to a tribal resource management plan or integrated resource management plan approved by the Secretary of the Interior would be a sustainable management practice; and prohibit the Department of the Interior from regulating hydraulic fracturing on Indian trust or restricted lands, except with consent of the Indian beneficiary.

The change in the NEPA process that the bill would bring about is that, for any proposed federal action that requires the preparation of an environmental impact statement (EIS), the distribution of the EIS for review and comment would be limited to members of the tribe, 'other individuals residing in the affected area, and State, federally recognized tribal, and local governments within the affected area.' The text providing for the inclusion of the listed governmental entities was added in a floor amendment. Cong. Rec. H6917 (Oct. 8, 2015).

Aside from Native American Energy Act, several other provisions of the House-passed
S 2012 include specific references to tribes. In Division A, title I – Modernizing and Protecting Infrastructure – includes numerous provisions relating to the Federal Energy Regulatory Commission, some of which mention tribes, for example, section 1203, 'Hydropower licensing and process improvements,' which addresses environmental review. Also in Division A, section 3141, 'Greater energy efficiency in building codes,' would amend the statutory authorization for the Department of Energy's Building Energy Codes Program to expressly include tribes in a manner comparable to states. The text of this section is similar, but not identical, to section 1001 of the Senate-passed version of S 2012.

In Division B, title VII – Tribal Forestry Participation and Protection – section 701, 'Protection of tribal forest assets through use of stewardship end result contracting and other authorities,' would amend the Tribal Forest Protection Act of 2004 (TFPA) (25 U.S.C. § 3115a) by establishing timeframes for the Secretary of Agriculture (with respect to the Forest Service) or the Interior (with respect to the Bureau of Land Management) to respond to a request from a tribe to enter into an agreement or contract to carry out a project to protect Indian forest land or rangeland (including a project to restore Federal land that borders on or is adjacent to Indian forest land or rangeland). Section 702, would amend the National Indian Forest Resources Management Act (25 U.S.C. § 3104) to authorize the Secretary of Agriculture or Interior to treat federal forest land as Indian forest land in certain circumstances. Section 703 would authorize both Secretaries to carry out demonstration projects under the TFPA through contracts pursuant to the Indian Self-Determination and Education Assistance Act.

As previously noted, in Division C – Natural Resources – title IV is the Native American Energy Act. A number of other provisions in Division C mention tribes, including section 902, 'Declaration of a major disaster for wildfire on Federal lands'; section 1032, 'Operational flexibility in times of drought'; section 1094, 'Bureau [of Reclamation] responsibilities' for water supply permitting; section 1105, "Project acceleration"; section 2051, 'Wildlife and Hunting Heritage Area Conservation Advisory Council'; and section 2111, 'Respect for treaties and rights.'

Division D – Science – does not include any references to tribes.

CREDO, "Tell Congress: Stop the modern day Native American land grab," October 7, 2016, https://act.credoaction.com/sign/land_grab?t=2&akid=20014.1313914.sZsKSm, stated, "Utah Republican Reps. Rob Bishop and Jason Chaffetz along with Sen. Mike Lee recently introduced a bill that would strip away protections for 100,000 acres of Ute tribal lands to allow for oil drilling and uranium mining. The bill would also prevent President Obama from designating 18 million acres of unprotected land at Bears Ears a national monument.

This legislation is a massive giveaway to the oil and mining industry and an attack on the indigenous people who have lived on this land for more than 11,000 years."

"This legislation is another attempt by Rep. Bishop to advance his campaign against the Antiquities Act, a law that allows the president to designate land a national monument. It’s responsible for creating many of our national treasures including the Grand Canyon National Park in Arizona and Chimney Rock National Monument in Colorado. Most recently, at the urging of tens of thousands of CREDO activists and our allies, President Obama designated more than 87,000 acres in northern Maine a national monument, despite pushback from Rep. Bishop and other extreme, anti-conservation Republicans.

This time, Rep. Bishop is going even further by attempting to rip away ancestral homelands from the Ute Indian tribe and hand them over to the fossil fuel industry. As Eric Ewert, professor of geography at Weber State University in Utah, put it, Rep. Bishop’s legislation is 'a fossil fuel development bonanza and public land giveaway that significantly rolls back existing protections for Utah’s wildlands. It was written behind closed doors with county commissioners and industry developers' and 'would be devastating for our public wildlands and
Utah’s tourism economy.

"Tribal Incubator Bill to Foster Entrepreneurship, Close the Employment Gap in Native Communities," ICMN, July 19, 2016, https://indiancountrymedianetwork.com/news/business/tribal-incubator-bill-to-foster-entrepreneurship-close-the-employment-gap-in-native-communities/, reported, "A new bill to establish and fund business incubators in Indian country was introduced Thursday. The goal is to help start-up and cultivate Native-owned small businesses that will create more jobs and support their surrounding communities.

The Native American Business Incubators Program Act was introduced on Thursday by senators Jon Tester (D-Montana), Maria Cantwell (D-Washington), and Tom Udall (D-New Mexico).

"Tribal business incubators will create a one-stop-shop for Native entrepreneurs so they can get assistance developing a business plan navigating federal, tribal and state regulations; and attracting outside investment. The incubators will also provide entrepreneurs a connected workspace and professional networking opportunities."

"Tester, Cantwell, and Udall’s bill will create an annual $5 million competitive grant initiative within the Interior Department to establish or maintain business incubators that serve Native American communities."

"To be considered for a grant, the applicant must serve one or more tribal communities, submit a three-year plan, provide a physical workspace, offer business skills training and education, and meet other specific requirements. Tribes, Tribal Colleges or Universities, and non-profit organizations are eligible to operate a business incubator. The Native American Business Incubators Program Act will also provide oversight to business incubators and ensure they are delivering on their commitment to Native American entrepreneurs."


The resolutions strengthen awareness and education efforts by federal, state and tribal governments as well as agencies, coalitions and nonprofit organizations to end violence against women, and emphasize that little data exists on the number of missing American Indian and Alaska Native women in the United States. Canada’s government has launched a national inquiry into First Nations women where nearly 1,200 Indigenous women and girls have been murdered or gone missing over three decades.

Toni Plummer-Alvernaz, executive director of the Montana Native Women’s Coalition, said:

“On behalf of the Montana Native Women’s Coalition and the Native women we serve, we acknowledge the Montana Delegation and their staff for recognizing and finally acknowledging the many missing and murdered Native women throughout all of Indian Country. These resolutions in some way validate the hearts and assist in resolving the grief of all the Native families and communities who have Native women that are missing or murdered.”
What is next for S.Res.514 and H.Res.807?

On June 28, 2016, S.Res.514 was introduced and referred to the Senate Committee on the Judiciary. On July 5, 2016, H.Res.807 was introduced by Rep. Zinke (and 14 congressional sponsors) and was referred to the House Committee on Natural Resources: Subcommittee on Indian, Insular and Alaska Native Affairs. Committee chairs will consider the resolutions and determine whether they will move past the committees to the House and Senate, leading to roll call votes.

The U.S. Department of Justice Office on Violence Against Women (DOJ-OVW), the Tribal Domestic Violence and Sexual Assault Coalition network, Native American nonprofits, advocates, activists and groups are all working to end violence on or near tribal reservations and communities, and in urban communities because of the alarmingly high rates of homicide, domestic and sexual violence, human trafficking, missing, and stalking among American Indian and Alaska Native women.

First Nations Development Institute is one of several hundred Department of Justice Office on Violence Against Women (DOJ-OVW) technical assistance providers that work with grantees through 24 OVW grant programs in the U.S. The DOJ-OVW grant programs are designed to develop the nation’s capacity to reduce domestic and sexual violence, dating violence, and stalking by increasing victim/survivor safety and offender accountability. Looking ahead, First Nations will be monitoring the progress of the resolutions to share with our supporters.

Call to Action


NIWRC is dedicated to ending violence and increasing safety for American Indian and Alaska Native women and children. It offers resources addressing domestic violence and safety for American Indian and Alaska Native women. Resources are available online at: www.niwrc.org/resources

List of Resources

The National Institute of Justice published, in May 2016, findings from the National Intimate Partner and Sexual Violence Survey (2010) with American Indian and Alaska Native (AI/AN) adult men and women about the prevalence of violence. The purpose of the report was to describe the lifetime and annual prevalence of violence experienced by AI/AN women and men. Data showed 55.5% of AI/AN women had experienced physical violence in their lifetime, and 43.25% of AI/AN men had experienced physical violence in their lifetime.

Statistical data and surveys like this are one step toward finding understanding about intimate partner violence and developing solutions, and they highlight the continued need for services with the goals of creating violence-free American Indian and Alaska Native communities.

To read the National Institute of Justice Research Report, go to: https://www.ncjrs.gov/pdffiles1/nij/249736.pdf

Click on https://www.daines.senate.gov/news/press-releases/montana-congressional-delegation-introduces-resolution-to-designate-national-day-of-awareness-for-missing-and-murdered-native-women-and-girls to find press sources leading to the resolutions’ development. Also, news stories are available here:


A Roadmap for Making Native America Safer: A Report to the President & Congress of the United States by the Indian Law and Order Commission can be found here.

For a list of DOJ-OVW Grant Programs to End Violence Against Women, click https://www.justice.gov/sites/default/files/ovw/legacy/2014/05/28/ovw-grant-programs-one-pager.pdf.

A comprehensive list of Tribal Domestic Violence and Sexual Assault Coalitions can be obtained at: http://www.firstnations.org/helpdesk/directory.

To learn more about resolutions or bills affecting American Indian or Alaska Natives, visit www.govtrack.us and use the search box to find information on "Native Americans."

Federal Agency Developments

"Department of Interior Secretarial Order Issued on Collaborative Partnerships with Tribes," Hobbs-Straus General Memorandum 16-071, October 21, 2016, http://hobbsstraus.com/general-memorandum-16-071, reported, "On October 21, 2016, Department of the Interior Secretary Jewell issued Secretarial Order No. 3342: Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources. The Order is effective immediately and applies to the: Bureau of Land Management (BLM); National Park Service (NPS); U.S. Fish and Wildlife Service (USFWS); Bureau of Ocean Energy Management (BOEM); the Bureau of Reclamation (BOR); and "potentially other bureaus and offices." The press release is attached. The Order itself is available here: https://www.doi.gov/sites/doi.gov/files/uploads/so3342_partnerships.pdf

Purpose. The Order has two purposes. One is to: 'encourage cooperative management agreements and other collaborative partnerships between [DOI] resource managers and tribes that will further shared interests in the management of Federal lands and resources.' The other is to 'establish a process and provide institutional support to ensure that land and resource managers evaluate and develop opportunities to further establish partnerships that benefit tribes and Federal agencies.' The Department 'recognizes that tribes have special geographical, historical and cultural connections to Federal lands and waters, and that tribes have traditional ecological knowledge and practices regarding resources management that have been handed down through generations.' The Department acknowledges that a range of federal-tribal partnerships already exist and believes that they are a benefit to tribes, the federal government, and the general public at large.

Process. The named bureaus are directed to immediately begin identifying opportunities for federal-tribal partnerships. Bureau efforts shall include, but are not limited to:

- Identification of key personnel to explore such opportunities;
- Development of bureau-specific guidance for such partnerships; and
- Consultation at both the regional and unit-specific levels (at the request of tribes).

The Office of the Solicitor is directed to develop a working group to advise the bureaus on legal issues associated with exploring opportunities and entering into partnerships with tribes.

Scope. The scope of activities subject to this Order include, but are not limited to:

- Delivery of specific programs and services;
- Management of fish and wildlife resources;
- Identification, protection, preservation, and management of culturally significant sites, landscapes, and resources;
• Management of plant resources, including collection of plant material;
• Management and implementation of maintenance activities; and
• Management of information related to tribal, cultural, and/or educational materials.

Reporting Requirements. Within 75 days of the effective date of the Order, each bureau is required to provide the Deputy Secretary with a report summarizing their strategy for complying with the Order and their efforts to identify new opportunities for federal-tribal partnerships. Annually thereafter, each bureau is required to report to the Deputy Secretary on: completed arrangements between that bureau and tribes; arrangements still under consideration; arrangements which were declined (and the reason for the declination); and a summary of benefits that the public receives from the completed arrangements, including use of traditional ecological knowledge and tribal resources.

Legal Authority. The Order cites statutory authority specific to each of the named bureaus as support for agreements and partnerships. More generally, the Order is grounded on the government-to-government relationship with, and the federal trust responsibility to, the tribes.

Limitations and Effect of the Order. The Order makes clear that these federal-tribal partnerships must take place "within the framework of the Department's legal responsibilities and authorities" and that "bureaus should consult with the Office of the Solicitor for further guidance on the question of whether a particular program, service, function or activity [PSFA] is inherently Federal" and thus not eligible for inclusion in a partnership agreement. Implementation must occur "within the financial resources available to bureaus" and that "bureaus should have candid discussions with tribes regarding the need and availability of financial resources associated with any proposal." The Order "is intended to improve the internal management of the Department." In the event of "any inconsistency between the provisions of this Order and any Federal laws and regulations, the law and regulations will control." Finally, the Order does not address co-management, which the Department defines as "a situation where there is a specific legal basis that requires the delegation of some aspect of Federal decision making or that makes co-management otherwise legally necessary."

Impact on and Interaction with Self-Governance. As described in the Order, different types of federal-tribal resource management partnerships already exist. Some of these are self-governance agreements pursuant to Title IV of the Indian Self-Determination and Education Assistance Act (ISDEAA). Under Title IV’s self-governance program, tribes can propose to enter into agreements with any non-BIA agency within DOI to carry out PSFAs or portions thereof, provided that the tribe can identify a special geographic, historical or cultural significance to the PSFA. Each year, the Department publishes a notice in the FEDERAL REGISTER describing the opportunities for tribes to enter into compacts with these bureaus and providing a list of the current agreements. Title IV makes entering into these agreements discretionary by the Secretary and very few agreements covering these programs exist. For example, this year’s notice reports 10 Title IV agreements between tribes and non-BIA bureaus. (See our General Memorandum 16-031 of May 2, 2016)."

"Tribal Consultation and Listening Sessions Scheduled for the Indian Trust Asset Reform Act," Hobbs-Straus General Memorandum 16-052, August 8, 2016, http://hobbsstraus.com/general-memorandum-16-052, reported, "On August 3, 2016, the Department of the Interior published a notice in the FEDERAL REGISTER clarifying the dates on which tribal consultation and listening sessions will be held on the recently enacted Indian Trust Asset Reform Act (Act), PL 114-178. The Act reaffirms the responsibility of the United States to Indian tribes; authorizes a demonstration project for tribes to voluntarily negotiate with the Secretary of the Interior to manage their own trust assets; creates the option for the Secretary to establish an Under Secretary for Indian Affairs; and sets up a process to terminate the Office of the Special Trustee. For a short summary, see our General
Memorandum 16-040 of June 27, 2016. The consultations and listening sessions will be held in locations across the country and via teleconference from August 17, 2016 to September 19, 2016. Dates and locations are listed in the attached notice. Written comments will also be accepted and are due by September 30, 2016."

The Department of the Interior's Bureau of Land Management finalized rules, in November 2016, governing the development of wind and solar energy on BLM lands. "Department of the Interior Finalizes Rule Providing a Foundation for the Future of BLMâ¬»æ€¢â€œš¬Æ¢â€œžÂ€s Renewable Energy Program Rule codifies BLMâ¬»æ€¢â€œš¬Æ¢â€œžÂ€s Smart from the Start approach, establishes a robust framework for competitive leasing, and increases transparency and certainty," https://www.blm.gov/press-release/department-interior-finalizes-rule-providing-foundation-future-blmâ¬»æ€¢â€œš¬Æ¢â€œžÂ€s-renewable-energy, saying in a press release, "Advancing the President’s Climate Action Plan to create jobs, cut carbon pollution and develop clean domestic energy, Secretary of the Interior Sally Jewell today announced that the Bureau of Land Management (BLM) finalized its rule governing solar and wind energy development on public lands. The rule strengthens existing policies and creates a new leasing program that will support renewable energy development through competitive leasing processes and incentives to encourage development in suitable areas.

This new rule not only provides a strong foundation for the future of energy development on America’s public lands, but is an important and exciting milestone in our ongoing efforts to tap the vast solar and wind energy resources across the country' said Secretary Jewell. 'Through a landscape-level approach, we are facilitating responsible renewable energy development in the right places, creating jobs and cutting carbon pollution for the benefit of all Americans.'

The rule formalizes key aspects of the BLM’s existing Smart from the Start approach to renewable energy development. Notably, the rule:

- Supports development in areas with the highest generation potential and fewest resource conflicts through financial incentives, awarding leases through competitive processes and streamlining the leasing process
- Ensures transparency and predictability in rents and fees – for example, gives developers the option of selecting fixed rate adjustments instead of market-based adjustments; and
- Updates the BLM’s current fee structure in response to market conditions, which will bring down near-term costs for solar projects.

The rule complements the Department’s landscape-scale planning efforts, including the Western Solar Plan, California’s Desert Renewable Energy Conservation Plan, and Arizona’s Restoration Design Energy Project, which were designed to streamline development in areas with high generation potential, while protecting important environmental, cultural and recreational resources.

'By offering incentives for development in areas with fewer resource conflicts, the BLM’s rule provides a framework to support all of the landscape scale planning we’ve done to better plan for and manage wind and solar development,' said Assistant Secretary for Land and Minerals Management Janice Schneider. 'The rule also refines the BLM’s approach to fair market value, to ensure that taxpayers get a fair return from these important resources.'

The President’s Climate Action Plan calls on Interior to permit 20,000 megawatts of renewable power by 2020. Since 2009, Interior has approved 60 utility-scale renewable energy projects on public lands, including 36 solar, 11 wind and 13 geothermal projects and associated transmission infrastructure that could support nearly 15,500 megawatts of renewable energy capacity, or enough to power approximately 5.1 million homes.

'The BLM is incredibly proud of the work we’ve done over the last eight years supporting wind and solar development,' added BLM Director Neil Kornze. 'We went from only a handful of approved projects in 2008 to a robust program with over 15,000 MW approved, six times the
amount we had approved in the 25 prior years.'

The rule will support the full range of development activities anticipated by the BLM across the lands it manages. The rule’s competitive leasing provisions will help renewable energy development flourish on the 700,000 acres of public lands that have been identified in Arizona, California, Colorado, Nevada, New Mexico and Utah. The regulations will become effective 30 days after they are published in the Federal Register.

The rule refines the application review process and increases financial certainty by giving developers the option to lock in in fixed rate adjustments and providing for MW capacity fee phase-ins. The rule also allows the BLM to offer lands outside of DLAs competitively; however, the BLM anticipates that most projects in these areas will continue to use the application-by-application process.

Copies of the signed rule and a fact sheet explaining the key changes between the proposed and final rules are available on BLM’s website: https://www.blm.gov/sites/blm.gov/files/Energyandminerals_Renewable_Wind_solar_finalrule.pdf. The BLM intends to schedule additional information sessions as part of the implementation process for the rule."


The Revised Handbook includes significant revisions to land title requirements in response to amendments to 25 C.F.R. § 151.13 published on May 16, 2016. Previously, § 151.13 required fee-to-trust applicants to furnish title evidence to the Department of the Interior that met the "Standards for the Preparation of Title Evidence in Land Acquisitions by the United States," issued by the United States Department of Justice (DOJ Title Standards). The amendments to § 151.13 eliminate this requirement and replace it with a requirement to now furnish a deed evidencing the applicant's ownership, or a written sales contract or written statement from the property transferor indicating that the applicant will have ownership. In addition, the applicant must furnish either: (1) a current title insurance commitment; or (2) a policy of title insurance issued at the time of the applicant's or current owner's acquisition of the interest and an abstract dating from the time the interest was acquired. The amendments to § 151.13, however, do not preclude applicants from otherwise having title confirmed pursuant to the DOJ Title Standards. The Revised Handbook provides updated procedures consistent with the amendments to § 151.13, including the elimination of the absolute requirement for reliance on the DOJ Title Standards.

The Revised Handbook contains two new sections regarding the reservation proclamation process, replacing previously issued BIA internal guidelines for submitting reservation proclamation requests. The first section provides guidance to the BIA on processing reservation proclamation requests for land which is already held in trust. The second section allows tribes to simultaneously submit both a fee-to-trust request and a reservation proclamation request for land which is not currently held in trust. However, the reservation proclamation will not be completed until the land is acquired in trust. Prior to this addition, tribes were not permitted to submit a reservation proclamation request until after the land was acquired in trust.

Further notable revisions to the Revised Handbook include: (1) the addition of
language requiring the removal of liens, infirmities and encumbrances, which make title to the land unmarketable; (2) revisions to the requirements for a Certificate of Inspection and Possession, which may be prepared by either a BIA or other federal employee or a tribal employee or contractor; (3) the addition of language requiring the BIA to submit additional documents and information to the Solicitor's Office in conjunction with the BIA's written request for a preliminary title opinion; and (4) the addition of information describing the expiration of the 30 day appeal period applicable to certain parties for trust acquisition decisions made by BIA officials, as opposed to those made by the Assistant Secretary, Indian Affairs.


"Bureau of Indian Affairs Publishes Updated Model Indian Juvenile Code," Hobbs Straus General Memorandum 16-070, October 28, 2016, http://hobbsstraus.com/general-memorandum-16-070, reported, "On October 20, 2016, the Bureau of Indian Affairs (BIA) published a final, updated Model Indian Juvenile Code (MIJC). The MIJC is an important resource for tribes that implement their own codes, yet it had not been updated since it was first published in 1988. The BIA states that the 2016 MIJC, which was developed in consultation with tribal governments, is intended to be comprehensive as well as flexible, encouraging alternatives to standard services and protecting the fundamental rights of children and their parents and guardians. A copy of the updated code is available at: http://www.bia.gov/cs/groups/xojs/documents/document/idd2-047015.pdf.

The original MIJC was developed pursuant to PL 99-570, which required the Secretary of the Interior to develop a Model Indian Juvenile Code consistent with the Juvenile Justice and Delinquency Prevention Act of 1974. This code was additionally required to include provisions relating to cases involving Native youth arrested or detained for alcohol or drug offenses. Since the development of the 1988 MIJC, there have been significant changes in law and policy, including enactment of the Tribal Law and Order Act, PL 111-211, and research demonstrating the ineffectiveness or harmful effects of punitive juvenile justice practices.

The updates to the 2016 MIJC mark a distinct shift in the model code's approach to juvenile justice, stating that 'researchers, youth advocates, and policy makers have ... urged a move away from punitive models of juvenile justice, in favor of more restorative approaches that seek to maintain accountability and community safety while focusing on the rehabilitation of children who have committed delinquent acts.' The 2016 MIJC focuses on the three areas of juvenile delinquency, truancy, and child-in-need services. Some key features of the 2016 MIJC are:

• A consistent and rigorous preference for alternatives to secure detention facilities, which are facilities that physically restrict movement and activities, using detention only as a last resort;
• Encouraging rehabilitative and restorative measures, including traditional and customary practices, in place of fines and detention;
  • Distinguishing between delinquency and need for services;
  • Encouraging efforts to coordinate services;
  • Incorporating an ability to divert out of the formal process at each decision point;
  • Distinguishing juvenile processes from criminal proceedings, including barring transfer to adult courts;
• Requiring children be represented by a juvenile advocate attorney in juvenile justice proceedings;
• Requiring all juvenile court staff and practitioners to be trained in and implement trauma-informed practices; and
• Establishing law enforcement, court, and detention procedures that protect children's...
fundamental rights.

The 2016 MIJC indicates that although it provides a detailed statutory framework, the expectation is that tribes will not adopt its provisions wholesale. Rather, the MIJC encourages tribes to adapt provisions to suit their unique needs and priorities as well as their own customs and traditions.

Significantly, the Justice and Delinquency Prevention Act, which paved the way for the initial Model Indian Juvenile Code, is up for reauthorization. On September 22, 2016, the House passed the Supporting Youth Opportunity and Preventing Delinquency Act of 2016, HR 5963. If enacted, the bill would implement a similar approach to juvenile justice reform as embraced by the 2016 MIJC and would also expand tribal access to funding under that Act. The Senate Judiciary Committee approved a different version of a Juvenile Justice and Delinquency Prevention reauthorization bill, S 1169, in December 2015 but no further action has taken place on it. It is unlikely Congress will be able to finish work on juvenile justice legislation in the last few weeks of the current (114th) Congress, thus leaving the task to the next (115th) Congress."


On June 14, 2016, the Department of Interior published its Final Rule on Indian Child Welfare Act Proceedings in the FEDERAL REGISTER. The rule addresses state court implementation of ICWA in Indian child welfare proceedings and the required state maintenance of ICWA records. This is a major development toward achieving consistent, uniform, and timely compliance with ICWA. The Final Rule takes effect December 12, 2016, providing time for state courts and agencies to make any necessary changes for implementation. (See our General Memorandum 16-038 of June 20, 2016).

The training will focus on "providing information on the new rule's requirements for State courts and agencies and the role of tribes in the procedural and substantive protections afforded it". There are 12 scheduled sessions – four of them are webinars and eight are on-site.

The lengthy Final Rule provides clarity regarding numerous matters including: identification of whether a child is Indian in the earliest states of proceedings; uniform requirements for notice to parents and tribes in involuntary proceedings; standards regarding denial to transfer cases to tribal court; expert qualified witness criteria; placement preferences for foster and adoptive care; rights of adult adoptees to information from the state; emergency proceedings; and clarity regarding what some courts have deemed the "existing Indian Family exception".

On June 14, 2016, the Department of Interior published its Final Rule on Indian Child Welfare Act (ICWA) Proceedings in the FEDERAL REGISTER. The rule addresses state court implementation of ICWA in Indian child welfare proceedings and the required state maintenance of ICWA records. This is a major development toward achieving consistent, uniform, and timely compliance with ICWA, a statute designed in the words of a House Committee report (95-1386) to 'protect the rights of the Indian child as an Indian and the rights of the Indian community and tribe in retaining its children in its society'. The Final Rule takes effect December 12, 2016, providing time for state courts and agencies to make any
The Department of Interior (DOI) published ICWA Guidelines in February 2015 but upon the recommendations from tribes and tribal organizations that binding regulations would be more effective, DOI drafted proposed regulations. More than 2,100 written comments were filed regarding the proposed regulations; oral comments were also provided in meetings, hearings, and consultation sessions. DOI now intends to issue updated Guidelines to conform to the Final Rule and will offer regional training sessions and webinars to state courts and agencies.

The lengthy Final Rule provides clarity regarding numerous matters including: identification of whether a child is Indian in the earliest states of proceedings; uniform requirements for notice to parents and tribes in involuntary proceedings; standards regarding denial to transfer cases to tribal court; expert qualified witness criteria; placement preferences for foster and adoptive care; rights of adult adoptees to information from the state; emergency proceedings; and clarity regarding what some courts have deemed the 'existing Indian Family exception'.

June 23 Webinar/Explanatory Materials. The National Indian Child Welfare Association (NICWA) will hold a webinar on the new regulations on Thursday, June 23, 2016, at 12:30 p.m. Pacific/3:30 p.m. Eastern time. NICWA and the Native American Rights Fund have jointly prepared the following document explaining some of the key provisions of the Final Rule:

Below is a copy of the Final Rule and several related documents prepared by DOI:

I:\NICWA\ICWA regs and guidance\ICWA Final Rule June 14 2016.pdf
I:\NICWA\ICWA regs and guidance\ICWA Final rule FAQs June 2016.pdf
I:\NICWA\ICWA regs and guidance\ICWA Final rule Tribal Leader Letter June 2016.pdf
I:\NICWA\ICWA regs and guidance\ICWA Final rule State Governor letter June 2016.pdf
I:\NICWA\ICWA regs and guidance\ICWA regs Summary doc.pdf.

The Department of the Interior placed almost 166 acres of land into trust, in December 2016, for the Potawatomi Indians in South Bend, IN, for a tribal village (USA Today, December 2, 2016).


Weldon “Bruce” Loudermilk, an enrolled member of the Fort Peck Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, will take the helm at BIA, succeeding Michael S. Black, who has served as director since 2010.

Tony Dearman, Cherokee, will take over as director of the BIE, replacing Ann Marie Bledsoe, who has served as interim director since Monty Roessell was removed from the position in March following allegations that he had misused his authority."

"Department of Justice to Expand Tribal Access Program to National Crime Information," General Memorandum 16-065, October 24, 2016, http://hobbsstraus.com/general-memorandum-16-065, reported, "The Department of Justice (DOJ) has announced that they are expanding the opportunity for tribes to participate in the Tribal Access Program for National Crime Information (TAP). This program provides the training and tools necessary for tribal law enforcement access to national crime information data bases, such as the National Crime Information Center (NCIC), for both law enforcement and certain civil purposes. Tribes who have either an Adam Walsh Act Sex Offender Registry or a
tribal law enforcement agency may apply. A letter or resolution from the tribe's governing body must be submitted to TAP.APP@usdoj.gov by December 2, 2016. The attached DOJ news release details what must be included in the letter or resolution.

The lack of tribal access to federal criminal information databases has been a longstanding problem for Indian tribes and their law enforcement agencies. The Tribal Law and Order Act of 2010 requires the U.S. Attorney General to permit tribal and BIA law enforcement agencies to access, enter information into, and obtain information from, federal criminal information databases. It also requires that in order to access these databases, tribal law enforcement officials must meet "applicable federal or state requirements".

The TAP expansion is phase two of this program. We reported on the initial phase in our General Memorandum 15-062 of August 25, 2015. DOJ chose nine tribes to participate in the initial phase (termed the User Feedback Phase) and provided specialized training, technical assistance and state-of-the-art biometric/biographic computer work stations. The current DOJ solicitation does not indicate a limit on the number of tribes who might participate in this next phase of the program. Examples of law enforcement uses include documenting tribal arrests and tribal court dispositions, access to investigative records and officer safety-related information. Civil purposes include background investigations of persons having contact or control over Indian children; responding to allegations of abuse, neglect and exploitation of children; background investigations on public housing; entering orders of protection; and registering sex offenders. During the first phase, DOJ indicates that tribal agencies have used TAP for numerous investigative uses; fingerprint checks; preventing inappropriate gun transfers; entering orders of protection; and registering sex offenders.

Under TAP the Department of Justice:
• Assumes responsibility for granting network access, extending to tribes the model used by federal agencies;
• Ensures security and other training, onboarding/vetting (agency and individual users), testing and auditing;
• Provides integrated workstations which feature a computer, palm/fingerprint scanner, camera, flatbed scanner and printer; and
• Provides online and in-person training and assists tribes in evaluating needs relative to accessing national crime information.

The schedule for this expanded phase of TAP is:
• Expression of Interest Submission October 24-December 2, 2016
• Notification of Selection December 16, 2016
• Onboarding and Vetting January 9-May 31, 2017
• Deployment May 9-September 29, 2017

The DOJ website has a great deal of information on TAP which may be accessed here:
www.justice.gov/tribal/tribal-access-program-tap."
worked for a number of years for direct tribal funding from the Crime Victims Fund.

The Final Rule is available here:

The Appropriations Committees place a cap on how much of the accumulated CVF can be allocated annually. Congress has significantly increased the amount of funds available for distribution from the CVF in each of the past 3 fiscal years. In FY 2016 approximately $3 billion was allocated, with $2.6 billion of that available for the DOJ Office for Victims of Crime. DOJ has confirmed that very little of the funds are passed through from states to programs serving tribal victims.

The CVF provides resources for an array of services to help victims and victim service providers and it does contain one small tribal allocation. The first $20 million of the CVF is to be set-aside to address child abuse prevention and treatment. Fifteen percent of that amount ($3 million) is to be allocated for programs to address child abuse in Indian Country and these funds are distributed as part of the DOJ Coordinated Tribal Assistance Solicitation for competitive grants. (The earlier Guidance had specified an allocation of 15 percent of the first $10 million). The remaining portion is administered by the Department of Health and Human Services for distribution to states for child abuse prevention and treatment.

Match Waiver for Projects in Indian Country. The Final Rule contains a new waiver with regard to sub-recipients, waiving the 20 percent cash or in-kind required match for "federally-recognized American Indian or Alaska Native tribes, or projects that operate on tribal lands." DOJ states:

The elimination of match for American Indian and Alaskan Native tribes and projects on tribal lands will permit victim service organization in these communities, many of which do not have the resources to provide matching funds, the ability to more easily seek VOCA funding for victim services. This will benefit victims in these communities, many of whom are underserved. This change is unlikely to impose new costs on States, as there is no requirement that the administering agencies fund American Indian or Alaskan Native tribes or organizations at a particular level, and the amount of funding allocated to these organizations historically is a very small percentage of overall VOCA funding.

Appropriations. As noted above, the House and Senate Appropriations Committee-approved FY 2017 Commerce-Justice-Science Appropriations bills contain a 5 percent tribal allocation from the Crime Victims Fund. That would amount to approximately $130-$145 million for tribes. We expect that Congress will enact a Continuing Resolution (CR) to fund federal agencies for at least the first few months of FY 2017 which begins October 1, 2016. A CR generally funds programs at their prior year funding level and conditions. Should Congress see its way clear to pass individual FY 2017 appropriations bills or combine them into an omnibus bill, up for discussion would be the issue of a tribal CVF allocation. Of concern is that the Judiciary Committees, which have jurisdiction over the Victims of Crime Act, have expressed concern over the appropriations bills' proposals for a tribal allocation of CVF funds.


An ad hoc Tribal Issues Advisory Group issued a report in June 2016 concerning sentencing disparities for Indian criminal defendants. The standing Advisory Group will
continue work on sentencing and related matters.

The Advisory Group will have up to nine members, and the positions for which the Commission is soliciting applications are: one federal judge, one tribal court judge, and up to four at-large members. Other members will be two federal agency and one public defender/community defender organization representatives."


APRM: Federal Baseline Water Quality Standards (WQS). The CWA is a multifaceted regulatory statute that establishes a federalist framework for achieving the objective of restoring and maintaining "the chemical, physical, and biological integrity of the Nation's waters." Within this federalist framework, EPA is charged with primary responsibility for certain CWA programs, and the states are charged with primary responsibility for other programs. Several programs for which EPA has the lead can be delegated to states, and, in certain circumstances, EPA can take over programs for which states have the lead. The adoption of WQS is assigned to the states, subject to approval by EPA to ensure that the state's WQS meet the requirements of the CWA. EPA approval renders a state's WQS enforceable through other CWA programs. If EPA does not approve a state's WQS, EPA may promulgate federal WQS for waters of that state. However, there are no generally applicable federal WQS.

The role of states in adopting WQS was established by the 1972 amendments to the CWA. The 1987 amendments added section 518, which authorizes EPA to treat Indian tribes as states (TAS). 33 U.S.C. § 1377. (In implementing TAS for the CWA and other regulatory statutes, EPA's practice is to use wording such as "treatment in a similar manner as states" rather than "treatment as states.") EPA promulgated a final rule implementing TAS for the WQS program in 1991, in which EPA wrote that states generally lack authority to adopt WQS for waters within Indian reservations. There are now 53 tribes that have been authorized by EPA to administer the WQS program; 42 of these tribes have adopted WQS that have been approved by EPA. To qualify for TAS under CWA section 518, a tribe must have a reservation (which includes land held in trust for a tribe even if not formally designated a reservation). More than 300 tribes have reservations. Thus, at present on more than 250 reservations, there are no WQS.

The lack of WQS for so many reservations is a major gap in the implementation of the CWA. The ANPRM is intended to fill this gap through the promulgation of federal "baseline" WQS. As discussed in the ANPRM, this is not a new idea. The EPA Administrator signed a proposed rule to do this on January 18, 2001, but it was never published in the FEDERAL REGISTER.

While the ANPRM does not include any proposed regulatory language, it does include an explanation of the role of WQS in the CWA. Briefly, WQS consist of: "designated uses" – the policy decision on what uses a water body should support; "water quality criteria" – numeric and/or narrative parameters for protecting each designated use; and "antidegradation" requirements to prevent water quality from getting worse. The ANPRM also discusses the issues
that would need to be addressed in federal "baseline" WQS. The promulgation of federal "baseline" WQS would not preclude tribes from working their way through the TAS process and adopting their own WQS for approval by EPA. Earlier this year, EPA acted to streamline the TAS process by reinterpreting CWA section 518 as a delegation of authority from Congress to tribes, eliminating the need for a tribe to demonstrate inherent authority to regulate sources of water pollution on non-trust land. 81 Fed. Reg. 30183; https://www.gpo.gov/fdsys/pkg/FR-2016-05-16/pdf/2016-11511.pdf. See our General Memorandum 16-033 (May 18, 2016). The deadline for filing comments is December 28, 2016.

**Final Rule: The Total Maximum Daily Loads Program for Impaired Waters.** Impaired waters are those that do not meet applicable WQS. CWA section 303(d) requires each state to develop a list of impaired waters and, for each such water body, establish a total maximum daily load (TMDL). The TMDL program is a primary mechanism in the CWA for restoring the quality of impaired waters in order to support designated uses. As explained by EPA, a TMDL is a planning document to address impaired waters by calculating the amount of pollutants that a water body can receive on a daily basis and still meet the applicable WQS; the allowable pollution is then allocated among the various point sources and nonpoint sources.

The final rule establishes the process through which tribes can become authorized to be treated like states for the TMDL program. A prerequisite for establishing a TMDL is the existence of approved WQS for the waters within the tribe's reservation. If a tribe has not yet become authorized for TAS for the WQS program, the final rule for the TMDL program provides that a tribe may apply for TAS for both programs at the same time. Please let us know if we may provide additional information or assistance regarding the advance notice of proposed rulemaking on federal baseline water quality standards, the final rule on total maximum daily load, or other issues regarding the Clean Water Act in Indian Country."

The Environmental Protection Agency (EPA) in Region 8 was consulting, in August 2016, with tribes (including the Ute Mountain and Southern Utes) in the area of the Bonita Peak Mining District about the Bonita Peak Mining District Priority List concerning Super Fund clean up [which as of fall 2016 included the Gold King Mine spill of 2015]. The tribes were being consulted particularly about cultural sites that might be effected, and about health issues related to toxic sites and their clean up (Sacha Smith, "EPA seeks assistance from Ute Tribes," Southern Ute Drum, August 5, 2016).

"HHS Proposed Rule on Grants Would Affect ISDEAA; Comments Requested by August 12," Hobbs-Straus General Memorandum 16-50, August 1, 2016, http://hobbsstraus.com/general-memorandum-16-50, reported, "On July 13, 2016, the Department of Health and Human Services (HHS) published a notice of proposed rulemaking to, among other things, make the HHS regulations governing audits and cost principles for HHS grants at 45 C.F.R. Part 75, Subparts E and F, apply to Indian Self-Determination and Education Act (ISDEAA) contracts and compacts. In addition, the proposed rulemaking would add language to Part 75 'clarifying' the application of § 450j-1(f) of the ISDEAA to cost disallowances. This proposed rulemaking would add new regulatory requirements to ISDEAA contracting and compacting contrary to the ISDEAA and its implementing regulations. Comments on the proposed rule are due by 5:00pm on August 12, 2016.

As background we note that the Office of Management and Budget (OMB) adopted Uniform Administrative Requirements, Cost Principles, and Audit Requirements to supersed and streamline the OMB Circulars. These OMB Uniform Requirements were published as "final guidance" to federal agencies on December 26, 2013 (78 Federal Register 78590). This OMB "guidance" is not a regulation. However, federal agencies may adopt the OMB guidance as
agency regulations with modifications to meet specific agency needs. The Secretary of HHS adopted the OMB Uniform Requirements, with specific HHS modifications, as a regulation governing HHS grant awards codified at 45 C.F.R. Part 75. For additional information on the Uniform Administrative Requirements, please see our General Memoranda 15-085 of December 11, 2015 and 14-004 of January 13, 2014.

The proposed rulemaking would amend § 75.102 of Part 75 to make Subparts E and F of Part 75 governing audits and cost principles applicable to ISDEAA contracts, compacts, and funding agreements, including § 75.505 Sanctions enforceable through remedies in § 75.371. Section 75.102 would also be amended to clarify what 'cost disallowances' are subject to the one year restriction on remedies in § 450j-1(f) of the ISDEAA.


This joint regulation at § 900.40(b) provides for evaluation of tribal management systems by an independent auditor through the single agency audit report that is required by § 450c(f) of the ISDEAA and OMB Circular A-128. Section 900.45(e) provides that the tribal financial system shall be sufficient to determine the reasonableness, allowability, and allocability of self-determination contract costs based upon the terms of the self-determination contract and applicable OMB Circulars. However, § 900.37 provides that: 'The only provisions of OMB Circulars and the only provisions of the 'common rule' that apply to self-determination contracts are the provisions adopted in these regulations, those expressly required or codified in the Act, and those negotiated and agreed to in a self-determination contract.'

With respect to self-governance, § 506(c) of the ISDEAA, 25 U.S.C. § 458aaa-5(c), governs audits and cost principles applicable to self-governance compacts and funding agreements. Subsection 506(c)(1) requires single agency audit reports. Subsection 506(c)(2) requires an Indian tribe to apply cost principles under the applicable Office of Management and Budget circular, except as modified by section 450j-1, other provisions of law, or by any exemptions granted by the Office of Management and Budget. However, 'No other audit or accounting standards shall be required by the Secretary.'

Section 517 of the ISDEAA, 25 U.S.C. § 458aaa-16, authorizes the Secretary to issue regulations under negotiated rulemaking procedures but only within a certain time period. The Secretary (HHS) promulgated regulations codified at 42 C.F.R. Part 137 prior to the expiration of the Secretary’s rulemaking authority. Sections 137.165 – 137.173 of those regulations provide for single agency audits and application of OMB Circulars consistent with § 506(c). Proposing to make ISDEAA contracts, compacts, and funding agreements subject to the HHS grant regulations, and defining the scope of § 450j-1(f) by adding a provision to the HHS grant regulations exceeds the Secretary's rulemaking authority that is restricted by the ISDEAA.

Publishing this proposed rulemaking affecting tribes and tribal organizations without adequate consultation violates the President's Executive Order and Department policies requiring consultation. Executive Order 13175 requires federal agencies to consult with tribal officials in the development of "Federal policies that have tribal implications." The term "policies that have tribal implications" includes regulations that have a substantial effect on one or more Indian tribes. The Executive Order requires consultation prior to publishing a proposed rule affecting tribes and tribal organizations. Consultation
cannot be equated with the opportunity to comment afforded to the general public by the Administrative Procedure Act at 5 U.S.C. § 553.

We note that the proposed rulemaking also includes other proposed changes to the HHS's grant rules that do not target ISDEAA contracts, compacts, and funding agreements. These are:

- Clarified language regarding the applicability of certain payment provisions to states under 45 CFR Part 75, such as the necessity that states expend refunds and rebates before drawing down additional grant funds.
- Codification of the permissive authority of HHS awarding agencies to require public access to manuscripts, publications, and data produced under an award, consistent with applicable law.
- Codification of HHS's policy that any payments or assessments imposed under 26 U.S.C. 5000A(b) as a result of any failure to maintain minimum essential coverage as required by 26 U.S.C. 5000A(a) are not allowable costs under any grant. HHS also proposes to codify this provision in the context of payments for failure to offer health coverage to employees and seeks comments from the public on this issue.
- Codification of HHS's policy that training grants be restricted to a maximum eight percent indirect cost rate. The proposed rule extends this limitation to foreign organizations and foreign public entities.
- Codification of HHS's non-discrimination policy in the service grants context.
- Codification of HHS's interpretation of the Supreme Court decisions in U.S. v. Windsor, 133 S. Ct. 2675 (2013) and Obergefell v. Hodges, 135 S. Ct. 2584 (2015), which ensures that same-sex spouses, marriages, and households are treated the same as their opposite-sex equivalents in terms of determining beneficiary eligibility or participation in grant-related activities.

The July 13 FEDERAL REGISTER notice is available here: https://www.gpo.gov/fdsys/pkg/FR-2016-07-13/pdf/2016-15014.pdf Comments on the proposed rule should refer to file code 0991-AC06, and may be submitted electronically at http://www.regulations.gov."

"EPA Publishes Proposed Rule with Tribal Implications for the Clean Energy Incentive Program; Comments Requested," Hobbs-Straus General Memorandum 16-049, July 22, 2016, http://hobbssstraus.com/general-memorandum-16-049, reported, "On June 30, 2016, the Environmental Protection Agency (EPA) published a proposed rule on the design details for the Clean Energy Incentive Program (CEIP). 81 Fed. Reg. 42940. The CEIP is an optional component of the Clean Power Plan (CPP), the Obama Administration's initiative to use EPA's authority under the Clean Air Act (CAA) to address a major cause of climate change by reducing carbon dioxide (CO2) emissions from electric generating units (EGUs) that burn fossil fuels. The CEIP will provide incentives for investments in renewable energy (RE) and demand-side energy efficiency (EE) prior to 2022, the year when the regulatory requirements of the CPP are scheduled to take effect. Although the CEIP is a short-term program to support investments in RE and EE, while it is in effect, it will be a major source of financial assistance. The final design of the CEIP is important because it will determine whether or not tribes will be able to fully benefit from these opportunities. The deadline for filing comments has been extended to September 2, 2016.

Initial Comments from Tribes. In the preamble of the proposed rule, EPA notes that many tribes have expressed interest in participating in the CEIP, and EPA requests comments on possible approaches to enable RE and EE projects in Indian Country to participate in the CEIP. EPA also acknowledges that "several tribes have expressed concern" that EPA’s proposed approach to tribal participation in the CEIP by requiring tribes to apply through state programs "would infringe upon their sovereign rights." 81 Fed. Reg. 42967. EPA responded that it "does not agree" that there would be "an infringement on tribal sovereignty" because the CEIP does not
impose any legal obligations on tribes … or authorize the states to impose such obligations." Notwithstanding the lack of legal obligations, EPA's proposed approach does make tribes subordinate to the states in making some of the basic policy decisions about the CEIP. One such policy decision (as discussed below) is whether the CEIP will be available at all. Arguably, this can be seen as an infringement on the right of tribal self-government.

**Overview of the Clean Power Plan.** The CPP is a complex regulatory program which is intended to accelerate the transition in our national electric power grid toward renewable energy and away from fossil fuels, especially coal. As such, the CPP differs from typical pollution control regulatory programs in that it not only seeks to reduce pollution from regulated sources, it is also intended to help drive investments in alternatives to those regulated sources. EPA established the CPP through a final rule captioned "Carbon Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units." 80 Fed. Reg. 64661 (October 23, 2015). See our General Memorandum 16-007 (January 14, 2016). Like other Clean Air Act regulatory programs, the CPP is designed to be implemented through "cooperative federalism," with the basic framework set out in EPA regulations and the details in plans to be adopted by the states.

In developing the CPP, EPA set goals for CO2 emission reductions for each of the states in which there are affected EGUs. While each of these states is supposed to adopt a plan to achieve its emission reduction goal by 2030, EPA provides a great deal of flexibility in developing plans: the owners and operators of EGUs will have legal obligations to achieve compliance with the applicable emission reduction goals, which can be done by some combination of operating their EGUs less and buying credits from RE projects. The CPP anticipates the development of a market for trading credits. If a state decides not to adopt a plan, or adopts a plan that does not meet with EPA’s approval, EPA will promulgate a federal plan for that state. In conjunction with promulgating the Emission Guidelines, EPA also published a proposed rule to set out requirements for federal plans. 80 Fed. Reg. 64965 (Oct. 23, 2015). The proposed rule for federal plans also included proposed model rules for trading credits.

**Clean Energy Incentive Program.** The regulatory requirements of the CPP are scheduled to take effect in 2022. The objective of the CEIP is to provide incentives for early investments – the two years prior to 2022 – in renewable energy (RE) projects (wind, solar, geothermal, and hydropower) and in projects that serve low-income communities (demand-side EE and solar electric). Projects that are determined eligible (and which deliver measurable electric power or savings) will be awarded credits by the state, and will also be awarded matching credits by EPA. The EPA will award these matching credits on a one-for-one basis for RE projects and on a two-for-one basis for low-income community projects. The CEIP project sponsor can then sell the credits to an affected EGU, which can use them for compliance with the CPP.

**CEIP as an Optional Program.** States are not required to include the CEIP in their state plans. In the CEIP proposed rule, EPA says that, if it promulgates a full federal plan for a state, it will include the CEIP component. However, if a state does adopt a plan that meets with EPA approval but the state decides not to include the optional CEIP component, EPA would not promulgate a partial federal plan to make the CEIP available in such a state. Rather, there would be no CEIP in that state. Thus, the basic policy decision of whether to have the CEIP at all would be up to the state; tribes in such a state would have no right to decide for themselves.

**The CEIP is optional as well for the three tribes that have affected EGUs within their reservations.** We note that the EPA Fact Sheet on the proposed CEIP rule (available at https://www.epa.gov/cleanpowerplan/fact-sheet-clean-energy-incentive-pro...) mentions tribes at many points, which might create the impression that the CEIP is also an option for tribes whose reservations do not have EGUs. However, all of the references in the Fact Sheet are to the three tribes with affected EGUs. In the proposed rule, the discussion of participation by tribes without affected EGUs is limited to two columns of text. 81 Fed. Reg. 42967-68.

**Definition of "Low-Income Community".** There are other points at which EPA's
proposed rule for the CEIP subordinates tribes to states in the implementation of the program. One such point is the definition of "low-income community." As proposed, the CEIP would provide incentives for demand-side EE and solar electric projects serving low-income communities, and these projects would receive matching credits on a two-for-one basis. The matter of how to define "low-income community" is left to the states, which can use existing definitions from local, state, or federal law. 81 Fed. Reg. 42961. Many reservation communities are "low-income" by most definitions, but tribes may want input into the definition used for the CEIP, since it is a key term in qualifying for the two-for-one match.

Eligibility of Demand-Side Energy Efficiency Projects. Another point at which tribal interests are subordinated to the states is that EPA proposes to let the states determine the kinds of demand-side EE projects that will be eligible for the CEIP. Some suggestions mentioned by EPA include "projects for residences and non-profit commercial buildings, or transmission and distribution projects that reduce electricity use on the customer side of the meter." 81 Fed. Reg. 42949. A state's priorities may differ from those that would be set by tribes, but to be eligible, projects in Indian Country would have to fit the state's priorities. Moreover, under the CPP, demand-side EE projects that are eligible under state plans are included in the term "state measures," a term that is defined as "measures that are adopted, implemented, and enforced as a matter of State law." 80 Fed. Reg. at 64961 (40 C.F.R. § 60.5880). In submitting its plan to EPA, each state must demonstrate that it has legal authority to implement and enforce each component of the state plan, including any state measures. 80 Fed. Reg. at 64949 (40 C.F.R. § 60.5745). Requiring demand-side EE projects in Indian Country to be implemented and enforced through the state's authority subordinates tribal authority to that of the states and, as such, can be seen as an infringement on the right of tribal self-government.

A Federal Plan for Indian Country? As noted earlier, EPA has requested comments on possible approaches to enable RE and EE projects in Indian Country to participate in the CEIP. The CAA authorizes EPA to treat Indian tribes like states and, where such treatment is "inappropriate or administratively infeasible," also authorizes EPA to implement the CAA in Indian Country directly. One approach to ensure that the CEIP is available in Indian Country would be for EPA to promulgate a federal plan for Indian Country. Presumably, such a federal plan could preserve the option for CEIP-eligible projects to participate in state plans where that would be advantageous.

Alaska and Hawaii. Tribes in Alaska may also want to comment on this proposed rule. In the CPP, EPA did not set emission guidelines for Alaska or Hawaii, because those states are not connected to the national grid. EPA has invited comments on how to make the CEIP available in those states, if they choose to participate. 81 Fed. Reg. 42968. The specific point on which EPA seeks comments is how to allocate a share of credits for those states.

Additional Documents
• The proposed rule is available at: https://www.gpo.gov/fdsys/pkg/FR-2016-06-30/pdf/2016-15000.pdf.
• Further information is available at: https://www.epa.gov/cleanpowerplan/clean-energy-incentive-program.

"Tribes are Eligible for Expected $50 Million in Grants and Loan Guarantees Under Rural Energy for America Program; Department of Agriculture is Soliciting Applications," Hobbs-Straus General Memorandum 16-064, October 20, 2016, http://hobbsstraus.com/general-memorandum-16-064, reported.
On October 18, 2016, the U.S. Department of Agriculture's Rural Business-Cooperative Service published a notice in the FEDERAL REGISTER soliciting applications for the $50 million that they expect will be appropriated in FY 2017 for the Rural Energy for America Program (REAP). The REAP is composed of two different grant and loan guarantee
programs designed to help agricultural producers and rural small businesses reduce energy costs and consumption, and to help meet the Nation's critical energy needs. Tribes are among the eligible entities and in an effort to ensure that small projects have a fair opportunity to compete for funding, the Rural Business-Cooperative Service will set aside 20 percent of FY 2017 funds for grants of $20,000 or less.

Applications for REAP grants and loans are accepted on a rolling basis but each program has a different deadline by which applications must be received in order to be considered for the current fiscal year's funds. Please see the notice for further information on application deadlines and instructions. A copy of the solicitation may be found here: https://www.federalregister.gov/documents/2016/10/18/2016-25163/notice-o...

REAP: Renewable Energy Systems and Energy Efficiency Improvement Assistance. This program provides grants, guaranteed loans, or the option to combine a grant and guaranteed loan to agricultural producers and to rural small businesses: to purchase and install renewable energy systems or to make energy efficiency improvements to their operations. Eligible renewable energy systems include: wind, solar, renewable biomass, small hydro-electric, ocean, geothermal, or hydrogen derived from these resources. For renewable energy system grants, the minimum grant is $2,500 and the maximum is $500,000. For energy efficiency improvement grants, the minimum grant is $1,500 and the maximum is $250,000. For loan guarantees under either category, the minimum guaranteed amount is $5,000 and the maximum is $25 million. Guaranteed loans and combined grants and guaranteed loans cannot exceed 75 percent of eligible project costs. Also, any federal grant portion may not to exceed 25 percent of total eligible project costs, whether the grant is part of a grant and loan combination or is for a grant only.

REAP: Energy Audit and Renewable Energy Development Assistance. This program provides grants to tribal, state and local governments and to institutions of higher education; rural electric cooperatives; and public power entities so that they can establish programs to assist agricultural producers and rural small businesses with evaluating the energy efficiency of their operations as well as the potential to incorporate renewable energy technologies into their operations. The maximum grant amount is $100,000. Grantees are required to charge energy audit recipients 25 percent of the cost of the energy audit."


The Farm Bill required the Secretary of Agriculture to "conduct a study to determine the feasibility of tribal administration of Federal food assistance programs, services, functions, and activities (or portions thereof), in lieu of State agencies or other administering entities." The Secretary was directed to file a report that:
contains a list of programs, services, functions, and activities with respect to which it would be feasible to be administered by a tribal organization;
and
such other issues that may be determined by the Secretary and developed through and pursuant to consultation with tribes.
The Report is a good resource for detailed information on various FNS nutrition assistance program statutory requirements, regulations, and division of duties among federal, state, and local entities. However, it does not include, as instructed in the Farm Bill, recommendations on specific statutory or other changes that might be needed to facilitate increased tribal administration of nutrition assistance programs. The Report's
The main recommendation for a next step is that there be further study of the feasibility of tribal administration of federal nutrition programs by having an 'in-depth collaborative audit with a select number of Tribes identified through this study to be both interested in and ready to administer one or more nutrition programs.' The Report notes limitations to its research, including an abbreviated timeline in order to meet the congressional deadline and the limited number of tribes choosing to participate in the research. One hundred sixteen tribes responded to a written survey, and researchers made 13 site visits. Including in-person consultations, there were 60 participant tribes who represented a broad size range.

**Tribal recommendations during the process included:**

- FNS develop a model to help tribes obtain competitive pricing for electronic benefit services (EBT) for the Women, Infants and Children (WIC) program and the Supplemental Nutrition Assistance Program (SNAP). FNS noted that EBT is generally negotiated between EBT contractors and state agencies although FNS has organized consortia of state agencies to negotiate lower prices for EBT services.
- Amend the Indian Self-Determination and Education Assistance Act to include federal nutrition assistance programs.
- FNS consider the development of tribal administrative regions corresponding to the national distribution of tribes.

The communications with tribal representatives showed a strong interest by tribes in administration of nutrition assistance programs, both in terms of service to members and the exercise of sovereignty. Tribes, especially among smaller tribes, had concerns regarding cost, staffing, and physical infrastructure issues.

According to the Report, of the 15 FNS nutrition assistance programs:
- 34 tribes/tribal organizations administer the WIC program
- 100 tribes, tribal organizations administer the Food Distribution Program on Indian Reservations
- 2 tribes administer the Commodity Supplemental Food Program
- 6 tribes administer the Farmers' Market Nutrition Program
- 8 tribes administer the Senior Farmers' Market Nutrition Program
- 1 tribe (Port Gamble S'Klallam) received a waiver to the SNAP requirement for an Office of Personnel Management-approved merit personnel system and thus is able to perform eligibility and certification functions

There are additional instances where a tribe may administer a portion of a program. However, a major impediment to tribal administration of SNAP is the requirement that a tribe must find that the state agency has failed to administer the program properly, and FNS must also find the tribe capable of administering SNAP as a state agency.


"OPM issues proposed rule governing access to Federal Employee Health Benefits for tribal employers and employees," Hobbs-Straus GENERAL MEMORANDUM 16-056, August 31, 2016, [http://hobbsstraus.com/general-memorandum-16-056](http://hobbsstraus.com/general-memorandum-16-056), reported, "The U.S. Office of Personnel Management (OPM) published a proposed rule in the FEDERAL REGISTER today, August 31, 2016, governing access to Federal Employee Health Benefits (FEHB) for tribal employers and employees under section 409 of the Indian Health Care Improvement Act (IHCIA), as amended by section 10221 of the Affordable Care Act. According to the preamble, the proposed rule is intended to codify existing guidance and to adopt the FEHB program for Federal employees with "slight variations to meet the needs of the tribal population." The FEDERAL REGISTER notice may be found here:
The proposed regulations would incorporate statutory eligibility provisions that extend the right to offer FEHB coverage to any tribe, tribal organization, or urban Indian organization carrying out at least one program under the Indian Self-Determination and Education Assistance Act (ISDEAA) or Title V of the IHCIA. See 25 U.S.C. § 1647b. However, under the proposed regulations, as long as a tribal employer purchases FEHB coverage for at least one "billing unit" that carries out at least one program under the ISDEAA or IHCIA, that tribal employer would also be entitled to purchase FEHB coverage for other billing units regardless of whether those other billing units carry out any programs under the ISDEAA or IHCIA. Tribal employers that elect to purchase FEHB coverage for their tribal employees must contribute a share of the premium that is at least equivalent to what the Federal Government contributes for Federal employees, but would be permitted to vary their contribution amount by enrollment type or by billing unit.

Consistent with existing FEHB and federal tax standards, the proposed regulations would define the term “tribal employee” to mean a common law employee of a tribal employer. Certain tribal employees, such as employees whose employment is limited to one year or less and employees expected to work less than 6 months in one year, would be excluded. Eligible tribal employees would have the same plan options and be entitled to select self only, self plus one, or self and family enrollment to the same extent as Federal employees in the same geographic area.

In order to purchase FEHB coverage, the proposed regulations would require tribal employers to enter into an agreement with OPM confirming the tribal employer’s eligibility and setting out various conditions of participation. These conditions include, among several others: agreement by the tribal employer not to offer alternate tribal employer-sponsored health insurance coverage to FEHB-eligible employees concurrently with FEHB; acknowledgement that the tribal employer will be subject to Federal audit with respect to FEHB participation; an agreement to establish or identify an independent dispute resolution panel to adjudicate employee disputes; and agreement that the tribal employer will notify OPM if it ceases to carry out at least one program under the ISDEAA or title V of the IHCIA. Responsibilities of tribal employers administering FEHB would also include eligibility determinations, enrollment, and notification requirements.

Among other things, the proposed regulations would also codify procedures and rules for payment; revocation and re-election of purchase of coverage; employee eligibility; enrollment and cancellation or termination of employee coverage; temporary extension of coverage and conversion to individual policy; and enrollment and eligibility appeal rights."

"EPA Extends Comment Period on Clean Energy Incentive Program and Will Engage in Tribal Consultation; More Tribal Comments Needed," Hobbs Straus General Memorandum 16-057, September 9, 2016, http://hobbsstraus.com/general-memorandum-16-057, reported, "On August 31, 2016, the Environmental Protection Agency (EPA) published a notice in the FEDERAL REGISTER extending the comment period for the Clean Energy Incentive Program to November 1, 2016. The notice states that "The EPA is making this change to allow for requested tribal consultation in response to the proposed rule." No information on the dates or locations for the tribal consultation sessions was provided in the notice nor has it been posted on the EPA website yet. Given that the final design of the Clean Energy Incentive Program will drive substantial investments in renewable energy and energy efficiency throughout the country, it is important to ensure that tribes will be able to fully benefit from these opportunities. The FEDERAL REGISTER notice may be found here: https://www.gpo.gov/fdsys/pkg/FR-2016-08-31/pdf/2016-20898.pdf

Background. The Clean Power Plan (CPP) is the Obama Administration's initiative
to use EPA’s authority under the Clean Air Act to address a major cause of climate change by requiring states to create state plans to reduce carbon dioxide emissions from electric generating units that burn fossil fuels. The CPP aims to do this by not only reducing pollution from these regulated sources, but also by driving investments in alternatives to these regulated sources. The CPP is described in our General Memorandum 16-007 of January 14, 2016 [published in Winter 2015-16 IPJ]. The Clean Energy Incentive Program (CEIP) is a component of the CPP that states have the option of including in their state plans. The CEIP will provide incentives for investments in renewable energy and demand-side energy efficiency prior to 2022, the year when the regulatory requirements of the CPP are scheduled to take effect. Although the CEIP is a short-term program to support early investments in renewable energy and energy efficiency, while it is in effect, it will be a major source of financial assistance. The CEIP is described in our General Memorandum 16-049 of July 22, 2016. In that General Memorandum we also highlight some key issues relating to tribal sovereignty on which tribes and tribal organizations may wish to comment.

"Forest Service Issues Final Rule on Providing Forest Products to Tribes for Cultural Purposes; Proposed Rule on Land Management Planning," Hobbs-Straus General Memorandum 16-063, October 20, 2016, http://hobbsstraus.com/general-memorandum-16-063, reported. "On September 26, 2016, the Forest Service, Department of Agriculture, published a final rule on providing forest products to tribes for traditional and cultural purposes. 81 Fed. Reg. 65891. On October 12, the Forest Service published a proposed rule to revise the regulations governing land management planning for the National Forest system. 81 Fed. Reg. 70373. While these two rules are independent of each other, there are some important ways in which they are related. The deadline for filing comments on the proposed rule is November 14, 2016.

The final rule may be found here:

The proposed rule may be found here:

Forest Products for Traditional and Cultural Purposes Final Rule. The final rule on providing forest products to tribes is based on section 8105 of the Food, Conservation, and Energy Act of 2008 (PL 110-246, commonly known as the "2008 Farm Bill"). Section 8105 (codified at 25 U.S.C. § 3055) provides discretionary statutory authority for the Secretary of Agriculture to provide trees, portions of trees, and forest products from National Forest System land to tribes for traditional and cultural purposes free of charge. The commercial use of such trees, portions of trees, or forest products is prohibited. As explained in the preamble, since 2009, this authority has been implemented through an Interim Directive (ID) to the Forest Service Handbook. The final rule, which will replace the ID, will be codified in 36 C.F.R part 223, "Sale and Disposal of National Forest System Timber, Special Forest Products, and Forest botanical Products," as a new section 223.15. It will also be integrated into the Forest Service Handbook as FSH 2409.18, chapter 80, section 82.5.

The final rule does not establish much in the way of substantive or procedural requirements for requests from tribes. Such requests "must be directed to the appropriate Forest Service District Ranger(s)’ Office from which the items are being requested. Tribal officials are encouraged to explain their requests to the Regional Forester or designated Forest Officer and, if necessary, describe how the request fits a traditional and cultural purpose." (Emphasis added.) The rule incorporates a statutory definition of the term "traditional and cultural purpose," which, "with respect to a definable use, area, or practice, means that the use, area, or practice is identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature of the use, area, or practice to the Indian tribe." 25 U.S.C. § 3052(9).
In the preamble, in response to a comment that had called for the Forest Service to prioritize the collection of forest products for traditional and cultural purposes over other uses, the Forest Service said that prioritization is outside the scope of this rule and that it determines how to balance competing demands for forest products and land use when revising or amending land management plans using the National Forest System Land Management Planning process (36 CFR part 219).

**Land Management Planning for the National Forest System Proposed Rule.** The Forest Service has a statutory duty to develop a land management plan for each of the units that comprise the National Forest System (154 national forests, 20 grasslands, and 1 prairie). As discussed in the preamble, all of the plans that are now in effect were adopted pursuant to regulations issued in 1982. On April 9, 2012, the Forest Service issued a revised final rule. 77 Fed. Reg. 21161 (codified at 36 C.F.R. part 219). There are fundamental differences in structure and content between the 2012 rule and the 1982 rule. The 2012 rule reflects 30 years of experience with land management planning, including an emphasis on adaptive management in response to changing conditions and new information. As such, the 2012 rule calls for an iterative approach which allows plans to be "amended" at any time in order to keep them current. The rule distinguishes between "amendment" of a plan and "revision" of a plan (a comprehensive process that is required by statute at least once every 15 years). Of the existing 127 land management plans, 68 are past due for revision, but the Forest Service does not have the resources to conduct all of the revisions at once. (Among other things, revision of a plan requires preparation of an environmental impact statement (EIS). 36 C.F.R. § 219.7(c).)

The purpose of the current proposed rule is to clarify the extent to which the underlying plan must be changed when an amendment is adopted. The 2012 rule includes four subjects that must be addressed in a plan: sustainability; diversity of plant and animal communities; multiple uses; and timber requirements based on the National Forest Management Act of 1976. 36 C.F.R. §§ 219.8-219.11. Briefly, the position taken in the proposed rule is that in a plan amendment the responsible official "must apply the requirements within §§ 219.8 through 219.11 that are directly related to the amendment" and the plan amendment "cannot make changes that are contrary to requirements of the 2012 planning rule." (Emphasis added.) In contrast, a new plan or plan revision "must bring the plan into compliance with every requirement within §§ 219.8 through 219.11." (Emphasis added.)

One way in which the forest products final rule and the planning rule are connected is that if a tribe is interested in forest products for traditional or cultural purposes from a particular area, but the tribe's interests are not accounted for in a management plan, the Forest Service could respond to the tribe's expression of interest in such an area by adopting a plan amendment to accommodate the tribe's request, without having to do a full plan revision."

"NPS Final Rule on Tribal Members Gathering Plants in National Parks," Hobbs-Straus General Memorandum 16-044, July 12, 2016, http://hobbsstraus.com/general-memorandum-16-044, reported, "On June 29, 2016, Secretary of the Interior Sally Jewell announced that the National Park Service (NPS) has completed the process of changing its regulations to allow members of federally recognized Indian tribes to gather and remove plants or plant parts for traditional purposes at locations within National Park areas. The Final Rule was published in the FEDERAL REGISTER on July 12 (81 Fed. Reg.45024) and takes effect on August 11. The Final Rule is available at: https://www.federalregister.gov/articles/2016/07/12/2016-16434/gathering...

Long-standing NPS regulations have prohibited gathering and removing plants or plant parts from areas in the National Park system except in limited circumstances, such as where specifically authorized by federal statute or treaty rights (36 C.F.R. § 2.1). On April 20,
2015, NPS published a proposed rule to relax this prohibition and create a process through which tribes can enter into agreements with NPS to authorize traditional plant gathering by tribal members. 80 Fed. Reg. 21674; see our General Memorandum 15-034 (April 30, 2015). The final rule completes the process of relaxing the general prohibition. Gathering and removal by members of federally recognized tribes is now allowed if NPS and the tribe have entered into an agreement that meets all the requirements set out in a new section of the regulations (to be codified at 36 C.F.R. § 2.6), and if the Superintendent of the park area has issued a permit to the tribe.

The final rule is generally consistent with the April 2015 proposed rule, although NPS did make a few changes in response to comments. A paragraph was added requiring the Superintendent to initiate consultation with the tribe within 90 days after receipt of a request to enter an agreement; if the Superintendent fails to do so, the tribe may submit the request to the Regional Director. An appeal process was added – if the NPS Superintendent denies a tribe's request for an agreement, a written decision must be provided, which can be appealed to the Regional Director. Also, as proposed, when an agreement is in place, the issuance of a permit by the Superintendent to the tribe would have required concurrence by the Regional Director; the requirement for concurrence at that step has been dropped. A definition of "traditional gathering" was added, which specifies that only hand tools are allowed.

To qualify for an agreement, a tribe must have a traditional association with the specific park area that predates the establishment of the park and the proposed gathering must be for a traditional purpose that is rooted in the tribe's history and important for continuation of the tribe's culture. In the preamble of the Final Rule, NPS says it believes that some 433 tribes may be associated with some 215 areas of the National Park system, and that it does not know how many of those tribes may be interested in seeking agreements under the Final Rule.

A tribe that wants such an agreement begins with a request to the Park Superintendent that must include descriptions of: (1) the tribe's traditional association to the park area; (2) the traditional purposes of the gathering activities; and (3) the gathering activities the tribe wants to conduct, including a list of the plants or plant parts to be gathered and methods to be used. The Superintendent must determine that the tribe does in fact have a traditional association with the park area and that the proposed gathering activities are for a traditional purpose.

The Final Rule lists a number of items that must be included in an agreement, including: a system for administering the gathering, with a means of identifying tribal members designated by the tribe to do the gathering; description of plants or plant parts that may be removed, specifying size and quantity; times and locations for gathering and removal; protocols for monitoring, with thresholds for intervention by NPS and tribal management; periodic review; and protocols for non-compliance. The agreement must also include a statement that sale or commercial use is prohibited, although, in response to comments, NPS included a statement in the preamble regarding the possible use by tribal members of plants or plant parts gathered in park areas under this rule to make and sell traditional handicrafts, saying such "limited commercial use … may help tribes maintain traditional cultural practices, which is a primary purpose of this rule. Accordingly, this rule does not purport to regulate or prohibit this activity." 81 Fed. Reg. 45033.

Prior to executing an agreement, the Superintendent must ensure compliance with applicable federal laws including the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and Endangered Species Act (ESA). With respect to NEPA, the final rule adds specificity that was not in the proposed rule – NEPA compliance will require an environmental assessment and finding of no significant impact. If the NEPA analysis leads to a finding that the agreement would have a significant adverse impact on park area resources or
values, the Superintendent is barred from entering into it.

With respect to NHPA, the preamble includes a brief discussion in response to comments regarding the correlation between places where traditional gathering was historically practiced and the category of historic property known as "traditional cultural properties" (TCPs). While acknowledging some overlap, NPS says that "not every plant-gathering location will have enhanced cultural significance," and that nominating locations to the National Register of Historic Places as TCPs would not be a substitute for the final rule. Since NHPA compliance is a requirement, however, a determination of whether a proposed gathering location is eligible for the National Register as a TCP will typically need to be made. Eligibility (as distinct from nomination) may be beneficial, in part because it renders applicable NHPA section 304, which authorizes NPS to withhold sensitive information from disclosure to the public. With respect to ESA, the Final Rule requires that a clause be included in any agreement stating that it does not authorize gathering any species listed as threatened or endangered."

"Comments Needed on Broadband Expansion in Indian Country," Hobbs-Straus GENERAL MEMORANDUM 16-043, July 11, 2016, http://hobbsstraus.com/general-memorandum-16-043, reported, "President Obama has made the expansion of high speed internet across the United States, including on tribal lands, a priority of his Administration. In order to advance that initiative, the Federal Communications Commission (FCC) recently published two Notices in the FEDERAL REGISTER requesting comment on proposals to build out broadband in Indian Country. The FCC states: 'The Commission has observed that communities on Tribal lands have historically had less access to telecommunications services than any other segment of the population, and that greater financial support therefore may be needed in order to ensure the availability of broadband on Tribal lands. Accordingly, the Commission seeks to adopt mechanisms to advance broadband deployment on Tribal lands.'

Two Rules Available for Comment. On June 21, 2016, a Notice seeking comment on a proposed rule concerning several specific procedures that will apply to the Phase II auction for universal service support was published by the FCC in the FEDERAL REGISTER. 81 Fed. Reg. 40,235. Available at: https://www.federalregister.gov/articles/2016/06/21/2016-14507/connect-a... Additionally, on July 7, 2016, the FCC published a Final Rule regarding the Connect America Fund. 81 Fed. Reg. 44,413. Available at: https://www.federalregister.gov/articles/2016/07/07/2016-14506/connect-a... Importantly, the Final Rule includes language recognizing the challenges that exist for improving broadband access on tribal lands and asking again for comments to be submitted which will be used to assist the FCC in reaching its objective of expanding broadband access on tribal lands.

Comments on the proposed rule are due on or before July 21, 2016 and reply comments are due on or before August 5, 2016. Tribes without access to high speed internet may wish to submit comments on this vital infrastructure.

Since 2011, the FCC has issued sixteen different proposed rules requesting comments on the expansion of broadband on tribal lands and while several national Indian organizations have filed comments, very few individual tribes have. The FCC is moving forward on these initiatives and comments from Indian Country will assist in this development of critical infrastructure on tribal lands.

Notice Details. The FCC is specifically seeking comment on the process that will be used for determining which bidders will be awarded funding to build out broadband on tribal lands. Anyone who is legally, technically, financially and otherwise qualified applicant can become an eligible bidder, including a tribe or a business owned by a tribal member. The Notice requests comment on a criteria judging a bidder's ability to provide for the expansion of broadband on
tribal lands which may be weighted to its advantage in securing a place as a winning bidder. Simply put, Indian Country has before it the opportunity to influence how the FCC will award funds to businesses coming onto tribal lands to develop broadband access to tribal lands.

In seeking comments from Indian Country the FCC is open to considering any alternative auction procedures that it can adopt that will enhance its ability to meet the goal of providing broadband throughout tribal lands. This bidding process will have significant impact on the future of broadband in Indian Country and so it is crucial that the FCC hear from Indian Country on this."


Background. The FCC published its first Notice of Proposed Rulemaking (NPRM) on potential reform to the program on February 6, 2012, and a second NPRM on June 22, 2015. While the Final Rule addresses several of the tribal-specific issues raised in the proposed rule-makings, other more controversial tribal-specific issues remain 'open for consideration in a future proceeding more comprehensively focused on advancing broadband deployment [on] Tribal Lands'. This indicates an interest by the FCC in developing a comprehensive broadband deployment plan focused specifically on Indian Country – which is woefully behind even other rural communities in its ability to access broadband. The FCC was recently called before the Senate Committee on Indian Affairs (SCIA) in April, 2016, following the release of Government Accountability Office Report GAO-16-222 'Telecommunications: Additional Coordination and Performance Measurement Needed for High-Speed Internet Access Programs on Tribal Lands'. In the hearing, the SCIA examined the FCC's role in facilitating broadband deployment on tribal lands and directed the FCC to take additional actions to ensure tribal residents have access to broadband. The opportunity to provide comments on the open issues in the second NPRM remains open indefinitely and tribes and tribal organizations may want to submit comments encouraging the FCC to begin consultation on advancing comprehensive broadband deployment on tribal lands.

Eligibility. The Lifeline program provides a monthly discounted telephone bill to low-income consumers, including wireless cell phone service. The current Lifeline program offers a monthly discount of $9.25 per month for low-income individuals enrolled in the program, and low-income residents of tribal lands are eligible for an additional subsidy of up to $25.00 for a total discount of up to $34.25 per month ('enhanced Tribal subsidy'). This enhanced Tribal subsidy was adopted in 2000 in recognition of disparate rates of telephone and wireless cell phone service on tribal lands. To qualify for the Lifeline program, a tribal participant must be at or below of 135 percent of the Federal Poverty Guidelines or eligible for participation in designated Tribal, Federal or State assistance programs.

In its second NPRM, the FCC requested comments on which federal assistance programs it should continue to use to qualify low-income consumers for Lifeline. If a consumer qualifies for one of those programs and resides on Indian lands, they are also eligible for the enhanced Tribal subsidy. The National Congress of American Indians strongly recommended that the FCC retain the current list of eligible programs for low-income residents.
of tribal lands. The FCC accepted that recommendation. One of the more controversial issues held over for additional comments is a proposal limiting eligibility for the enhanced Tribal subsidy to tribal residents of counties with less than 15 people per square mile. This would have severely impacted tribal residents in states like Oklahoma and other tribes located anywhere but in a severely rural area. This proposal was met with stiff tribal opposition and the FCC is still accepting comments on this issue.

Currently, Lifeline providers are required to determine subscriber eligibility for Lifeline. However, the FCC, concerned with the potential for waste, fraud and abuse, included in the Final Rule the creation of a 'National Verifier' system. This system is intended to eliminate administrative and compliance costs for providers by instead placing the responsibility and risk of verifying subscriber eligibility in the hands of the Universal Service Administrative Corporation (USAC) (with oversight by the Universal Consumer and Governmental Affairs Bureau). Potential subscribers must demonstrate eligibility for the Lifeline program by showing proof of eligibility or enrollment in eligible federal and tribal programs. The Final Rule directs USAC to work closely with tribes to develop "the most efficient pathways to determining subscriber eligibility"; allows tribal documents to be used as proof of eligibility; and provides tribes with access to the National Verifier database.

**Incentives for Participation.** In an effort to increase the number of carriers and incentivize providers to offer better quality services, the Final Rule creates a streamlined Lifeline Broadband Provider Eligible Telecommunications Carrier (ETC) Designation Process. A broadband provider's petition for ETC designation as a Lifeline Broadband Provider will be subject to a 60-day review and approval instead of 6-month review and approval so long as they meet certain criteria demonstrating financially stability and experience providing broadband services. Importantly, the Final Rule exempts tribally-owned and -controlled facilities that provide services on tribal lands from the experience requirement. This creates the opportunity for a tribe to create a tribally-owned telecommunication company to provide these and other telecommunications services to its residents.

**Better Understanding Barriers to Inclusion.** Of additional note, the Final Rule directs the Consumer and Governmental Affairs Bureau to develop a comprehensive plan to better understand the non-price barriers to digital inclusion for consumers, including residents of tribal lands; directs USAC to make information on the number of tribal consumers receiving the enhanced Tribal subsidy publicly available; and allows residents of the "Cherokee outlet" to remain eligible for the enhanced Tribal subsidy."}

"Voting Rights Act Native Language Assistance Areas," Hobbs-Straus General Memorandum 16-075, December 9, 2016, http://hobb Strauss.com/general-memorandum-16-075, reported, "The Census Bureau published in the December 5, 2016, FEDERAL REGISTER the attached notice updating the list of counties or other political subdivisions which must comply with the requirements of Section 203 of the Voting Rights Act concerning minority languages. Assistance is required in the voting process for Native language-speaking persons in portions of: Alaska; New Mexico; Arizona; California; Colorado, Connecticut; Iowa; Mississippi; Texas; and Utah.

In 1975, Congress amended the Voting Rights Act of 1965 to curb the discriminatory impact of English-only voting where it effectively excluded non-English speaking or "language minority" citizens from the voting process. Section 203 of the Act requires translated election materials, oral interpretation and aid, and other language-sensitive assistance in certain areas based on minority group size and high rates of illiteracy. In 1992, Congress amended Section 203 of the Act to include political subdivisions that contain all or any part of an Indian reservation in which over five percent of the residents are members of a single language group, are limited-English-proficient, and possess have a rate of citizens who have not completed the fifth grade that exceeds the national average.
The U.S. Department of Justice is responsible for enforcing voting rights under Section 203. Indian tribes in the states listed above may wish to monitor the level of assistance provided.

The U.S. Board for Geographical Names voted 12 to 0, with 1 abstention, in August 2016, to change the name of Harney Peak in the Black Hills to Black Elk Peak. Previous attempts led by Lakota elder Basil Braveheart to have the South Dakota's naming board change the name of the highest mountain East of the Rocky Mountains had failed. Numerous tribes have wanted the name changed, as Army Gen. William S. Harney’s troops massacred Lakota women and children in the so-called Battle of Blue Water Creek near what is now Winnebago, NB, in September 1855. General Harney never came within five miles of the mountain, but on that same expedition, a surveyor with Harney’s party named the peak for the general. [Nicholas Black Elk speaks of that peak in Neihart's volume interviewing Black Elk, Black Elk Speaks] (David Rooks, "Breaking: Black Elk Peak Soars Above The He Sapa, No Longer Harney Peak," ICTMN, August 12, 2016, https://indiancountrymedianetwork.com/news/native-news/breaking-black-elk-peak-soars-above-the-he-sapa-no-longer-harney-peak/).

For actions and reports by the National Indian Gaming Commission (NIGC) go to: www.nigc.gov/.

Federal Indian Budgets

Congress passed and the President signed two continuing resolutions in December 2016.

"FY 2017 Continuing Resolution through December 9 Enacted," Hobbs Straus General Memorandum 16-059, September 29, 2016, http://hobbsstraus.com/general-memorandum-16-059, reported, "Today President Obama has signed a Continuing Resolution (CR) which will provide FY 2017 funding for federal agencies from the beginning of the fiscal year (October 1, 2016) through December 9, 2016, thus averting a government shutdown. A summary of the CR as posted by the Senate Appropriations Committee may be found here: http://bit.ly/2dmKiyi.

The Continuing Resolution is Division C of HR 5325, the bill which also provides full year FY 2017 funding for the Military Construction-Veterans Administration programs under Division A. The CR will, by and large, provide funding on a pro rata basis at the FY 2016 levels under the authority and conditions of the FY 2016 Appropriations. Our General Memorandum 16-058 (September 23, 2016) reported on the draft CR and the policy disputes which made its enactment a difficult task.

Funding Level/Limitations on the Distribution of Funds. As noted above, funding for most programs during the period of the CR will be at FY 2016 levels and conditions. There is a one half of one percent (0.496 percent to be precise) across-the-board reduction from FY 2016 funding levels. This reduction is made to account for some expiring spending rescissions and changes in mandatory programs. Without this half of a percent reduction, the spending cap would be exceeded. The across-the-board reduction does not apply to the Overseas Contingency Operations/Global War on Terrorism or to disaster relief.

The CR funds will not be distributed for programs that may have high initial rates of operation or for funds which are fully distributed at the beginning of the fiscal year. This is because of the possibility that Congress might eliminate or reduce funding for those particular programs in a final appropriations bill.

With regard to the distribution of funds during the covered period, the CR states:

This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and
activities.

However, agencies will be allowed to apportion funds in a manner that would avoid furloughing employees. These provisions are common in CRs and were also included in the FY 2016 CR.

Mandatory Funding Programs. Funding for entitlement and mandatory payments which were provided for in the FY 2016 Appropriations Act as well as activities under the Food and Nutrition Act will be continued at a rate that maintains current program levels. Anomalies. Anomalies, provisions that differ from those in FY 2016, are relatively few and none are tribal-specific. Of significance is the inclusion of $500 million for disaster relief for severely flooded areas, many of which are in Louisiana. The funds will be distributed through the Department of Housing and Urban Development's Community Development Block Grant.

Zika Funding. Division B of the Act is specific to activities related to the Zika virus. It provides $1.1 billion for this purpose. Of this amount $75 million will be available on a reimbursement basis for "health care conditions related to the Zika virus" to tribes, tribal organizations, states, and territories where the Centers for Disease Control and Prevention (CDC) has confirmed active cases, with the majority of the funding going to Puerto Rico. Other funds would go to the CDC, National Institutes of Health, Department of State, and the U.S. Agency for International Development.

Flint, Michigan Water Crisis. The Act contains no funding to address the problems in Flint, Michigan, caused by lead in the water pipes and which has poisoned 9,000 children. Parties finally reached agreement when Republicans promised that such funding will be provided in the Water Resources Development Act, different versions of which have now passed the House and Senate and will be conferenced in the post-election session.

What's Next. Beginning October 1, Congress will be in recess through the November elections. They are scheduled to return November 14 for a week, break for Thanksgiving, and then be in session through much of December. The primary work of the post-election session will be to enact FY 2017 appropriations bills, likely as an omnibus vehicle that contains all of the remaining appropriations bills or as a series of smaller "minibuses" (groups of appropriations bills) as Senate Majority Leader McConnell (R-KY) and House Speaker Ryan (R-WI) are now advocating. On the other hand, a conservative House Republican faction is endorsing neither option and is instead advocating for another CR extending through March or even the entire fiscal year; however, this last scenario is the least likely to occur. Because the Appropriations Committees have reported out FY 2017 appropriations bills and their Members generally favor detailed appropriations bills which reflect the Committee recommendations, we expect some iteration of either an omnibus or a series of minibuses as the most likely outcome.

Among the many things at stake are hoped-for increases in the Indian Health Service and Indian Affairs budgets which have been recommended by the House and/or Senate Appropriations Committees (for example: Indian Health Service Purchased/Referred Care; clinic leases; built-in costs; behavioral health and Bureau of Indian Education Tribal Grant Support Costs and school construction. In addition, there are significant Committee-recommended increases for Health and Human Services tribal behavioral health grants and efforts to address opioid abuse).

Because the CR funds programs on a pro rata basis at FY 2016 levels, we list for your convenience our General Memoranda (GM) on selected federal agencies' final FY 2016 appropriations [published in the Winter 2015-16 issue of IPJ]:

- Indian Health Service GM 16-005 of January 12, 2016
- Indian Affairs (BIA/BIE) GM 16-008 of January 22, 2016

We expect the Office of Management and Budget to issue guidance to federal agencies in carrying out the Continuing Resolution."
FY 2017 Second Continuing Resolution Enacted through April 28, 2017, Hobbs-Straus General Memorandum 16-076, December 12, 2016, http://hobbsstraus.com/general-memorandum-16-076, reported, "On December 10, 2016, President Obama signed a second Continuing Resolution (second CR) which will provide FY 2017 funding for federal agencies from December 10, 2016 through April 28, 2017, thus averting a government shutdown. A public law number has not yet been assigned. The House approved the bill on December 8 and then the Senate late the night of December 9. The Memorandum we sent on December 9, (General Memorandum 16-074) was drafted before the late night agreement was reached in the Senate which resulted in the enactment of the second CR.

The first FY 2017 CR (PL 114-223) extended from October 1, 2016 through December 9, 2016, and it provided funding for all federal agencies (including full fiscal year funding for Military Construction-Veterans Administration programs) (General Memorandum 16-059 of September 29, 2016). The text and summaries of the second CR as posted by the Senate Appropriations Committee are here:
Continuing Resolution Text: http://bit.ly/2h4qT6C
Section-by-Section Summary: http://bit.ly/2ginOOZ
Security Assistance Appropriations Act Summary: http://bit.ly/2h4sBEV
Disaster Relief Summary: http://bit.ly/2g8n7o0

The second CR will, by and large, provide funding on a pro rata basis at the FY 2016 levels and under the authority and conditions of the FY 2016 Appropriations. It also continues via reference provisions contained in the first CR, i.e., that it "shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities."

Accelerated Funding. The second CR accommodates an accelerated apportionment of funds for upfront needs for a number of programs. Three such examples are Indian Health Service funding for "the rate of operations necessary to provide for costs of staffing and operating newly constructed facilities" (Section 166); the Department of Housing and Urban Development Public and Indian Housing funding for Tenant-Based Rental Assistance "necessary to renew grants for rental assistance and administrative costs..." (Section 183); and the Census Bureau to maintain the required schedule for the 2020 Decennial Census Program. (Section 152).

Cures Bill Funding. The second CR contains $872 million as authorized by the 21st Century Cures Funding Act (HR 34) which the House and Senate approved the week of December 4 and which the President will sign. It is divided as follows: $500 million for State Response to the Opioid Crisis; $352 million for biomedical research at the National Institutes of Health including on brain diseases and President Obama's cancer "moonshot" and Precision Medicine initiatives; and $20 million toward the Food and Drug Administration's efforts to speed up approval of drugs and medical devices. These are part of three new "Innovation Accounts" established by the Cures Act whose funds are located in the Treasury Department. While the Appropriations Committees must annually establish the amount to be drawn down from the Innovation Accounts, the funds are not counted against the Committees' funding allocations. Funds from the Innovation Accounts are to be in addition to any other funding made available under the regular appropriations process where Congress can determine the terms and conditions. For example, the opioid funding in the Innovation Account is directed at states, but the FY 2017 appropriations bill reported out by the House Labor-HHS-Education Subcommittee would have made tribes directly eligible for SAMHSA opioid funding.

Other things of note in the second CR:
• $4.1 billion in supplemental funds for disaster relief;
• $170 million for water infrastructure and related health programs in Flint, Michigan;
• $10 billion in uncapped funds for military operations ($5.9 billion for the Overseas Contingency Operations; $4.3 billion for the Global War on Terror); and
• The Temporary Assistance for Needy Families (TANF) program is reauthorized and funded
through April 28, 2017, but will require another extension next year.

What's Ahead. Given that the second CR ends five months before the end of the fiscal year (September 30, 2017) we expect federal agencies to be conservative in how they spend their funds, not knowing at this point the total amount of FY 2017 funding that will be appropriated for their agencies.

Funding via a CR, and the possibility that the entire fiscal year will be funded via a CR, makes very difficult the realization of hard-fought for increases in the Indian Health Service and Indian Affairs budgets which were included in the recommendations of the House and/or Senate Appropriations Committees (for example; IHS Purchased/Referred Care; clinic leases; built-in costs; behavioral health and further increases for Bureau of Indian Education school construction).

Because the **CR provides funds on a pro rata basis at FY 2016 levels**, we list for your convenience our General Memoranda (GM) on selected agencies' final FY 2016 appropriations:
- Indian Health Service GM 16-005 of January 12, 2016
- Indian Affairs (BIA/BIE) GM 16-008 of January 22, 2016

"House Republican Leadership Agrees to Trump Request to Delay FY 2017 Appropriations; Four-Month Continuing Resolution Offered," Hobbs Straus General Memorandum 16-072, November 17, 2016, http://hobbsstraus.com/general-memorandum-16-072, reported, **House of Representatives Republican leadership, following a meeting with Vice President-Elect Pence, announced today that, rather than working to enact individual FY 2017 appropriations bills or an omnibus bill, they will instead push for a new FY 2017 Continuing Resolution (CR) that would extend through March 31, 2017.** This comes at the request of President-Elect Trump. House Speaker Ryan (R-WI) and numerous appropriators had earlier said they wanted to complete FY 2017 appropriations work this year, although the conservative House Freedom Caucus Members advocated for a year-long CR. House Appropriations Committee Chair Rogers (R-KY) said his Committee 'will begin work immediately on a Continuing Resolution at the current rate of funding to extend the operations of our government through March 31, 2017.'

We have not yet seen an official statement from Senate Republican leadership but there are some indications that they will go along with the plan, even though they also had earlier advocated for completing FY 2017 appropriations this year. Congressional Democrats are opposed to the proposal for a CR that would extend through March 2017.

The current CR under which federal agencies are being funded extends through December 9, 2016, so Congress will need to act by then. For agencies who were anticipating possible funding increases or helpful Committee report instructions, the CR is bad news. The proposed new CR would mean that federal agencies would be funded, for the most part, at FY 2016 levels and conditions.

**Some Appropriations Committee members are indicating that the proposed new CR, given that it would take us half-way through the fiscal year, will be complex and contain a significant number of anomalies (funding or directives that vary from FY 2016)."**

**Indian Health Service Fiscal Year 2017 Appropriations Update**

The House of Representatives and the Senate Appropriations Committee have each approved their FY 2017 appropriations bills for Interior, Environment and Related Agencies. In this Memorandum we report on the recommendations for the Indian Health Service (IHS). The House and Senate bill and report numbers, are, respectively, HR 5538, H. Rept. 114-632, S 3068,

The House approved its Interior Appropriations bill on July 14, 2016, on a largely party-line vote of 231-196. President Obama issued a lengthy Statement of Administration Policy critical of the bill and its many legislative riders. The President also expressed appreciation for the funding level for Indian Affairs programs as a whole, noting Contract Support Costs, the Tiwahe Initiative and Indian Education, but criticized its lack of tribal funding in other areas.

Members of both parties remarked at the Subcommittee and full Committee markups of the Interior bills that funding for Indian programs is a high priority of the committees and has bipartisan support. In particular, Members expressed support for increased funding for tribal health, education and justice programs.

Given the shortened congressional session due to breaks taken for the Democratic and Republican Presidential conventions and the November election, we are not expecting "regular" appropriations bills to be enacted by the beginning of fiscal year 2017 (October 1, 2016). The highly partisan nature of Congress also works against enacting appropriations bills in a timely manner. It is likely that we will have a Continuing Resolution (CR) that will run well past the November election, maybe even into December, following which the appropriations bills would be bundled into one or several "omnibus" bills. Generally, a CR funds programs at their previous year's level and conditions although in some cases changes ("anomalies") are made for special circumstances. Even though we expect a CR, the FY 2017 recommendations made by the House and by the Senate Appropriations Committee are very important as they provide a foundation for negotiations on an end-of-year omnibus appropriations bill(s).

**IHS OVERALL FUNDING**

<table>
<thead>
<tr>
<th>Year</th>
<th>Enacted (in $)</th>
<th>Admin. Request (in $)</th>
<th>House (in $)</th>
<th>Senate Committee (in $)</th>
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The House proposes $84.8 million more than does the Senate Committee. The calculation of the difference between the two is a mix of the House concurring with nearly all the built-in costs requested by the Administration and recommending more for Purchased/Referred Care, for accreditation emergencies, and for Urban Indian health than would the Senate bill. The Senate Committee, on the other hand, provides more funding than does the House for a behavioral health initiative, a Native youth initiative, and clinic leases. In the Facilities area, the Senate would fund a small ambulatory health care facilities program while the House would fund new and replacement quarters. Both bills would provide "such sums as may be necessary" for Contract Support Costs, with an estimated need of $800 million.

Built-in Costs. The Administration requested $159 million for inflationary increases which would be allocated among the various programs: $26 million for pay costs; $14.4 million for non-medical inflation (2.1%); $75.4 million for medical inflation (5.8%); and $43.2 million for population growth. The House Committee recommended all but $16.1 million of the requested inflationary increase, for a total of $143 million. The only portion not in the House bill of the requested amount is $16.1 million of population growth funds under Hospitals and Clinics. By comparison, the FY 2016 final IHS appropriation contained only $19.4 million for inflationary purposes (for a 1.3 percent pay increase). It is apparent that the Senate Committee bill does not have nearly the amount of inflationary increases as recommended by the House, but we do not have the number at this time.

The House Committee Report questions the distribution of population growth funds, saying it does not reflect places where caseloads are growing and asks the IHS to consider an alternate method of distribution.

Staffing Packages. Both bills would provide the requested amount of $33 million for staffing and operation of new facilities: Kayenta Health Center, $182,000; Muskogee Creek
Nation Health Center, $10.7 million; Northern California Youth Residential Treatment Center, $3.4 million; Flandreau Health Center, $6.3 million; and Choctaw National Regional Medical Center in Oklahoma, $12.4 million.

The House addressed two matters affecting IHS programs across-the-board:

Advance Appropriations Report. The House Committee Report asks for a GAO report and evaluation on the use of advance appropriations for healthcare programs across the federal government, and their application to the IHS:

The Government Accountability Office is directed to report on the use of advance appropriations authority for healthcare programs across the Federal government, including problems encountered, any estimates of cost savings, and applications to the Indian Health Service. (H. Rept. 114-632, p. 89)

Full Funding Report. The House Committee Report also directs IHS to provide a plan of what would be required to fully fund the Indian Health Care Improvement Act:

It has been over five years since the permanent reauthorization of the Indian Health Care Improvement Act (IHCIA), yet many of the provisions in the law remain unfunded. Tribes have specifically requested that priority areas for funding focus on diabetes treatment and prevention, behavioral health, and health professions. The Committee directs the Service to provide, no later than 90 days after enactment of this Act, a detailed plan with specific dollar amounts identified to fully fund and implement the IHCIA.

(H. Rept. 114-632, p. 89)

Na’ Nizhoozhi Center. The Senate Committee Report expresses concern for the Na’ Nizhoozhi Center in Gallup, NM, which provides substance abuse services to members of many tribes and encourages the IHS to work with the Center and others to find a sustainable way to increase its capacity.

**CONTRACT SUPPORT COSTS**

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<td>Such sums as may be necessary</td>
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<tr>
<td>FY 2017 Senate Committee</td>
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The House and the Senate Committee agreed, consistent with the Administration's request, to continue Contract Support Costs (CSC) in FY 2017 at "such sums as necessary" and that CSC be its own separate account. Specifically, the House and the Senate Committee:

• Recommended an indefinite appropriation for CSC for the IHS and BIA;
• Included in their reports the same estimate of CSC funds that will be needed as did the Administration: $800 million for IHS which is $82 million over the FY 2016 estimate; and $278 million for BIA, which is $1 million over the FY 2016 estimate; and they
• Did not continue the problematic proviso from FY 2016 that unspent CSC would count against the next year's requirement (see below).

Both House and the Senate Committee heeded the request of many tribes and tribal organizations and did not repeat the CSC language which was in the FY 2016 appropriations act that would effectively deny the carryover authority granted by the Indian Self-Determination and Education Assistance Act. Thus the pending FY 2017 appropriations bills do not contain this FY 2016 provision: "amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years."

**House and Senate Committee IHS bill language:**

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Indian Health Service for fiscal year 2017, such sums as may be necessary: Provided, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.
Senate IHS Committee Report Language:
The Committee has continued language from fiscal year 2016 establishing an indefinite appropriation for contract support costs estimated to be $800,000,000, which is an increase of $82,030,000 above the fiscal year 2016 level. The Committee has modified language to delete a provision that contradicted certain provisions of the Indian Self-Determination and Education Assistance Act. (S. Rept. 114-281, pp. 90-91)

House IHS Committee Report Language:
The Committee recommends an indefinite appropriation estimated to be $800,000,000 for contract support costs incurred by the agency as required by law, $82,030,000 above the fiscal year 2016 enacted level.

The recommendation continues bill language making available for two years such sums as are necessary to meet the Federal government's full legal obligation, and prohibiting the transfer of funds to any other account for any other purpose. Language addressing contract funds that go unspent in a given fiscal year is discontinued. (H. Rept. 114-632, p. 90)

Finally, the House and the Senate Committee bills continue prior language in the General Provisions section:

Contract Support Costs, Prior Year Limitation
Sec. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) shall continue in effect in fiscal year 2017.

Contract Support Costs, Fiscal Year 2017 Limitation
Sec. 406. Amounts provided by this Act for fiscal year 2017 under headings “Department of Health and Human Services, Indian Health Service, Contract Support Costs” and “Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs” are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2017 with the Bureau of Indian Affairs or the Indian Health Service: Provided, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayment of payments for settlement or judgments awarding contract support costs for prior years.

The House and the Senate Committee did not act on the Administration's proposal to transition CSC to a capped mandatory program for a 3-year period beginning in FY 2018, a proposal that is beyond the jurisdiction of the Appropriations Committees in any event.

FUNDING FOR INDIAN HEALTH SERVICES
FY 2016 Enacted $3,566,387,000
FY 2017 Admin. Request $3,815,109,000
FY 2017 House $3,720,690,000
FY 2017 Senate Committee $3,650,171,000
HOSPITALS AND CLINICS
FY 2016 Enacted $1,857,225,000
FY 2017 Admin. Request $1,979,998,000
FY 2017 House $1,928,879,000
FY 2017 Senate Committee $1,890,303,000

Tribal Clinic Leases. The Senate Committee would provide $11 million ($9 million above the FY 2016 enacted level) as requested by the Administration to supplement funds for tribal clinic leases, while the House Committee would provide $2 million for this purpose.

Senate Committee bill language reads:
Provided further, that, of the funds provided, $11,000,000 shall remain available until expended to supplement funds available for operational costs at tribal clinics operated under an Indian Self-Determination and Education Assistance Act compact or contract where health care is delivered in space acquired through a full service lease, which is not eligible for maintenance and improvement and equipment funds from the Indian Health Service.
House bill language reads:

Provided further, that, of the funds provided, $2,000,000 shall be used to supplement funds available for operational costs at tribal clinics operated under an Indian Self-Determination and Education Assistance Act compact or contract where health care is delivered in space acquired through a full service lease, which is not eligible for maintenance and improvement and equipment funds from the Indian Health Service.

Health Information Technology. The Senate Committee did not provide the requested $20 million for a Health Information Technology Initiative, noting that IHS was allocated $60 million of Nonrecurring Expenses Fund from HHS, some of which can be used for IT programs.

Accreditation Emergencies. The House would provide $6 million for accreditation emergencies, while the Senate Committee would provide no funding for this specific purpose. The FY 2016 enacted appropriations included $2 million for this purpose.

The House Committee Report directs:

Funds may be used for personnel or other expenses essential for sustaining operations of an affected service unit, but these are not intended to be recurring base funds. The Director should reallocate the funds as necessary to ensure that agreements with CMS are reinstated, and to restore third-party collection shortfalls. Shortfalls should be calculated relative to a baseline, which should be the average of the collections in each of the two fiscal years preceding the year in which an agreement with CMS was terminated or put on notice of termination. (H. Rept. 114-632, p. 88)

Prescription Drug Monitoring Program. The House would provide $1 million to fund the creation of a multi-state prescription drug monitoring program authorized by Section 196 of the Indian Health Care Improvement Act.

DENTAL SERVICES

FY 2016 Enacted $178,286,000
FY 2017 Admin. Request $186,829,000
FY 2017 House $186,029,000
FY 2017 Senate Committee $180,923,000

The House amount is the same as the Administration's Dental Services request as it includes a transfer of $800,000 to Direct Operations "to backfill vacant dental health positions in headquarters. The Service is encouraged to coordinate with the Bureau of Indian Education (BIE) to integrate preventive dental care at schools within the BIE system" (H. Rept. 114-632, p. 88)

Volunteer Dentists/Centralized Credentialing. Both the House and the Senate Committees expressed strong interest in IHS establishing a pilot project for a centralized credentialing system for volunteer dentists, similar to what the Department of Defense and Veterans Affairs have. The House Report directs the IHS to consult with those federal agencies and with private organizations to develop this pilot project. The Senate Report asks the IHS to consult with federal agencies, private organizations and state dental organizations and work to establish a pilot project.

The House Committee Report reads:

The Committee understands that the geographic isolation of Indian tribes makes it difficult to attract and retain dentists and may limit access to care as tooth decay continues to be a problem. One way to help address access would be to allow volunteer dentists to treat patients who can provide important services that will improve access to oral health care. The Committee directs the Service to conduct a pilot project to explore establishing a centralized credentialing system to address workforce needs as well as volunteer providers similar to the Departments of Defense and Veterans Affairs who have centralized credentialing systems. The Committee directs the Service to consult with these agencies and private organizations to include the credentialing of dentists in a pilot program. (H. Rept. 114-632, p. 88)

The Senate Committee Report reads:
The Committee is concerned that tooth decay in Indian Country has reached epidemic proportions and notes that preschool children of American Indian and Alaska Natives have the highest level of tooth decay of any population group in the United States. The Committee understands that the geographic isolation of tribal health facilities makes it difficult to attract dentists to serve as providers and believes that one alternative to improve access to dental care is to allow volunteer dentists to treat patients. However, the Committee has heard reports that delays in getting approved healthcare providers credentialed to work at tribal or Indian Health Service facilities have resulted in candidates abandoning their efforts to volunteer because they could not be processed in a timely fashion. To address this problem, the Committee urges the Service to explore establishing a centralized credentialing system to encompass volunteer providers. The Departments of Defense and Veterans Affairs have centralized credentialing systems and the Committee believes that the Service should consult with those Departments, as well as private sector credential verification organizations and state dental associations, and work to establish a pilot project to test the feasibility of a centralized credentialing system. (S. Rept. 114-281, p. 90)

MENTAL HEALTH
FY 2016 Enacted $ 82,100,000
FY 2017 Admin. Request $111,143,000
FY 2017 House $ 86,143,000
FY 2017 Senate Committee $108,331,000

The Senate Committee would fully fund the Administration's requested $25 million program increase. Of that amount $21.4 million would be for a Behavioral Health Integration Initiative. The Administration's Budget Justification explains that funding would be available to tribes, tribal organizations, and urban Indian organizations to expand the behavioral health services to areas outside the traditional health care system. Funds could also be used for training, to hire behavioral health staff and for community-based programs. The remaining $3.6 million would fund pilot projects to implement a Zero Suicide Initiative.

Domestic Violence Program/CSC for Grants. The Senate Committee would provide the requested increase of $4 million for the Domestic Violence Prevention program.

Of note is that both the House and the Senate Committee address the issue of the IHS not paying contract support costs (CSC) on its grants – Domestic Violence Prevention; Substance Abuse and Suicide Prevention; Zero Suicide Initiative; after-care pilots projects at Youth Regional Treatment Centers; funding for the improvement of third party collections; and accreditation emergencies. Neither bill continues the FY 2016 bill language of "Notwithstanding any other provision of law" preceding the listing in the appropriations bill of these programs which was apparently used by IHS to justify not paying CSC on these programs.

ALCOHOL AND SUBSTANCE ABUSE
FY 2016 Enacted $205,305,000
FY 2017 Admin. Request $233,286,000
FY 2017 House $216,486,000
FY 2017 Senate Committee $225,750,000

The Senate Committee would fund the Administration's requested $16.8 million program increase which is focused on youth. The Senate Report notes that the funding is for "the alcohol and substance abuse program to focus on tribal youth and the incorporation of more holistic healthcare modes to improve outcomes. The Service is directed to allocate $2,000,000 of the increase provided for the alcohol and substance abuse program to fund essential detoxification and related services provided by the Service's public and private partners to IHS beneficiaries." (S. Rept. 114-281, p. 89)

PURCHASED/REFERRED CARE
FY 2016 Enacted $914,139,000
FY 2017 Admin. Request $962,331,000
Included in the above House and the Senate Committee figures is $53 million for the Catastrophic Health Emergency Fund, which is $1.5 million over FY 2016. The House Committee Report references a GAO report on the distribution of Purchased/Referred Care funds and instructs how the increase is to be used. It also comments on the use of federal facilities outside of the IHS system. The House Committee Report reads:
The recommendation includes $960,831,000 for Purchased/Referred Care (PRC), $46,692,000 above the fiscal year 2016 enacted level. The Committee remains concerned about the inequitable distribution of funds as reported by the Government Accountability Office (GAO–12–446). The Service is therefore directed to allocate the increase above the fiscal year 2016 enacted level according to the PRC allocation formula normally reserved for program increases only.

The IHS is encouraged to evaluate the feasibility of entering into reimbursable agreements with Federal health facilities outside of the IHS system for patient referrals. Such agreements should be considered only when such referrals save costs and patient travel times relative to referrals to the nearest non-Federal health facilities, and when such referrals do not significantly increase patient wait times at such Federal facilities.

PUBLIC HEALTH NURSING
FY 2016 Enacted $76,623,000
FY 2017 Admin. Request $82,040,000
FY 2017 House $82,040,000
FY 2017 Senate Committee $78,312,000

HEALTH EDUCATION
FY 2016 Enacted $18,255,000
FY 2017 Admin. Request $19,545,000
FY 2017 House $19,545,000
FY 2017 Senate Committee $18,562,000

COMMUNITY HEALTH REPRESENTATIVES
FY 2016 Enacted $58,906,000
FY 2017 Admin. Request $62,428,000
FY 2017 House Committee $62,428,000
FY 2017 Senate Committee $58,906,000

HEPATITIS B and HAEMOPHILUS IMNMUNIZATION (Hib) PROGRAMS IN ALASKA
FY 2016 Enacted $1,950,000
FY 2017 Admin. Request $2,062,000
FY 2017 House $2,062,000
FY 2017 Senate Committee $2,062,000

URBAN INDIAN HEALTH
FY 2016 Enacted $44,741,000
FY 2017 Admin. Request $48,157,000
FY 2017 House Committee $48,157,000
FY 2017 Senate Committee $45,741,000

The Administration requested a program increase of $1,137,000 to develop a strategic plan for the Urban Indian Health program in consultation with urban Indians and the National Academy of Public Administration. This effort was begun in FY 2016 with $1.1 million being appropriated for the development of a strategic plan. The House Committee Report encourages review and changing of authorizing statutes with the goal of providing Urban Indian organizations equitable reimbursement with IHS and tribal health.
programs:

The recommendation includes $48,157,000 as requested for Urban Indian Health, $3,416,000 above the fiscal year 2016 enacted level. IHS should continue to include current services estimates for Urban Indian Health in future budget requests. The Committee recognizes that seven out of ten American Indian/Alaska Natives live in urban centers, according to the latest census data. Many of these individuals are, or are descendants of, individuals encouraged by the Federal government to move to urban centers during the termination and relocation era of the 1950s and 1960s, and are thus entitled to receive vital culturally appropriate health services from urban Indian organizations, just as they would have received health services from IHS-run and tribally-run facilities if they lived on or near a reservation. Unfortunately, urban Indian health organizations are struggling to recover their costs because they are not designated in relevant statutes as eligible providers on an equal par with IHS and Tribal Health Program facilities. The Committee urges the authorizing committees of jurisdiction to review these statutes and make any changes necessary for urban Indian organizations to receive equitable reimbursement for the culturally appropriate services they provide to Native individuals, including Native veterans. (H. Rept. 114-632, p. 89)

**INDIAN HEALTH PROFESSIONS**

FY 2016 Enacted $48,342,000  
FY 2017 Admin. Request $49,345,000  
FY 2017 House $49,345,000  
FY 2017 Senate Committee $49,345,000

Programs funded under Indian Health Professions are: Health Professions Preparatory and Pre-Graduate Scholarships; Health Professions Scholarships; Extern Program; Loan Repayment Program; Quentin N. Burdick American Indians Into Nursing Program; Indians Into Medicine Program; and American Indians into Psychology. As requested by the Administration, the Senate bill language would provide $36 million for the loan repayment program, while the House bill would provide $37 million for this purpose.

**Health Administration.** The House Committee Report notes that the term "any other health profession" in the definition of health profession at section 1603(10) of title 25, United States Code, includes "health administration".

**TRIBAL MANAGEMENT**

FY 2016 Enacted $2,442,000  
FY 2017 Admin. Request $2,488,000  
FY 2017 House $2,488,000  
FY 2017 Senate Committee $2,442,000

Funding is for new and continuation grants for the purpose of evaluating the feasibility of contracting IHS programs, developing tribal management capabilities, and evaluating health services. Funding priorities are, in order: 1) tribes that have received federal recognition or restoration within the past five years; 2) tribes/tribal organizations that are addressing audit material weaknesses; and 3) all other tribes/tribal organizations.

IHS notes that in FY 2015, 88 percent of the funding awarded focused on Health Management Structure; 8 percent on planning grants; and 4 percent on Evaluation studies.

**DIRECT OPERATIONS**

FY 2016 Enacted $72,338,000  
FY 2017 Admin. Request $69,620,000  
FY 2017 House $70,420,000  
FY 2017 Senate Committee $69,620,000

The IHS noted in its budget submission that 58.7 percent of the Direct Operations budget would go to Headquarters and 41.3 percent to the 12 Area Offices. Tribal Shares funding for Title I contracts and Title V compacts are also included.

**SELF-GOVERNANCE**
The Self-Governance budget supports implementation of the IHS Tribal Self-Governance Program including funding required for Tribal Shares; oversight of the IHS Director's Agency Lead Negotiators; technical assistance on tribal consultation activities; analysis of Indian Health Care Improvement Act new authorities; and funding to support the activities of the IHS Director's Tribal Self-Governance Advisory Committee.

The IHS estimated in its budget justification that in FY 2016, $1.8 billion will be transferred to tribes to support 92 ISDEAA Title V compacts and 117 funding agreements.

**SPECIAL DIABETES PROGRAM FOR INDIANS**

While the entitlement funding for the Special Diabetes Program for Indians (SDPI) is not part of the IHS appropriations process, those funds are administered through the IHS. SDPI is currently funded through FY 2017 at $150 million (see our General Memorandum 15-032 of April 17, 2015). As mentioned under the Legislative Initiatives section, the Administration is proposing that SDPI be permanently authorized at $150 million per fiscal year.

**FUNDING FOR INDIAN HEALTH FACILITIES**

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**MAINTENANCE AND IMPROVEMENT**

As of October 1, 2015, the Backlog of Essential Maintenance, Alteration, and Repair is $473 million. Maintenance and Improvement (M&I) funds are provided to Area Offices for distribution to projects in their regions. Funding is for the following purposes: 1) routine maintenance; 2) M&I Projects to reduce the backlog of maintenance; 3) environmental compliance; and 4) demolition of vacant or obsolete health care facilities. The Act provides that up to $500,000 may be deposited in a Demolition Fund to be used for the demolition of vacant and obsolete federal buildings.

**FACILITIES AND ENVIRONMENTAL HEALTH SUPPORT**

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**MEDICAL EQUIPMENT**

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The House and the Senate Committee bills continue language to provide up to $500,000 to purchase TRANSAM equipment from the Department of Defense, up to $2.7 million for the purchase of ambulances, and $500,000 for a Demolition Fund to destroy Federal buildings.

The Administration's request was to distribute the FY 2017 requested funds as follows: $18 million for new and routine replacement medical equipment at over 1,500 federally- and tribally-operated health care facilities; $5 million for new medical equipment in tribally-constructed health care facilities; and $500,000 each for the TRANSAM and ambulance
CONSTRUCTION

Construction of Sanitation Facilities
FY 2016 Enacted $ 99,423,000
FY 2017 Admin. Request $103,036,000
FY 2017 House $103,036,000
FY 2017 Senate Committee $103,036,000

IHS projects that the funds would be distributed as follows: 1) $57 million for projects to serve new or like-new housing; 2) $43 million for projects to serve existing homes; 3) $2 million for projects such as studies, training, or other needs related to sanitation facilities construction; and 4) $1 million emergency projects. The IHS sanitation facilities construction funds cannot be used to provide sanitation facilities for HUD-built homes.

Construction of Health Care Facilities
FY 2016 Enacted $105,048,000
FY 2017 Admin. Request $132,377,000
FY 2017 House $120,934,000
FY 2017 Senate Committee $115,048,000

While neither the House nor the Senate Committee recommended the full amount requested by the Administration, under the Administration's request the following would have been provided:
Phoenix Northeast Health Center $52.5 million
Whiteriver Hospital, Whiteriver, AZ $15.0 million
Rapid City Health Center $28.7 million
Dikon Alternative Rural Health Center, Dikon, AZ $15.0 million

The Senate Committee Report directs the IHS to provide within 60 days of enactment "a spending plan to the Committee that details the project-level distribution of funds provided for healthcare facilities construction." It also directs the IHS to work with the Southeast Alaska Regional Health Consortium "to formulate options for facilities upgrades and ultimately a replacement facility at Mt. Edgecombe in Sitka." (S. Rept. 114-281, p. 91)

Small Ambulatory Program Health Care Facilities. As requested by the Administration, the Senate Committee would provide $10 million for this program which has not been funded since 2008. The Senate Committee noted that "this program is another critical tool for addressing facilities maintenance and construction backlogs throughout the nation. The Committee encourages the Service to give strong consideration to utilizing these new resources to assist with infrastructure improvements at remote sites such as Gambell and Savoonga on St. Lawrence Island, Alaska" (S. Rept. 114-281, p. 91)

The Administration's description of its request for the Small Ambulatory Program is: Funding would be for facilities smaller than health centers which do not qualify for the IHS Health Care Facilities Construction Priority System. Funds are for "the construction, expansion or modernization of non-IHS owned small tribal ambulatory health care facilities located apart from a hospital." (p. CJ-176)

New and Replacement Quarters. The House Committee Report, "recognizing that inadequate and non-existent staff quarters are a significant impediment to recruitment, the staff recommendation includes $12,000,000 as requested for staff quarters." (H. Rept. 114-632, p. 90) The Administration's description of its request for new and replacement quarters is:

Citing that the greatest need for new and replacement quarters is in the Great Plains, Navajo and Alaska Areas, the funds would be used "to initiate the replacement and addition of quality housing for health care professionals in these three Areas. The amount distributed to each Area will be based on each Area's internal priority list that will be completed by mid-FY 2016". (p. CJ-176)

Facility Access Analysis. The House Committee Report requests a" gap analysis" from IHS
In order to ensure that IHS patients across the system have fairly equal access to healthcare, the IHS is directed to conduct and publish a gap analysis of the locations and capacities of patient health facilities relative to the IHS user population. The analysis should include: facilities within the IHS system, including facilities on the Health Facilities Construction Priority System list and the Joint Venture Construction Program list; and facilities within private or other Federal health systems for which agreements with IHS exist, or should exist, to see IHS patients. (H. Rept. 114-632, p. 90)"

In the Courts

The U.S. Supreme Court

Giulia McDonnell, "U.S. Supreme Court Rules that Ecuador Must Pay Chevron $96 Million," July 17, 2016, https://www.culturalsurvival.org/news/us-supreme-court-rules-ecuador-must-pay-chevron-96-million, reported, "On July 8, 2016, the U.S. Supreme court ruled that Ecuador must pay the oil company Chevron $96 million for breaching a contract from 1973. This 1973 contract consisted of an arrangement between Chevron and the government of Ecuador, which stated that Chevron would be able to cultivate oil fields in the Amazonian rainforest if the oil company agreed to provide consumers with oil at below market prices. However, in 1992 the contract was ended as the government of Ecuador claimed that Chevron was causing irreversible damage to the environment through countless unsupervised oil spills.

In November of 2013, the Supreme Court in Ecuador ruled that Chevron owed Ecuador $9.51 billion for environmental damage, but lawyers in Ecuador have still not succeeded in pressuring Chevron to administer the payment. Chevron claims the ruling was obtained solely through corruption. The Union of Affected Peoples by Texaco (UDAPT), which is made up of more than 30,000 Indigenous and rural farmers, has issued a statement condemning the Supreme Court Ruling forcing Ecuador to pay more than $96 million to Chevron. The UDAPT is urging the government of Ecuador to pay the sum of money to the victims of the environmental crimes committed by Chevron, instead of granting the money directly to oil giant. The UDAPT has called on various social organizations to form a common front to fight against this violation of human rights of citizens to urge the Ecuadorian State to impose the Ecuadorian judicial order, meaning, to pay the sum to those affected by Texaco’s operations, instead of to the oil company. This way, the UDAPT claims, 'money that Chevron has been trying to take from Ecuadorians can stay within Ecuador, instead helping those affected by Chevron’s acts.'

According to “Crudo Amazonico,” a 1993 report written by environmental lawyer Judith Kimberling, Texaco unloaded more than 19 billion gallons of toxic wastewaters into the surrounding Ecuadorian Amazon and was at fault for more than 16.8 million gallons of crude oil spilling in the region for a period of 20 years, from 1972 to 1992. Amnesty International reported in 2007 that the levels of oil chemicals such as hydrocarbon concentrations in various bodies of water in the Ecuadorian Amazon was about 280 times the levels sanctioned acceptable in Europe. A plaintiff representing the Indigenous Secoya communities in a lawsuit against Chevron that lasted more than 21 years, explained the degradation facing their communities ever since oil companies, especially Chevron, arrived in the region in the 1960s and 1970s. The plaintiff stated in the affidavit that “our health has been damaged seriously by the contamination caused by Texaco. Many people in our community now have red stains on their skin and others have been vomiting and fainting. Some little children have died because their parents did not know they should not drink the river water." The 26 sites’ inspections conducted in the framework of the lawsuit Aguinda v. Chevron Texaco before the Provincial Court of Sucumbíos (2011) showed a cancer rate three times higher than the State average, with a greater frequency
in stomach (20%) and uterus cancer (20%) and in leukemia (9%). In addition, the concerned population experimented skin diseases, hepatic diseases, kidney diseases, respiratory diseases, and, for women, numerous cases of miscarriage. According to the 2010 census, there are 1.018 million Indigenous People in Ecuador, representing 7 percent of the total population.

The president of Ecuador, Rafael Correa, has appealed for international solidarity and support. He claims that transnational companies, like Chevron, knowingly destroy the surrounding environment and then recuse themselves of all blame for the damage caused by their practices. The UADPT has urged the government to transfer 'the credit currently held by the State in favor of the oil company' to 'those affected so they may begin plans and projects to repair the immense social and environmental damages.' Ecuador has only until July 20, 2016 to pay Chevron the sum of $96 million.

Suzette Brewer, "Breaking: Victory for Tribes as SCOTUS Ties in Dollar General," June 23, 2016, https://indiancountrymedianetwork.com/news/native-news/breaking-victory-for-tribes-as-scotus-ties-in-dollar-general/, reported, "In a narrow victory for the nation’s 567 federally-recognized tribal nations, the United States Supreme Court today announced a 4-4 deadlock in Dollar General v. Mississippi Band of Choctaw Indians, which allows a 5th Circuit opinion in favor of the tribe to stand. Notwithstanding a petition for rehearing the case, the retail giant will be now subject to the tribal court’s jurisdiction in a long-running case that had grave consequences for tribal civil jurisdiction for contracts and tort violations by non-Indians on Indian lands.

This case began in 2003 with an alleged sexual assault of a minor by the non-Indian manager of a Dollar General store on the Choctaw Indian Reservation in Mississippi. As a participant in the tribe’s Youth Opportunity Program, a 13-year-old boy was allegedly sexually assaulted several times on the job by the store’s manager, Dale Townsend, according to court documents."

"In short, Dollar General had knowingly and willingly agreed to tribal jurisdiction when it became a lessee on Choctaw land a contract negotiated by both corporate and tribal legal teams."

Lower Federal Courts


On October 18, 2016, the U.S. Court of Appeals for the Eleventh Circuit ruled that the Age Discrimination in Employment Act (the ADEA) does not abrogate tribal sovereign immunity. The court’s ruling is consistent with similar rulings by other federal courts of appeal.

In Williams v. Poarch Band of Creek Indians, No.15-13552 (11th Cir. Oct. 18, 2016), an employee of the Poarch Band of Creek Indians (the Tribe) sued the Tribe alleging that she had been fired because of her age and replaced by a younger employee, a violation of the ADEA, 29 U.S.C. §§ 621-634. The Tribe moved to dismiss the claim on the ground that tribal sovereign immunity prevented her suit. The district court ruled in favor of the Tribe and the Eleventh Circuit affirmed.

Given that the Tribe had not waived its own sovereign immunity, the Eleventh Circuit analyzed the ADEA to see if Congress had abrogated tribal sovereign immunity when it passed the law in 1967. Williams had argued that Congress waived tribal sovereign immunity when it passed the ADEA because Congress failed to include Indian tribes in the list of exempt entities. Williams said that because Congress had included Indian tribes in the list of exempt entities when it passed the Civil Rights Act three years earlier, its failure to include tribes in the ADEA
meant that Congress intended to waive tribal sovereign immunity. She argued that Fitzpatrick v. Bitzer, 427 U.S. 445 (1976) controlled the case. In Fitzpatrick, the Supreme Court held that states could be sued under the Civil Rights Act after Congress removed them from the list of entities immune from suit.

The court rejected Williams' arguments. The court began its analysis with a powerful discussion of tribal sovereignty, quoting from the letters of Creek Chief Alexander McGillivray, the 1790 Treaty of New York, and numerous Supreme Court cases. The court wrote that the Tribe's sovereignty means "suits such as this one are barred by the doctrine of tribal sovereign immunity, unless the plaintiff shows either a clear waiver of that immunity by the tribe, or an express abrogation of the doctrine by Congress."

The court distinguished Fitzpatrick by stating it involved the power of Congress under the Enforcement Clause of the Fourteenth Amendment to limit the states' Eleventh Amendment immunity, and furthermore that Congress had specifically amended the Civil Rights Act in 1972 to remove the states as "employers". Thus, the Fitzpatrick case presented a totally different constitutional issue as well as one where Congress had acted proactively to create a statutory waiver of sovereign immunity. The court also found that the ADEA's language and legislative history as to its applicability to Indian tribes was ambiguous and not the "clarion call of clarity" required to waive tribal sovereign immunity.

The Eleventh Circuit further held that even if the ADEA did apply to the Tribe as a statute of general applicability – one that does not mention Indian tribes – that does not mean that Congress waived the Tribe's sovereign immunity. The court wrote, "even though the ADEA is a statute of general applicability, and the Poarch Band might be generally subject to its terms, the doctrine of tribal sovereign immunity protects the Poarch Band from suits under the statute."

Finally, the Eleventh Circuit cited decisions of other federal courts of appeal, noting that the Tenth Circuit, Second Circuit, and Eighth Circuit all have found that the ADEA does not waive tribal sovereign immunity."

"10th Circuit Court of Appeals Rules in Favor of Ute Indian Tribe in Landmark Ruling Confirming Tribal Jurisdiction Over Mytin Townsite Lands," Ute Tribe Bulletin, Ft. Duchesne, UT August 10, 2016, http://www.utetribe.com , reported, "On August 9, 2016, the Ute Indian Tribe of the Uintah and Ouray Reservation secured a groundbreaking victory in the ongoing federal court litigation to protect the Tribe’s home- lands, sovereignty and jurisdiction. In another strongly worded and significant order of the 10th Circuit Court of Appeals, the Ute Indian Tribe has again prevented the State of Utah and its subdivisions from diminishing tribal jurisdiction and authority, this time with the Appellate Court rejecting claims by Myton, Utah which were similar to those which the Tenth Circuit had previously rejected in Ute III, Ute V, and the Court’s 2015 decision in Ute VI. The Tenth Circuit decision in Ute VI represented - then and now - a sweeping victory against unlawful state government interference with tribal sovereignty and upheld long-standing federal laws that promote the inherent rights of Indian Tribes of self-determination and self-government."

The United States Court of Appeals for the Tenth Circuit began its opinion by stating that because the State of Utah and its subdivisions have refused to abide by the Tenth Circuit’s prior decision, “We’re beginning to think we have an inkl ing of Sisyphus’ fate.” In that analogy the Ute Indian Tribe is Sisyphus. It has been litigating this case for forty years, pre- vailing again and again, only to have the State of Utah and its subdivisions attempt to relegate issues that the State lost. Throughout this ordeal of the State’s making, the Ute Indian Tribe has steadfastly maintained its will to fight state encroachment, resulting in this series of victories. The Tribe’s hope is that at long last the State will stop spending vast sums of its taxpayers’ money based upon the State and its Counties and municipalities’ stubborn refusal to accept that the Ute Indian Tribe retains jurisdic- tion over Ute land and people. But if not, the Tenth Circuit’s decision again reminds the Tribe that its unbroken will to retain its lands, sovereignty and jurisdictional authority has resulted in this
most recent victory that represents a victory for all tribes. In its unanimous appellate decision today, the Tenth Circuit yet again stated with clarity that the Ute Indian Tribe should not be required to keep rolling the rock up the hill, that instead the State and its subdivisions are required to accept the jurisdictional boundaries which are settled by prior Tenth Circuit decisions. To underscore this, the Tenth Circuit ordered that the case be reassigned from Senior Judge Bruce Jenkins on remand because Judge Jenkins also has not complied with the Tenth Circuit’s mandates in favor of the Tribe.

The Tenth Circuit’s decision today was from the Ute Indian Tribes’ appeal of an order by the Utah District Court holding that the original one mile square townsitie of Myton was not Reservation. Agree- ng with the Tribe’s argument on appeal, the appellate court reversed that decision. The Court reiterated that in Ute III and Ute V the Tenth Circuit more than thirty years ago determined that land which was restored to tribal trust ownership by the United States in 1945 is Reservation. Approximately half of the land in Myton was restored to tribal trust ownership in 1945, and therefore is, under Ute III and Ute V, Reservation."

"Land Rights Win: Alaska Native Tribes Win Right to Place Lands Into Trust, Enhance Safety," ICMN, July 6, 2016, https://indiancountrymedianetwork.com/news/native-news/land-rights-win-alaska-native-tribes-win-right-to-place-lands-into-trust-enhance-safety/, reported, "Alaska Native communities have a bit more control over their land thanks to a July 1 ruling in the U.S. Court of Appeals for the D.C. Circuit that affirms their ability to place lands into federal trust, just as other tribes can, in what Alaska tribes are calling a landmark ruling. More than land rights, the ruling enables Alaska Native governments to regulate alcohol, enforce criminal statutes and take other measures to protect members’ health and safety.

The court decision reverses a regulation that had barred Alaska Native tribes from putting Native land into trust, based on tenets of the Alaska Native Claims Settlement Act of 1971. Under that law, Alaska Natives were granted 44 million acres, and $952.5 million went to Native corporations, according to Alaska Dispatch News. Aside from some tribes in southeastern Alaska, Native communities in that state were excluded from the Indian Reorganization Act of 1934, the legal mechanism by which the federal government could accept Native American lands into trust or create new reservations."

The U.S. Department of the Interior proposed a new rule erasing the trust exclusion in May 2014, but the State of Alaska stepped in to stop them, loathe to let the feds designate any trust lands. Thus implementation of the rule was suspended while the court case was decided. The July 1 court ruling said that Alaska’s appeal of the case “was moot because the Interior Department had already done away with the regulation Native groups were challenging.”

Meteor Blades, "Federal ruling giving Nevada Indians better voting access may be key in close election outcome," Daily Kos, October 12, 2016, http://www.dailykos.com/story/2016/10/12/1581491/-Federal-ruling-giving-Nevada-Indians-better-voting-access-may-be-key-in-close-election-outcome?detail=emailIvLL&link_id=6&can_id=2304a48b2891e77b9b6c14d1ce535f4ff&source=email-donald-trump-calls-on-his-goons-to-stop-other-communities-from-stealing-the-election=email_referrer=donald-trump-calls-on-his-goons-to-stop-other-communities-from-stealing-the-election&email_subject=donald-trump-calls-on-his-goons-to-stop-other-communities-from-stealing-the-election, reported, "Thanks to a decision by an Obama-appointed federal judge last week, It will be easier for American Indians to vote in Nevada this year. And, reports Megan R. Wilson, this could mean Democrats, who typically get the lion’s share of the Native vote in Nevada, will hang onto their Senate seat in that state being
vacated by Minority Leader Harry Reid in Nevada this year because of the court decision sparked by the efforts of the South Dakota-based grassroots voter rights advocacy group Four Directions.

In her Friday decision, Judge Miranda Du ruled that Mineral and Washoe counties must establish early-voting sites and Election Day polling stations on the reservations of two Paiute tribes. To register or to vote, members of the Pyramid Lake Paiute Indian Reservation previously had to make a 96-mile roundtrip to and from Reno, and members of the Walker River Tribe had to make a 70-mile roundtrip from and to Hawthorne, something not required of non-Natives."

Suzette Brewer, "Huge Victory for Tribes: Federal Courts Overturn Voter ID Laws," ICTMN, August 4, 2016, https://indiancountrymedianetwork.com/news/native-news/huge-victory-for-tribes-federal-courts-overturn-voter-id-laws/, reported, "On August 1, U.S. District Judge Daniel Hovland struck down a North Dakota law requiring photo IDs in order to vote, ruling that the law unfairly burdens the Native American voters who comprise one-fourth of the state's electorate. Hovland rejected the state’s argument that the law was 'necessary' to prevent voter fraud, writing that '[t]he undisputed evidence before the Court reveals that voter fraud in North Dakota has been virtually non-existent.'

In January, the Native American Rights Fund filed Brakebill v. Jaeger on behalf of seven tribal plaintiffs in response to North Dakota House Bills 1332 and 1333, which allowed only four types of IDs to verify identity, disallowing even passports and military IDs."

"Monday’s decision is the latest in a series of recent federal circuit court decisions rejecting restrictive new voter ID and “proof-of-citizenship” laws that have been brought under Section Two of the Voting Rights Act that arose after the U.S. Supreme Court struck down key provisions of the federal law in 2013."

Suzette Brewer, "Navajo Nation Has Jurisdiction in Mormon Sex Abuse Case, Judge Rules," ICTMN, November 18, 2016, https://indiancountrymedianetwork.com/news/native-news/navajo-nation-has-jurisdiction-in-mormon-sex-abuse-case-judge-rules/, reported, "On Wednesday, a federal judge in Salt Lake City ruled that the Navajo Nation has jurisdiction in a quartet of cases filed earlier this year by tribal members alleging that they were sexually abused during their time in a foster program operated by the Mormon Church from 1947 to 2000. The four tribal plaintiffs (now referred to as “the Doe Defendants”) filed their suits in the Window Rock District of the Navajo Nation Court last spring.

Rather than responding to the complaints at the tribal court level, the church instead countersued the Navajo plaintiffs in federal court, asking Judge Robert Shelby to dismiss all four cases for lack of jurisdiction, as well as an injunction to stay the proceedings from moving forward under tribal jurisdiction.

In a dual decision addressing both complaints, Shelby denied both the church’s motion to dismiss and the injunction, writing that the Mormon Church must first exhaust all remedies in tribal court."

Tom Harvey, "Federal Court Grants Judgment to Ute Indian Tribe, Voiding BLM Attempt to Regulate Fracking on Indian Lands, Ute Tribe sues Utah judge over lawsuit in his court," Ute Bulletin, July 15, 2016, www.utetribe.com, reported, "The Ute Indian Tribe of the Uintah and Ouray Reservation achieved another significant victory on June 21 when the United States District Court for the District of Wyoming permanently enjoined the United States Bureau of Land Management (BLM) from imposing debilitating fracking rules on the Ute Indian Tribe and its industry partners and then followed that up with a final judgment in favor of the Tribe on June 22, 2016."
The case was initially filed by the states of Wyoming, North Dakota, and several associations of energy producers, and the Ute Indian Tribe intervened in the case to ensure that the interests of the Tribe was adequately represented and to prevent the extreme harm which the BLM’s rule would have caused the Tribe’s economy.

"Federal District Court Issues Preliminary Injunction Blocking Implementation of Department of Labor Overtime Pay Rule Nationwide," Hobbs-Straus General Memorandum 16-073, November 30, 2016, http://hobbsstraus.com/general-memorandum-16-073, reported, "As we reported in our General Memorandum 16-035 of May 24, 2016, the United States Department of Labor (DOL) published a final rule that expands the number of salaried employees who are eligible to receive overtime pay under the Fair Labor Standards Act (FLSA). The rule doubles the minimum salary amount used as one prong of the exemption test for "white collar" employees in executive, administrative and professional positions, and was expected to expand overtime eligibility to millions of workers nationwide. The implementation of this rule was scheduled to begin on December 1, 2016.

However, on September 20, 2016, several states, including Nevada, Ohio, Texas, and Oklahoma, brought suit against the DOL in the Eastern District of Texas challenging the new overtime pay rule. On November 22, 2016, Judge Amos Mazzant granted a preliminary injunction delaying the rule's implementation nationwide until he gives further consideration to the arguments made in the case. The Court has thus enjoined the DOL from implementing the new overtime pay rule on December 1, 2016.

The DOL has indicated that it is currently considering its legal options, which include a possible appeal to the Fifth Circuit. Complicating this consideration is the ongoing transition to the Trump Administration. President-elect Trump said he would look at revoking this rule altogether, or alternatively propose to exempt small business from its requirements. We will continue to monitor this case as well as any developments regarding the overtime pay rule, and will aim to provide updates on any critical changes that arise."

"Federal Judge Rules in Favor of North Fork Casino in Madera, Calif.," ICMN, September 13, 2016, https://indiancountrymedianetwork.com/news/business/federal-judge-rules-in-favor-of-north-fork-casino-in-madera-calif/, reported, "The North Fork Rancheria cleared a huge hurdle last week in its ongoing attempt to open a casino a few miles north of Madera, California. In a 170-page decision, U.S. District Judge Beryl Howell dismissed a legal challenge against the proposed casino by Stand Up for California!, Madera County church-related groups in the county, and the Picayune Rancheria of the Chukchansi Indians, which owns the Chukchansi Gold Resort and Casino on reservation lands about 30 miles from the Madera County site. The legal arguments she rejected Tuesday were originally filed in 2012, reported fresnobee.com."


On Friday, Justice Frederick J. Scullin ruled against a request made by Butte County, California, to block a proposed casino for the Mechoopda Indian Tribe of Chico Rancheria on a parcel of land somewhere near the City of Chico.

a lawsuit against Urban Outfitters claiming the clothing retailer appropriated the Navajo name and tribal patterns, the two parties have reached an agreement.

The settlement, signed by a district court judge in September, marks an amicable end to a bitter legal dispute that erupted in 2012 when Urban Outfitters and its subsidiaries, which include Anthropologie and Free People, began using the Navajo name on its products. Items included apparel, outerwear and jewelry labeled as “Navajo” or “Navaho.” The retailers also marketed a liquor flask decorated with Navajo patterns and a “Navajo hipster panty;” both of which sparked outrage on the Navajo Nation where alcohol is prohibited and modesty is paramount.

"Although most of the details remain confidential, the settlement dismisses all claims with prejudice. The Navajo Nation and Urban Outfitters each agreed to pay their own expenses and attorney fees.

The settlement, finalized September 29, calls for the parties to work together under a license and supply agreement to create and market authentic Navajo products."

The Southern Ute Tribe settled its law suit with the Bureau of Land Management (BLM) over fracking rules, November 4, 2016, with the BLM agreeing that the Tribe has primary authority over fracking on its own lands (Sacha Smith, "BLM, Tribe reach agreement on fracking rule," Southern Ute Drum, November 10, 2016).


The disaster, the federal suit says, has heightened economic and spiritual pain in a region hamstrung by poverty and drought. The tribe is seeking to hold the agency and corporations accountable, be made whole for at least $2 million spent on testing and alternative water sources and be compensated for lost revenue and psychological damages.

"The lawsuit stems from an August 2015 episode in which contractors hired by the E.P.A. to assess a shuttered gold mine — the Gold King in southwest Colorado — accidentally broke the mine’s seal, causing about three million gallons of chemical-laced orange sludge to flow into the Animas River south of the mine and then into the San Juan."

The Havasupai Tribe of Arizona filed suit in U.S. District Court complaining that 19 groundwater well owners have been an aquifer that provides water for the tribe, which lives in Havasupai Canyon (Krista Allen, "Havasupai Tribe sues19 well owners fro taking water," Navajo Times, December 22, 2016).

Federal Agency Adjudication

"ALJ holds National Labor Relations Act Applies to Tribe in Employee Bonus Case," Hobbs-Straus General Memorandum 16-067, reported, "On October 11, 2016, an administrative law judge (ALJ) for the National Labor Relations Board (NLRB) ruled in favor of a union against a tribe involving a labor dispute. The dispute in Viejas Band of Kumeyaay Indians v. United Food and Commercial Workers Local 135, centered on the decision of the Viejas Band of Kumeyaay Indians (the Tribe), which operates the Viejas Casino, to award lower annual bonuses to casino workers who were members of the United Food and Commercial Workers Union (UFCW). The Tribe claimed that the decision to award a lower bonus to union members was intended to equalize salaries between union and non-union members, as the UFCW employees received a higher salary than their non-union coworkers. The
union alleged that the payment of lower bonuses to union members (1) was an unfair labor practice because it discriminated against employees by discouraging union membership in violation of section 8(a)(3) of the National Labor Relations Act (NLRA), and (2) was reached without first bargaining under the union contract in violation of section 8(a)(5) of the NLRA.

The ALJ first concluded that the Tribe did not discriminate against union members simply because it chose to pay lower bonuses to them. The ALJ said that she could not find evidence that the Tribe was motivated by an anti-union purpose. The ALJ also concluded that the Tribe's conduct was not inherently destructive of its employees' interests. Thus, the Tribe did not violate section 8(a)(3) of the NLRA. The ALJ, however, did conclude that the annual bonuses are a subject covered under the collective bargaining agreement between the Tribe and the UFCW that required bargaining before any changes could be made. The ALJ ruled that the Tribe’s decision to award lower bonuses to union members was a unilateral change and thus in violation of the Tribe’s duty to bargain under section 8(a)(5) of the NLRA.

The ALJ rejected the Tribe's argument that it was not subject to the NLRA in the first place and affirmed the jurisdiction of the NLRB over Indian casino operations first set forth in the NLRB’s 2004 ruling in San Manuel Indian Bingo & Casino, 341 NLRB 1055 (2004), upheld by the U.S. Court of Appeals for the District of Columbia in San Manuel Indian Bingo & Casino v. NLRB, 475 F.3d 1306 (D.C. Cir. 2007). The ALJ wrote that after San Manuel "the Board has repeatedly asserted jurisdiction over Tribal-owned and operated casinos." She also called the Tribe’s casino "a commercial enterprise in interstate commerce that plays no direct role in ‘intermural matters’ such as tribal membership, inheritance rules and domestic relations." Finally, she rejected the Tribe's assertion that the NLRA should not apply because the Tribe has enacted its own Tribal Labor Relations Ordinance.

The ALJ ordered the Tribe to rescind its policy to award differing bonuses and to pay union members an amount equal to the difference in bonuses. The Tribe remains free to bargain with the UFCW for new bonus amounts that take into account any difference in base pay."

Tribal Courts

In a case illustrating the importance of tribes having independent tribal courts, Judge Candice Des Armo Coury of the Stockbridge-Munsee Tribal Court, in Wisconsin, in September 2016, ordered the St. Croix tribal council to reinstate five members that it had disenrolled in March 2016. The judge held that the disenrollment was "unconscionable and violates the basic tenets of justice and fairness." Disenrollment has been a major issue in recent years, with many tribal councils disenrolling members who have no effective recourse to review the action because the tribe either does not have a court, or the tribal court is not independent of the tribal council. Estimates are that perhaps 8000 tribal members have been disenrolled from 70 tribes (Gary King, "Judge orders reinstatement of Dt. Croix Tribal members," NFIC, September, 2016).

Tribal Government and State and Local Government Developments,

"Tribal Approval of Cooperative Agreements with the State of Utah," Ute Bulletin, August 12, 2016, utetribe.com, reported, "The Northern Ute Tribe: The Ute Indian Tribal Business Committee issues the following statement to clarify the basis and rationale for its approval of three cooperative agreements with the State of Utah, Duchesne and Uintah County. Notably, Roosevelt and Wasatch are not parties to these agreements. Although they are able to participate, they have chosen not to. On June 14th, 2016, the Ute Tribal Business Committee passed Resolution 16-261, which approved the following agreements:
2. A Cooperative Agreement to Refer Tribal Members Charged with Misdemeanor Offenses to Tribal Court for Prosecution.
3. A Disclaimer of Civil/Regulatory Authority. In exchange for the Tribe assuming jurisdiction over the Hagen lands for criminal offenses committed by Ute Tribal Members, the Tribe agrees in the third agreement, the 'Disclaimer of Civil/Regulatory Authority' to disclaim all civil/regulatory authority over fee lands owned by non-Indians."

'It’s time for us to modernize this compact to meet the changing needs of the state and to increase the opportunities for tribal gaming," Governor Ducey said. 'It’s a view that’s been expressed by tribal leaders over the years, and I agree. the time has come to allow each tribe more freedom in their gaming operations and give every Nation the opportunity to have a seat at the table.'

Notably not present at the November 21 convening was the Tohono O’odham Nation. The tribe operates the West Valley Desert Diamond Casino in Glendale, which the state denied a permit for Class III gaming last year due to its location. The dispute goes to the U.S. District Court on December 14.

On Monday, October 10, 2016, North Carolina Governor Pat McCrory proclaimed the first-ever Indigenous People’s Day for the state of North Carolina. A reading of the proclamation was held at the University of North Carolina at Pembroke on the steps of historic Old Main.

UNC Pembroke was founded on March 7, 1887, to train Lumbee Indian teachers. Between 1939 and 1953, the institution was the only state-supported four-year college for American Indians in the United States. Designated in 2005 as North Carolina’s historically American Indian university, UNC Pembroke is today the leading institution of higher education for American Indians of the eastern United States (E-mail from Lawrence T. Locklear (Lumbee), M.P.A., Program Coordinator, Southeast American Indian Studies Program, The University of North Carolina at Pembroke, sais@listserv.uncp.edu).

Suzette Brewer, "Historic: Native Woman Appointed to the Minnesota Supreme Court," ICTMN, June 29, 2016, https://indiancountrymedianetwork.com/news/native-news/historic-native-woman-appointed-to-the-minnesota-supreme-court/, reported, "Minnesota Governor Mark Dayton yesterday announced the appointment of Judge Anne McKeig to the Minnesota Supreme Court. McKeig, a descendant of the White Earth Band of Ojibwe, is the first American Indian woman to be appointed to the state’s highest court. Notably, for the first time since 1991, the majority of the seven-member court is comprised of women."

Montana Governor Steve Bullock stated November 10, 2016 that he would consult with American Indian leaders before fulfilling any future requests to send police officers to the site of the Dakota Access Oil Pipeline Protest near the Standing Rock Reservation in North Dakota ("Montana Governor Talking to Tribes before sending any more police to protests," NFIC, November 2016).

Navajo Nation Governor Russell Begaye and Arizona Department of Veterans Service director Wanda Wright signed an agreement, June 24, 2016, to have the state train
Dine veterans service officers to assist veterans in obtaining Arizona and U.S. veterans services (Krista Allen, "Tribe, state to collaborate on veterans’ services," Navajo Times, June 29, 2016).

Jack McNeel, "Spokane Tribe Celebrates Final Okay to Build Casino," ICTMN, July 19, 2016, https://indiancountrymedianetwork.com/news/business/spokane-tribe-celebrates-final-okay-to-build-casino/, reported, "The mood was celebratory as Spokane tribal members and their supporters gathered in downtown Spokane to celebrate Washington Governor Jay Inslee’s okay for the Spokane Tribe to build a casino at West Plains, just west of the city of Spokane. That okay had come on June 8 and was the final approval needed, following approval by the Department of Interior a year earlier."

The Colorado Commission on Indian Affairs (CCIA) met at the Southern Ute Reservation, September 23, 2016. Discussion included a wide range of topics about tribal issues, tribal state agency cooperation, and grant availability. Concerning housing issues, discussion included the Ute Mountain Housing Authority Instituting a 10-unit housing project with social services for homeless people and planning to expand tribal housing at Southern Ute. The Colorado Department of Health Care Policy and Procedure reported on its ongoing study of American Indian health care use and needs in the state, and the development of actions suggested by the study. Other discussions and reports concerned the environment - particularly water, youth, education, culture programs, and law enforcement (Robert L. Ortiz, "Tribe Hosts Colo. Commission of Indian Affairs Meeting," Southern Ute Drum, October 28, 2016).

Frank Hopper, "City of Seattle Dumps Wells Fargo Over DAPL: Financing Dakota Access Pipeline puts US bank in more hot water," ICMN, December 13, 2016, https://indiancountrymedianetwork.com/news/native-news/city-seattle-dumps-wells-fargo-dapl/, reported, "For months supporters of the Standing Rock Sioux have been urged to boycott Wells Fargo, the world’s second largest bank, because of its financing of the Dakota Access Pipeline. Many closed their Wells Fargo checking and savings accounts, moving the money to credit unions. The amounts weren’t much, perhaps a few hundred or a few thousand dollars each. One supporter, however, represented a bit more, about $3 billion.

On Monday, December 12, the Seattle City Council introduced legislation that would effectively sever the city’s relationship with Wells Fargo. The bank currently manages the city’s $3 billion operating account, which includes the $30 million biweekly employee payroll."


Hundreds of years later, the Natives who today are known as the Juaneño Band of Mission Indians still cherish and hold ceremonies at their most sacred site, the village of Putuidem in Capistrano. In mid-June the city council approved a $3 million plan to turn the 1.3-acre spot of land into a park and education center for the tribe, essentially giving it back.

The tribe has had to watch over the years as their lands were first pillaged, then developed. Putuidem is the center of the tribe’s roots and culture, and that is what they are gaining control over, though the actual land will still be owned by the city. It is part of a plan that includes an entry road, a picnic area and a cultural center, according to the Los Angeles Times."

Steve Russell, "How Did I Miss That? Utqiagvik, Alaska Reclaims Stolen Name From Sir John Barrow," ICTMN, November 18, 2016,
Utlqiavik, Alaska has voted by referendum to take its name back. Frederick William Beechey stole it in 1825 and gifted it to Sir John Barrow. The city formerly known as Barrow is the oldest permanent settlement so far discovered on the real estate claimed by the U.S.


"Cities that have opted out of celebrating Columbus include Albuquerque, New Mexico, Portland, Oregon, St. Paul, Minnesota, Minneapolis, Minnesota, Denver, Colorado, and Lawrence, Kansas."

Tribal Developments

Steve Russell, "Sovereign Mineral Rights and Wrongs, Part II: In the Lair of the Black Snake," ICMN, December 28, 2016, https://indiancountrymedianetwork.com/news/native-news/sovereign-minerals-rights-wrongs-part-ii/, reported, "President-Elect Donald Trump is proposing a solution to the “problem” that Indian reservations are only two percent of U.S. land area (Indian land being claimed as part of the U.S.) but contain about 20 percent of the oil and gas reserves. His plan is to “privatize” tribal lands that have oil, and it is alleged that this scheme was the brainchild of Trump’s Native American Affairs Coalition, chaired by Rep. Markwayne Mullin (R-Oklahoma), and comprised of 27 tribally enrolled Trump supporters.

In the Trump campaign press release announcing the coalition on October 30, Mullin declared, ‘The daily flood of new federal regulations keep Indian country from becoming self-sufficient. Local tribal decisions, not federal bureaucrats, are the best way to improve our communities.’ This dovetails nicely with Trump’s promise to repeal environmental regulations that slow down or prevent the full exploitation of fossil fuels."

Stephanie Woodard, "A Deadly Month: Police Shootings of Natives Spike in October," ICTMN, November 16, 2016, https://indiancountrymedianetwork.com/news/native-news/a-deadly-month-police-shootings-of-natives-spike-in-october/, reported, "There were at least eight fatal police shootings of Native Americans in October. ‘I’m overwhelmed,’ said Marlee Kanosh, Paiute Tribe of Utah. Her Facebook page, Native Lives Taken By Police, is a source for information on police violence affecting indigenous people. With careful, respectful research and comprehensive coverage, she chronicles a terrible toll: Natives killed outright by police and those who die in custody."

"The number of Natives who died in October is much higher than the monthly average found in a 2016 study by Claremont Graduate University scholars Roger Chin, Jean Schroedel and Lily Rowen. They uncovered 29 deaths in a recent 15-month period, for an average of about two a month. The October police-shooting fatalities occurred around the country—one each in Washington state, Oklahoma, Texas, Nebraska and Nevada, along with three in Oklahoma."

There were no immediately evident reasons for the increase in Native deaths at the hands of the police. Lack of police training in dealing with people with mental problems is often a factor in such cases.

American Indian experts have found that the risk assessment evaluations used after
a person has been detained by law enforcement to determine how likely it is that a person will commit a serious crime or violent act are biased against Native American Youth, according to a University of Nebraska study. The result is that many American Indian and Alaska Native young people are labeled dangerous, when they are not, and are incarcerated or punished when they should not be.

The problem is that the risk assessment protocols do not take cultural differences in behavior and community practices into account. They were developed on the basis of mainstream norms, behavioral observations and world view, in an attempt to avoid subjective bias. But they have a built in set of biases that work against many poor people and members of minority groups, including Native peoples (Tanya H. Lee, "Turning Native Kids into Criminals." ICTMN, August 19, 2016, https://indiancountrymedianetwork.com/news/native-news/turning-native-kids-into-criminals/).

The International Association for Indigenous Aging implemented the 1000 Grandmothers Project to help tribes prevent Sudden Unexpected Infant Death (SUIDs) with the Turtle Mountain Band of Chippewa of North Dakota, the Eastern Band of Cherokee Indians of North Carolina, and the Hannahville Indian Community (Potawatomie) and Sault Ste. Marie Tribe of Chippewa Indian in Michigan. The project used a culturally appropriate evidence based approach, adapted for the particulars of each tribe, to assist with education concerning this serious problem. For 2010-13 the AI/AN rate was 190.5 per 100,000, more than double the rate for non-hispanic whites (84.4), and more than three times the rate for the whole U.S. population (Healthy People 2020; and International Association for Indigenous Aging (IA²), www.iasquared.org).


Disenrollment and the lack of independent tribal courts continues to be a major interrelated pair of problems in Indian country. Frank Hopper, "Feds to Nooksack Chairman: La-La-La-La! We Can’t Hear You!, ICTMN, October 18, 2016, https://indiancountrymedianetwork.com/news/native-news/feds-to-nooksack-chairman-la-la-la-la-we-cant-hear-you/, reported, "In a letter dated October 17, the Department of the Interior notified Nooksack Tribal Chairman Bob Kelly it does not recognize any of the Nooksack council’s actions after March 24. On that date the council fell below quorum when several council members’ terms were up and no new elections had been held to replace them.

Principal Deputy Assistant Secretary of Indian Affairs Lawrence S. Roberts told Kelly, 'Accordingly, I am writing to inform you and the remaining council members that the Department will only recognize those actions taken by the council prior to March 24, 2016, when a quorum existed, and will not recognize any actions taken since that time because of the lack of a quorum.'

This effectively wipes out the council’s recent attempts to thwart the Nooksack 306, who are fighting to keep from being disenrolled. In March, Nooksack Tribal Court Chief Judge Susan Alexander was preparing to force the council to hold an election to fill the open council seats and reestablish a quorum, but the council fired her first. Critics speculated this was done to prevent the 306 from voting and potentially unseating members who favored disenrollment. During that same period the council disbarred the lawyers representing the Nooksack 306 from practicing in tribal court and refused to accept any motions they attempted to

"Harlan McKosato, "Second Chance Maybe Only Chance: ABQ Homeless Trapped," ICTMN, August 22, 2016, https://indiancountrymedianetwork.com/news/native-news/second-chance-maybe-only-chance-abq-homeless-trapped/, reported that along Central Avenue in Albuquerque, NM one can often find "groups of homeless Indian people milling around with seemingly nothing to do or nowhere to go."

If you explore the history of homelessness in Albuquerque you will find that many of the Native people living on the streets and in the alleys of New Mexico’s largest city come from the surrounding pueblos and reservations, although others either grew up in the city or have migrated from out-of-state reservations.

There are several explanations for why the homeless problem has become an epidemic up and down Old Route 66. One reason you hear from social workers and the homeless, or former homeless people who made it off the street, is that they were exiled from their tribal communities because they were LGBT or they were ostracized because of alcohol and drug abuse and/or criminal acts that they committed.

Many of the homeless Natives in Albuquerque come here looking for better opportunities than their home communities have to offer. They are looking for employment and/or educational prospects that didn’t materialize, and they end up drawn towards other Natives in their similar situation."

The Indian homelessness problem in Albuquerque has been growing. Those involved say that there were programs a decade ago to help these homeless with addiction or alcoholism, but the programs have ceased. The main assistance now comes from churches.

"There is also a problem with physical violence and sexual abuse and even prostitution. Many of the homeless people get trapped in the judicial system which only exacerbates their problems and keeps them from getting off the streets."

"Yawakia left Zuni pueblo to seek better education opportunities, ended up homeless at one time himself, but eventually found good employment in Albuquerque and has made it his home. He is also an electrical mechanical engineer at the State Fairgrounds working on heating and cooling maintenance.

'Luckily we as Natives take care of each other,' said Yawakia. ‘These people that we serve here at the center are experiencing poverty. Yes we are experiencing domestic violence. Yes we do have drinking problems and heroin addiction – it’s on the streets. But we choose to give these people a second chance.... – but people deserve a second chance. It might be their only chance."

The Southern Ute Tribe of Colorado has continued to find more ways to move toward bringing back traditional Tribal Participation. In the spirit of community policing, in October 2016, members of the Southern Ute Community Police Department and Tribal Rangers met informally with community members in a "neutral space to discuss community issues, build relationships and drink coffee." ("Coffee with a Cop on Oct. 7," Southern Ute Drum, September 30, 2016, p. 5.)
In October 2016, the tribe, with the assistance and facilitation of a consultant, undertook the first of a series of meetings to be held around the reservation to develop an updated comprehensive land use plan for the tribe. (Jodie Rosier, Tribal Planner, "Come and provide your ideas to continue growing a vibrant community," Southern Ute Drum, September 30, 2016, p. 6).

The Southern Utes have also instituted an annual survey of tribal members concerning their satisfaction with tribal government, programs and services, begun for its second year, October 20, 2016 ("Tribe asks for feedback from membership," Southern Ute Drum, October 14, 2016).

The Southern Ute Tribe of Colorado broke ground on an expansion of member housing, October 17, 2016, to encompass 80 houses and 25 townhouses at its Cedar Point housing (Damon Toledo, "Cedar Point Expansion is underway," Southern Ute Drum, October 28, 2016).

Santa Domingo Pueblo in New Mexico is building a housing project adjacent to the New Mexico Rail Runner Station on the Pueblo, to make it easier for Pueblo residents to travel to work or school in Santa Fe or Albuquerque (USA Today, June 3, 2016).

Santa Ana Pueblo bought back the 100 square mile Alamo Ranch in Sandaval County, NM, at the end of June 2016, and will keep the land in its natural condition (Steve Sinovic, "Ranch purchase a major milestone for Santa Ana," Albuquerque Journal, July 2, 2016).

The Navajo Nation 2017 budget of $626.4 million is $4 million more than the 2016 Nation budget, and for the first time includes funding for amber alert on the reservation (Arlysa Becenti, "2017 budget includes amber alert funds," Navajo Times, September 15, 2016).

Voters in each council district on the Navajo Nation will have to vote on whether to approve projects to improve up to 20 miles of unpaved roads in their districts in 2017. The Navajo Nation Department of Transportation will also have to approve each project (Arlysa Becenti, "Public will have chance to vote on road improvements," Navajo Times, December 15, 2016).

The hotly contested U.S. presidential election helped raise turn out on the Navajo Reservation in the November 2016 voting, including for chapter officers and school board members, to 49.71 percent of eligible voters. Usually, it is the tribal races that help bring out Dine voters for off reservation races (Bill Donovan, "Navajos turn out in droves for election," Navajo Times, November 10, 2016).

Navajo Nation President Russell Begaye vetoed council legislation that would have authorized a referendum on combining the Navajo Nation's 110 chapters into 24 regions, coterminous with the 24 Navajo council districts, August 19, 2016 (Arlysa Becenti, "President vetoes regionalization referendum," Navajo Times, August 25, 2016). The Dine Policy Institute (DPI) report on the regionalization proposal is summarized below.

Educating Navajo chapter officers to function and handle funding properly remains a problem in the effort to decentralize some decision making from the nation to the chapters. It is alleged that the Alamo chapter did not properly carry out all of the required finance related paperwork and record keeping in the 2015-16 budget year and, as a result, December 2016, the Navajo Nation Budget and Finance Committee was considering a measure that could cut the chapter's budget by 20 percent (Colleen Keane, "Alamo Chapter faces potential sanctions for alleged mismanagement of funds," Navajo Times, December 8, 2016).

Navajo Nation was awarded over $16 million by EPA, in November 2016, for environmental programs, drinking and waste water infrastructure development, and environmental education (Krista Allen, "Nation gets more than $16 for water quality projects,"
Navajo Times, November 10, 2016).

Dig Deep raised over $40,000 from 350 national donations in a day, to fund 19 Navajo families receiving running water and solar power in isolated areas (Terry Bowman, "Donors dig deep," Navajo Times, December 8, 2016).

Navajo Nation has established a sex offender web site listing where sex offenders on the Navajo Nation, whose registration is required, live, work, and go to school on the reservation (Terry Bowman, "Nation now has sex offender website," Navajo Times, October 20, 2016).

Navajo Nation President Russell Begaye and Vice President Jonathan Nez signed into law the Navajo Nation Land Acquisition Act, in August 2016, which simplifies the previous process, allowing the nation to more quickly buy and sell land ("President Begaye and Vice President Nez sign Navajo Nation Land Acquisition Act," Navajo Times, August 18, 2016).

The Navajo Nation Housing Authority opened a complex of 49 new houses in the Rama Chapter, August 10, 2016 (Christopher S. Pineo, "Navajo Housing Authority opens new housing complex," Navajo Times, August 18, 2016).

The Dine College, Dine Policy Institute (DPI) after a summit on research, "Siihasin Summit: Reflecting on Data Management in the Navajo Nation," June 23, 2016, called for Navajo Nation to become "data sovereign" and change the format in which it disseminates its research data. Currently there are a wide number of research collections relating to Navajo Nation that may be difficult for people not expert at research to locate. At the same time there is a great deal of research that is sensitive, and it is proposed that the Nation act to protect it. One speaker at the summit noted that the the Navajo Nation library collections include oral histories, including on sacred ceremonies. He proposed that it would be valuable to have this material digitally recorded to preserve it, and make it more accessible, which would cost about $200,000. But as this includes a good deal of sensitive material, he hoped the Nation would undertake the project, so that it could have controls on the material to restrict it to appropriate access. If the project were funded by the federal government, or by any of a good many private granters, there would have to be open access (Arlyssa Becenti, "DPI: Navajo must control its own data," Navajo Times, July 2, 2016).

The Dine College, Dine Policy Institute (DPI) made public a report critiquing the proposed move of Navajo local government from chapter government to regional government ("regionalization") - from 110 chapters to 24 regions. The following are excerpts from the report by Andrew Curley, M.S., and Michael Parrish, B.A., "Local governance and reform: a conceptual critique of regionalization and the Title 26 Taskforce," May 2016, http://www.dinecollege.edu/institutes/DPI/Docs/DPI_v2LocalGovernance_Title26.pdf.

"I. Intro
Since before the Navajo Nation tribal system was put into place in 1937, Navajo people have relied on local authority to determine our own affairs. Reliance on local authority is not just a political ideal, but also a cultural staple. For 96 years we have had chapter houses. They are a part of how we think about government today. But they are failing. Many in our community have left the reservation and work in cities far from the reservations. This is a larger systemic problem. In many ways these people are economic refugees, unable to find meaningful work in the reservation. The Local Governance Act (LGA) was legislation designed to reverse the decline of local governance and empower communities to make their own decisions. But it is failing. LGA has been poorly implemented since its passage in 1998. Not nearly enough chapters have gained “chapter certification” and even those that are certified struggle to manage their own affairs. Many of the problems that chapter houses face are rooted in the conduct of the central tribal government and not the chapter houses themselves. The fact that land title is so unclear creates a huge problem for local communities. But some problems are found in the governance of chapters, including corruption and infighting, in a word, politics. We should not pretend that these problems
would instantly be solved through regionalization. It is the stuff of the “local” and deeply rooted in the community.

We can work on areas where the central government might allow for more meaningful local control. In the end we find the proposed regionalization elusive in meaning and too dramatic of a change without justification. Our surveys among random Navajo people show most people do not understand it and oppose it. What we might do instead is consider how different types of chapters can have different kinds of authorities redistributed to them based on their unique characteristics. We already have an example of this in the Kayenta Township model and many of its features can be replicated in areas with large populations and many small businesses, large communities with a sales tax base in other words. For the rest of the Navajo Nation, we should think about land reform before we initiate widespread regionalization. Few of the goals of regionalization can be accomplished if land remains stagnant and with contested or unclear boundaries. Considering the successes and failures of Title 26 is important. But let us not adopt poorly considered reforms. This report is a preliminary analysis and critique of regionalization as it has been proposed and presented to the Navajo people."

"IV. Regionalization: a critique

It is hard to properly critique the regionalization proposal as it is still lacking critical details. But from all available information there is a general idea of concentrating the work and authorities of Chapter Houses into regional centers. How this is supposed to be accomplished is left vague. There are no concrete plans of where the regional centers will be located, how they will be staffed, what will be the central government’s authority over them vis-à-vis the authority of local governments, etc. Nevertheless, the Diné Policy Institute (DPI) intends to consider the proposal in earnest. Here we speculate (again, lacking critical details) about the plan’s potential benefits and shortfalls.

Benefits

1. Utilities-of-scale

The main benefit of the regionalization effort is the scale at which the tribe can allocate resources intended for tribal residences. As tribal residences receive access to resources from the Navajo Nation through their chapter and agency affiliation, any change in the chapter system will inevitably impact all residences and the allocation of all tribal services (e.g., scholarships, power lines, bathroom extensions, water lines, road grading, electrical wiring for the house, etc.). Members of the Title 26 Taskforce argue that regionalization will improve these services in that it will concentrate more monies into regional centers allowing these regional centers to hire better qualified peoples with professional and technical training.

2. Coherence in policy implementation

In concentrating resources in regional centers instead of chapter houses, there will be better coherence in the implementation of tribal policy. At present, the only policy the Title 26 Taskforce has identified is land-use policy (i.e., regional land planning.) The Navajo Nation will only coordinate with 22 regional governments instead of 110 sub-political units. In theory, this will improve the coordination of development and planning between regional centers and Window Rock.

3. Regional Foci

Regionalization allows for something unprecedented in recent Navajo history, the possibility for coordinated regional planning. To be clear, a region is a larger geographical area than a chapter house and includes diversity of peoples, resources, and issues. In practice there are regional governments in the agency councils comprised of elected chapter house officials and council delegates. But these agency councils lack any real political authority in Window Rock and are only used for board nominations and supporting or opposing resolutions of the Navajo Nation Council. Regionalization distributes real political and legal power to regional governing authorities, i.e., regional centers that in turn use this authority for real policy
and development projects that reflect the unique conditions of their region. For example, a regional unit near Kayenta might build upon the existing taxing authority of the Kayenta Township and expand taxes onto large industries like Peabody Coal. With regionalization, projects that involve large amounts of land can be better coordinated. Areas that are good for wind power or solar power development might avoid the type of conflicts between local and national authority that killed the proposed Cameron wind power initiative for example. Different regions might be identified for very kinds of development across the reservation.

4. Balancing large and small communities

Regionalization will allow for a regional center to distribute the wealth of a region more evenly across communities. Currently, the LGA allows for all taxed revenues to stay at the local chapter. This has the potential of creating disparities between large communities and smaller communities, or communities located in areas with a lot of business development such as Tuba City, Kayenta, Dilkon, Chinle, Shiprock, Window Rock, and Crownpoint and smaller, more isolated communities. Currently the Navajo Nation distributes funds to chapters based on a standard dollar amount that is equal for all chapters and a second allocation of monies based on the chapter house’s size. Regionalization has the potential to more equitably distribute these monies across a region, alleviating differences between poorer and richer, larger and smaller chapters. For example, in one proposed region, St. Michael’s tax base and resources would be better allocated with smaller chapters such as neighboring Oak Springs.

Shortcomings

1. Lack of planning

The lack of a clear set of recommendations for the Navajo people to consider with an issue this important is disappointing in 2016 when we have many capable and qualified Navajo people who can put together a clear and coherent recommendations. We do not know specifically how the Title 26 Task Force plans on removing the authority of chapter house governments and placing them in regional centers, what these regional centers will look like, and how soon they will be staffed once they are created. After 18 years of LGA, we need a clearer vision of how this transition will be implemented.

2. Loss of democracy

Regionalization will result in the loss of local democracy. In the elimination of chapter officials for one at-large representative, community members will lose the chapter meeting as a forum to discuss and decide on local affairs. Although imperfect, chapter house meetings are a cultural staple of the Navajo political process and one that cannot be replaced in technocratic governance represented in the regional centers. It is a species of politics unique to the Navajo Nation. Even the reforms in Title 26, the recommended “Council of Nahata” in which community meetings are replaced with elected councils, is regularly criticized.

3. Limited access

Aside from the lack of political access, the new regional centers will make it more difficult for community members to access tribal resources. They will have to travel many more miles to fill-out paperwork, attend meetings, or pick-up benefits and resources. This problem will become more acute during periods of bad weather when roads are more difficult to transverse. There is also an inequity in geography in regionalization. Communities who house regional centers nearby will have easier and more frequent interactions with their government than more remote communities. This may impact the political priorities of districts.

4. No plan for chapter house facilities

This repeats the lack of planning in the proposed regionalization, but there is nothing published about what happens to chapter houses after regionalization. How does this local infrastructure continue to play a role in Navajo social and political life? When asked about this, advocates of regionalization claim that the chapter houses will still exist and function, but something akin to a community center rather than site of politics. How will funds continue to be allocated to keep these facilities operating after Title 26 is repealed? Will there be
an administrative staff in these chapter houses, or will these positions disappear? In a worse case scenario, these chapter house buildings will remain unused and fall apart.

On power point slides and in official presentations, members of the Title 26 Taskforce will emphasize: a) a community’s expanded tax base, the regionalization of budgets, improve delivery of services, regional land use planning, regional infrastructure projects, and a reduction in the misuse of funds. But without clear details and plans on how land reform and taxing will be done, this is at best wishful thinking. It is a “if you build it they will come” understanding of government reform that offsets critical issues, such as the status of the land and local powers to tax, for some future decision makers to decide upon. The problem with this approach is unless you actually offer solutions to these issues little will change. Without land reform or a clear understanding of what local authorities are, we cannot honestly claim any of the benefits of regionalization that the Title 26 Taskforce has promoted."

"VII. Conclusion

The issue of local authority for communities in the Navajo Nation is of special importance moving into the 21st Century. Change is needed. The Title 26 Taskforce has shown that the Local Governance Act has not worked out as it was intended. They show that in its 18-year history, only 43 chapters have successfully become “certified” chapters. But rather than look at the law, the Title 26 Taskforce broadened the question to consider the culture of chapter governance, demographics, and regional planning. These in themselves are exciting topics of conversation, but do not relate directly to the question of “why is Title 26 not working” based on the simple observation that only 43 out of 110 chapters are certified. But if we put the issue another way, we can say, 40% of Navajo chapter houses operate successfully under Title 26 and these proposed reforms would upend that system.

What would work is a sensible investigation of the Navajo Nation Chapter House system. We need more research to identify the problems, including in-depth interviews with chapter house employees, community members, and elected officials. This report examined the work and proposals, as we understand them, of the Title 26 Taskforce and pointed out possible benefits and shortcomings of the proposed reform. We also surveyed a total of 110 members of the Navajo Nation and asked them how much they knew about the proposed Title 26 reforms and whether or not they supported these changes. Our research showed unambiguously that most people are not aware of the research and that they generally disagree with regionalization. This does not mean it is a bad idea in itself, but at this point in time most people are opposed to it. Although our sample was limited, we believe that our respondent’s represented a general attitude that would be found across the Navajo Nation.

In the end we recommended the expansion of the Kayenta Township model as an immediate policy solution for larger Navajo communities such as Chinle, Shiprock, Ft. Defiance, Crownpoint, etc. We see that the township model has over thirty years of practice and has effectively decentralized important authorities to the local community while protecting the larger Navajo Nation’s responsibility of oversight. In Table 1 we identified core differences between the three different models for “local governance,” the township model to the proposed regionalization. Second, more research has to be done on land reform in the Navajo Nation before any meaningful action on local governance can be implemented. This is research the Diné Policy Institute has already initiated in order to gain more meaningful insight into how both our local and national governments can be reformed to better serve the Navajo people."

End Note:
"1 'Regionalization' is the central proposal to emerge from the Title 26 Taskforce, and ad hoc organization among members of different entities in the tribal government, such as the Navajo Nation Land Department and the Office of Navajo Government Development. Their central task
is to critically examine the Local Governance Act of 1998 (LGA) and offer recommendations to improve its effectiveness."

"Work Cited:
Wilkins, David E. 2013. The Navajo political experience.
Yazzie, Robert, Moroni Benally, Andrew Curley. 2008. 'Navajo Nation Constitutional Feasibility and Government Reform Project'.
Young, Robert W. 1978. A political history of the Navajo tribe (Navajo Community College Press)."


The analysis and conclusions are as follows:

"5. Discussion
Development” is a central goal of the tribal government today. This is understood as creating jobs and business in the reservation that would lift most of our communities out of poverty. As we learned in our archival research, the Local Governance Act of 1998 (LGA) passed with the idea of creating the political conditions for business development in the local community. As we wrote in our last report on regionalization, this law was part of a larger milieu of government reforms during the 1990s and early 2000s that neoliberalized tribal governance and engendered an auditing culture in how we spend money in the reservation (Curley and Parrish 2016).

But our research has identified structural flaws in the LGA. It does not adequately reform the 164-process for local communities. Without improving how the central government distributes power downward, any reform will likely replicate the same problems. The proposed 'regionalization' (proposal a generous description) does not identify how it would improve the 164-process for local governing authorities. Rather, the referendum language that is floated through the Navajo Nation Council simply gives the Navajo Nation Council a mandate to eliminate chapter house governments and replace them with regional centers. If the 164-process is not currently part of the conversation, how will we guarantee it will be addressed in the future? A proposal giving the Navajo Nation authority to remedy the problem is both redundant and distracting. Rather than talk about the problems inherent in how are laws are set up concerning local governments, we are talking about a referendum about whether or not to give the council authority to fix unidentified problems in local governance, authority that the Navajo Nation Council already has but apparently is unsure to use.

We also identified a problem with human capital in local governance, or the skill sets, commitment, and institutional knowledge employees bring to the community. The
FMS is highly technical and cumbersome. The 164-process and hiring rules and regulations by the Department of Personnel Management is also a particular knowledge set Community Service Coordinators, elected officials, and Account Maintenance Specialists should know. With low pay, demanding work environments, and regular scrutiny, it is hard for communities to maintain qualified people in these positions. This is another rational for regionalization. It is argued that regional centers will improve the administration of local governance by raising salaries and removing employees from direct community oversight. This effect is likely in our estimation. But it will increase the costs of local government, make it less accountable to the community, and ultimately diminish local democracy by centralizing local authority into regional centers.

But we found that some chapter governments had circumvented Navajo Nation law to create manageable organizations to carry out projects and proposals of the community. These alternative organizations are not-for-profits and many chapter governments currently use them. Not-for-profits have limitations, but it proves that some communities are more comfortable with the laws that administer not-for-profits than the ones that oversee chapter governments. It is not hard to imagine the appeal. With not-for-profits, you are given the burden of doubt to organize and spend money lawfully without three months of auditing before you could exercise the powers of a not-for-profit. But not-for-profits are not guaranteed a source of money as chapter house are, and the reason for the extensive auditing has to do with the amount of money at stake in distributing power to the local communities. But we know from experience that the LGA auditing structure is cumbersome and now heavily criticized. We can amend these laws and address the concerns of the central government and the local governments without eliminating the chapter house system entirely.

Our surveys found that most chapter officials and administrators are women. Government reform since 1990 is patriarchal, done by men and benefiting men in the reservation. Since council reduction in 2009, the number of women delegates has declined from a few to a single female delegate on the entire council over the past eight years. Regionalization might have the same impact on women's participation in Navajo governance. Our randomized surveys found that nearly 80% of elected and non-elected chapter officials and administrators are women. Regional centers might proportionally hire as many women per the positions available, but the total number of positions available will inevitably decline and many women leaders in our communities will no longer have a formal role in Navajo politics.

Additionally, chapter house work is a form of work in the reservation. Women have fewer choices in skilled labor than men. Coalmines, construction, and agricultural – the development priorities of the Navajo Nation – have become the purview of the Navajo male workforce. Women are often encouraged to work in the service economy, such as gas stations and food centers, or in education as teachers and administrators. Chapter governance is a good source of work for skilled women leaders who live in the community and are trying to improve it.

We also found that most of the chapter labor force has some college education. This shows that chapter government and management is more educated than we sometimes assume. It is also part of a larger trend of Navajo people becoming more educated. Indigenous women are more likely to obtain a college degree than men. With woman comprising 80% of chapter governance, it is not surprising that 70% of the chapter workforce has college education. Regionalization might not improve this statistic. We are unsure because we do not have a proposal we can look at that outlined the kind of positions and qualifications that regional centers will offer. In any event, there is nothing preventing the Navajo Nation Council from amending Title 26 to address the qualifications of chapter managers and officials. You do not need a regional center to discuss the qualifications of local
leaders and administrators. Instead, we are told that we need to pass a referendum giving the Navajo Nation Council permission to eliminate chapter houses in order to talk about what kind of positions we want in the local community to oversee the distribution of money and resources.

Finally, we found that the central priority of chapter officials is economic development. As stated earlier, this is understandable. Communities are no longer reliant on subsistent agriculture and livestock. We are incorporated into a cash economy. We need sources of jobs and revenues. Communities are feeling the pinch of poverty. But underdevelopment might not be something chapter house governments can control. We know from the history of chapter houses that they were started as agricultural cooperatives and meant to assist an entirely different kind of economy in the reservation. Perhaps intuitively the Title 26 Taskforce has a point. Maybe the sense is that chapter houses are outdated. This might be why Title 26 was passed in the first place, to transform the role of chapter houses from community governing structures over land and livestock to business development. More research needs to be done on the local impacts on development Title 26 has impacted. But we know the certification process is cumbersome and frustrating. And communities do not feel that the current laws empower them enough. It is for these reasons we offer the following recommendations.

6. Recommendations

In these areas, the relationship between the chapter house and the Navajo Nation central government might be improved. Amartya Sen made a distinction between economic growth and development (Wilber 1988). The Navajo Nation’s pursuit of economic development focused heavily on business development and the means of creating jobs, increasing income, and bringing in revenue. But for Sen’s Conception, development should be about building the capacity of individuals within the economy. Navajo economic development’s end goal would be to increase the capacity of the individuals within the tribe.

Yet, business growth was the focus of the Navajo Nation’s economic development agenda, this overshadowed other necessary steps for development. The core of LGA was to increase political authority of chapter house governments. But the LGA certification process is long and tedious which hinders chapter houses from developing their political authority; only 45 chapters are certified out of 110. This shows that LGA does not fit with the current capacity of tribal governments although this capacity is always increasing. It is not a failure of chapter house officials and administrators to implement LGA, but a failure in the design of the law. Rather than work with the law, our elected lawmakers propose a referendum on eliminating chapter house governments entirely with consequences and problems they refuse to even consider at this time.

Rather than propose eliminating chapter houses entirely, the Navajo Nation should do the following: 1) Lawmakers should amend the SAS-164 process or rework the law entirely to allow chapter house governments the same kind of local spending and fundraising authorities the state and federal governments allow them in not-for-profit organizations. It is contradictory to say chapter governments have the power to enter into contracts with outside organizations yet still require them to get approval from a cascade of bureaucratic oversight in Window Rock. 2) The hiring of Community Service Coordinators (CSCs) should be delegated to chapter house leadership. CSCs should be treated as political appointees and not subject to the review process of the Department of Personal Management. This would allow chapters to have more control over who they hire and fire in these positions. It would also tie the CSCs oversight directly to the chapter for which they work and not Window Rock. 3) The Division of Community Development should provide specialize support toward LGA-certified chapters to help them develop ordinances related to tax and business site leasing that conform to Navajo Nation laws.
LGA was supposed to empower local communities but it focused too narrowly on laws relating to business development and failed to consider how Navajo Nation institutions might help to build the of chapter houses as each community negotiates a transition from a livestock based economy to a wage-labor one. Chapter houses provide a closer reflection of traditional forms of Navajo governance based in the local, but they are also venerable to complete subordination to the central government or to serve as a beachhead for the neoliberalization of the Navajo Nation economy.

Increased powers means increased responsibility. For this reason the Navajo Nation central government has been fearful of chapters. They fear corruption, mismanagement, or poor decision making that puts the entire Navajo Nation at risk at the site of the local. But all of these problems and more exist in the power of the central government and yet we do not call for more federal oversight. At core, we cannot reform laws enough to get the results we want. We need commitment and dedication from people on the ground and in the central government. At the end of the day our institutions are comprised of members of a small, tightly woven community. We might be from different parts of the reservation, but we are tied to the entirety of the land. Capacity building is key. We need to invest in ourselves, not rearrange deck chairs on a ship that is off course. 4) The Navajo people needs to reject all proposed referendums that give the power of government reform to a few actors in Window Rock, i.e., 'regionalization.'

The executive summary of the report (http://www.dinecollege.edu/institutes/DPI/Docs/2016-09%20LGA_FINAL.pdf) stated:

"Local Governance Act was meant to empower chapterhouse governments with legal authority to pursue business development. 20 years later, we have found that chapter houses are not thriving as well as the progenitors thought; only 45 of 110 are certified. With the proposal of regionalization, Dine Policy Institute researched Title 26 to better understand the reality of chapter house governance.

Our findings suggest that chapter houses need support with reaching and after obtaining certification. Certain rules and procedures need to be reworked to provide support chapters in achieving community goals.

Our findings show that a large amount of chapter officials are female. Regionalization will affect the number of female workers by limiting the number of workers in governance. Contrary to popular belief, education ranges among chapter officials. The surveys reveal the list of priorities within chapters with "economic development" leading the priority list that lends more support to the true foundation of Title 26.

Our recommendations stem from our findings. Reworking laws to accommodate chapters is pertinent for development and achieving community goals. Navajo lawmakers need to support chapters by accommodating chapters in the development of their capacities.

Findings
Gender of chapter officials: 76% are female and 24% are male.
Education of Chapter Officials: 4%NA, 26% high school Education, 26% A.A./A.S., 22% B.A./B.S., 22% M.A/ M.S, and 0% Ph.C. /Ph.D.
'Economic development' is listed as the community’s top priority followed by 'more housing', 'improved land use planning', 'improved farming', and 'improved chapter management'.

Signature-Approval-System (SAS-164)
- Both non-certified and certified chapters are required to obtain approval from overseeing departments. This process might discourage chapter officials from applying for external funds for local projects.

Human Capital
- Several chapters lack a Community Service Coordinators (CSC) with Account Maintenance Specialists (AMS) doing the work of CSCs.
- Workforce is temporary.
- Chapters do not have powers to hire their workers; that is left to the Department of Personal Management (DPM).

Not-for-Profit Method
- Some chapters create a not-for-profit to achieve community goals. These non-governmental organizations (NGOs) are quicker than the tribal government with its central management.
- Chapter officials believe that proper decentralization of administrative authority, spending and hiring authorities, and land-use planning will help them accomplish more.

Recommendations:
Lawmakers should amend the SAS-164 processor rework the law entirely to allow chapter governments the same kind of local spending and fundraising authorities the state and federal governments allow them in not-for-profit organization.

The hiring of Community Service Coordinators (CSCs) should be delegated to chapter house leadership. CSCs should be treated as political appointees and not subject to the review process of the Department of Personal Management.

The Division of Community Development should specialize support toward LGA-certified chapters to help them develop ordinances related to tax and business site leasing that conform to Navajo Nation laws.

The Navajo people needs to reject all proposed referendums that give the power of government reform to a few actors in Window Rock, i.e., 'regionalization'.

David Rooks, "‘World’s Largest Biker Bar’ Puts Sin City at Base of Bear Butte," ICTMN, June 23, 2016, https://indiancountrymedianetwork.com/news/native-news/worlds-largest-biker-bar-puts-sin-city-at-base-of-bear-butte/, "Tribal leaders fear that Bear Butte, one of the seven traditional sacred sites of Northern Plains tribes in or near the Black Hills, is in serious danger of further moral and environmental degradation after a local planning board recommended that Meade County commissioners grant full approval for construction of the 'world’s biggest biker bar' on a campground practically at the base of the butte." The butte is used regularly for vision quests and sweat lodges, and the noise from the bar would be disruptive of ceremonies.

The Choctaw Nation of Oklahoma opened the Choctaw Wellness Center, November 3, 2016. The 9,700-square-foot structure includes a half-court basketball gym, an indoor walking track, and 2,500 square feet of space housing top-of-the-line cardio and strength-training machines. It will offer a variety of fitness classes, trained staff will assist members with free personal training, nutrition programs, and fitness assessment. The wellness center is one of more than 40 building projects the nation had in progress across southwest Oklahoma ("Choctaw Nation Invests in Tribal Health, Cuts Ribbon to Wellness Center," ICMN, November 4, 2016, https://indiancountrymedianetwork.com/news/business/choctaw-nation-invests-in-tribal-health-cuts-ribbon-to-wellness-center/).

Steve Russell, "Indian Country’s Okie Bridges Falling Down?" August 5, 2016, https://indiancountrymedianetwork.com/news/native-news/indian-countrys-okie-bridges-falling-down/, reported, "The CBS Television Affiliate in Tulsa, KOTV Channel Six, has posted online an Oklahoma Bridge Tracker. The purpose of the tool is to identify bridges that might pose a danger to the public so that people can avoid them when possible and demand that politicians
The Webber Falls bridge collapse in 2002 was a traumatic disaster for the Cherokee, Choctaw and Creek Nations because it set a long rescue and then recovery effort in motion right on our borders and involving some of our citizens in the response."

"This nervousness is not irrational when some 10 percent of all bridges in the U.S.—about 60,000, give or take—are in urgent need of repair. Naturally, I could not resist taking a look at the bridges around my former home in the Creek Nation, having played in Sand Creek and the Deep Fork River without any cars falling on me.

The bridges are rated on a scale of 0 (be very afraid) to 100 (relax). My fast and dirty results were faster and dirtier than I anticipated:

— S.H. 66 over Sand Creek, rating 19, structurally deficient.
— S.H. 16 over Sand Creek, rating 54.3, functionally obsolete.
— S.H. 16 over Skull Creek, rating 17.7, structurally deficient.
— S.H. 16 over the Turner Turnpike, rating 64.4, functionally obsolete.
— S.H. 48 over Little Deep Fork Creek, rating 93.4, Non-Deficient."

"Nine Former Winnebago Tribal Council Members Indicted," ICMN Staff, August 7, 2016, https://indiancountrymedianetwork.com/news/native-news/nine-former-winnebago-tribal-council-members-indicted/, reported, "Former Winnebago Tribal Chairman John Blackhawk and eight other former tribal council members were indicted by a federal grand jury on July 19.

Blackhawk, Darwin Snyder, Thomas Snowball Jr., Louis Houghton, Lawrence Payer, Travis Mallory, Charles Aldrich, Morgan Earth and Ramona Wolfe were charged with conspiracy, theft and misapplication of funds belonging to an Indian gaming establishment, and wire fraud according to a press release on July 20 from Deborah R. Gilg, U.S. attorney for the District of Nebraska."

A number of reports to Stephen Sachs, in the fall of 2016, from people who spent time at the DAPL protests at Standing Rock concurred that the camp was run according to traditional values, with respect and mutual support for all who were there on an equal basis. Orientation on those values and proper behavior, including the peaceful and prayerful nature of the protests, was provided to all who came. Those who seriously violated the ways of the camp were asked to leave.

A particularly interesting sharing received by E-mail, passed on a report from Katrina Coravos, who reported from Standing Rock the day before the Equinox, "Something powerful happened this weekend... Red Cloud came to camp with a pipe handed to him from his Grandfather (also named Red Cloud). It was packed with tobacco and prayer on the day the treaty was signed Between the 1st Nations and the Government.... He was asked to smoke it when the time was right. He felt the call, and came to this pivotal moment where Unification is happening."

Chief Arvol Looking Horse, came with the pipe of the White Buffalo Calf of the Lakota Nation. "Together, they smoked these two pipes. This is a powerful moment. This is the unity of the masculine and feminine. This is prophecy fulfilled.

They entered the council lodge and invited in the Grandmothers, women, and media... This is an amazing step in unifying our voices, and moving from a place of wisdom. Our prayers are powerful. What is happening here has left me in awe and hope.

To participate in this moment is a gift, and I am so grateful... A prophecy was fulfilled,... The Grandmothers are taking their rightful place at the center of council. Our world is changing.

Standing Rock is an example of the world we want to see together: Where prayer is at the center of all we do, Where the elders are honored, where spirit is revered, where sacredness is held in importance.
Even amidst some wobbles and bumps, this has been one of the most beautiful moments I have been a part of. Deep gratitude to spirit for guiding all of us together, All colors of the medicine wheel, all nations.

The mending has begun...

Toksa."

Isleta Pueblo Governor Paul Tores was among those giving invocations on the opening day of the Democratic National Convention, in July 2016 (Michael Coleman, "Isleta governor gives blessing at convention, Albuquerque Journal, July 29, 2016).

Nevada Urban Indians, Inc., provides Indian healthcare and community services, in Reno, NV, including victims services, mental health care, and substance abuse programs. For more information visit: www.nevadurbanindians.org.

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Economic Developments

"Travois Gets $50M in New Tax Credits for Indian Country Development Projects," ICMN, November 28, 2016, https://indiancountrymedianetwork.com/news/business/travois-gets-50m-in-new-tax-credits-for-indian-country-development-projects/, "Millions in private investor funds will be directed to Indian country development projects, thanks to the U.S. Department of the Treasury allocating $50 million in New Markets Tax Credit (NMTC) to Travois New Markets, a nationally certified Community Development Entity (CDE). Since its formation in 1995, the Kansas City, Missouri-based CDE has helped bring over $1 billion of investment to Indian country.

The Treasury released a total of $7 billion of tax credit awards last week."

"Travois New Markets is part of the Travois family of companies that raises private investor capital for housing and economic development projects benefiting American Indian, Alaska Native and Native Hawaiian communities. In this round, it is the only national CDE that received an NMTC allocation that will dedicate it solely to serving Native communities. Travois was one of 120 organizations around the country to receive an award, and one of two awarded CDEs based in Kansas City.

New Markets Tax Credits are allocated by the Community Development Financial Institutions Fund (CDFI Fund), a division of the U.S. Department of Treasury, to qualified CDEs. CDEs are private companies that finance economic development projects in low income communities."

"National Center Pursues Partnerships With Indian Organizations to Further Tribal Interests," ICMN, November 16, 2016, reported, "The National Center for American Indian Enterprise Development is actively reaching out to other Native organizations to bolster their outreach to Indian country.

'We are making a concerted effort to reach out to national organizations to start working with them, so that together, we can bring a stronger voice and a stronger force to be able to help business and economic development in Indian country,” Patricia (Pat) Parker, vice chairwoman of the National Center board, told ICTMN.

Most recently, the National Center and the American Indian Alaska Native Tourism Association (AIANTA) collaborated to promote tribal tourism and the opportunity for tribes to share their own unique stories."

"Besides AIANTA, we’re reaching out to the National Indian Gaming Association (we have Ernie [Stevens, Jr., NIGA president] on our board), the Native American Contractors Association, the Native American Financial Officers Association, the National Congress for
American Indians…. We really want to start working together and seeing how we can improve what we can provide Indian country together,' she emphasized.

Last year [2015], the National Center formalized its partnership with NIGA by signing a Memorandum of Understanding (MOU) to enhance each organization’s broader goals: fostering economic development opportunities, as well as workforce development initiatives and training programs for Tribes, Tribal enterprises and American Indian entrepreneurs. Parker anticipates more joint efforts in the National Center’s future."

Although a great deal of work by several organizations and many tribes has been underway for some years to increase tribal member financial literacy, a study by the FINRA Investor Education Foundation, the 2015 National Financial Capability Study, found that Native Americans were less confident about their financial knowledge and are less likely to score well on a money related quiz than any other racial group. The research underscores the need for more Native financial education ("Study: Natives need more financial education," Navajo Times, July 24, 2016).


The 322 loans made to American Indians/Alaska Natives in the Phoenix area was nearly four percent of the nearly 8,400 2015 mortgages tabulated as of September 5. Los Angeles came in eighth, with 139 loans. New York was even lower, ranking 17th, with just 88 mortgages.

Tulsa, Oklahoma City, Seattle, Houston Riverside, California and Sacramento are also ahead of Los Angeles in the 2015 rankings."

"The findings should be taken as provisional, since not all lenders have reported their HMDA data to ComplianceTech."

"Another factor that would affect the findings is the fact that for nearly 20 percent of all the Indian mortgages, the MSAs were not disclosed."

But looking at 2014 for comparison, L.A. ranked seventh, with much-smaller Tulsa outstripping it, with 1,359 mortgages to Indians, 6.9 percent of all Indian loans and more than five times the L.A. MSA volume of 269. New York ranked 15.

Tulsa’s 2014 showing is no doubt because mortgages are much more affordable in the Oklahoma city than in pricey New York or L.A. But Phoenix-Scottsdale-Mesa is a much closer match to them. In 2013 ICTMN found New York, Los Angeles and Phoenix as the cities with the biggest indigenous populations.

Similarly, the Census Bureau found Phoenix with 32,000 Indians as of 2010 had more Natives than Los Angeles (28,000) but was still well behind New York (58,000).

Mortgages made to Native Hawaiians in 2015 so far match expectations, as the Honolulu and Los Angeles markets ranked first and second as of September 5 with more than 1,000 of the 8,200 loans originated for Native Hawaiians (whose category also includes Natives of other American-controlled Pacific islands such as Guam and American Samoa)."


"According to an early look at data lenders filed in their 2015 Home Mortgage Disclosure
Act reports, Quicken has displaced Wells Fargo Bank as the top lender to Native Americans, unless a firm that hasn’t revealed its HMDA data yet comes in higher than the Michigan-based lender’s $283 million in lending.

San Francisco-based Wells slipped to second, with $276 million in 2015. Mid America Mortgage, Addison, Texas, took the bronze, with $152 million."

In 2014, Wells was the leader in Native American mortgages, with Quicken second and Mid America third. Like Quicken, Mid America granted more than half of the Indian mortgages applied for in 2014. Wells granted about 41 percent of its applications.

"Mid America approved 68 percent of Native applications, 826 out of 1,209. Quicken granted 1,514 of 2,309 applications, or 66 percent. At Wells, Indian borrowers found success 1,350 times out of 3,216 applications.

As of August 11, 44 percent of the 19,000 Native American applications reported by Lending Patterns’ Early Look responders had been approved, with 31 percent denied, six percent purchased, 11 percent withdrawn, and six percent incomplete." This is similar to 2014, when 46 percent of applications were approved, and five percent purchased.

"More than half of the 8,388 originated mortgages counted to date were conventional (non-governmental). Loans insured by the government’s Federal Housing Administration and the Department of Veterans Affairs showed strong volumes as well, with about 45 percent combined.

Some 80 percent of those American Indian mortgages were sold into the mortgage investor market, with only 20 percent not sold and kept in lender portfolios. Ginnie Mae is the biggest investor of mortgages made to Indians in 2015, at 34 percent. Ginnie Mae buys FHA and VA mortgages, as well as the American Indian mortgage at the Department of Housing and Urban Development, the HUD 184.

Fannie Mae is the second largest investor in this niche, at 20 percent. Non-agency investors came in at 16 percent, with Freddie Mac trailing at 12 percent.

Dollar volume through August 11 was $1.7 billion. First mortgages (more than 99 percent of volume) averaged $209,000, while second mortgages came in at $34,000 apiece."

Of the mortgages issued, 50 percent of the funds was applied to purchase homes, while 48 percent was used for refinancing. 55 percent of the mortgage funding went to upper income borrowers, while low income borrowers received five percent of the loan money. In the early reports, two percent of mortgage dollars reported went towards manufactured homes, with almost all of the rest used for single-family homes.


"Three of the top five lenders to California Indians with and without Hispanic ethnicity were banks, while two were non-banks. Wells Fargo Bank, Raleigh, North Carolina was the largest, according to HMDA figures obtained from the Lending Patterns database of ComplianceTech, a fair lending and technology firm in McLean, Virginia. Wells extended $164 million in mortgages, more than 10 percent of the total."


Co-director Patrice H. Kunesh said the group, created by the Minneapolis branch of
the Federal Reserve Bank, will focus on the issues of Indian land, business alliances, education and homeownership.

The group is co-hosting a conference on mortgage lending in Indian country with the Federal Reserve Bank of San Francisco, NeighborWorks, and the U.S. Department of Agriculture-Rural Development September 13-15 in Scottsdale, Arizona. A conference on education will follow October 5 at the Minneapolis Fed.

Kunesh said homeownership is 'an incredible economic driver. We definitely see homeownership as a paradigm in Indian country.'"

"Tribal income gains in recent years mean 'a significant percentage of American Indians can afford to own a home,' she said."

"The mortgage market in general has undergone big changes since the collapse of 2008, with a tightening of underwriting and a thinning out of investors for mortgages. 'This affects Indian country and the rural market as well,' she said.

Kunesh pointed to Native CDFIs (community development financial institutions) and tribal banks like Bay Bank (Oneida Tribe of Wisconsin) and Woodlands National Bank (Mille Lacs) as institutions that will have a big role in mortgage lending on tribal homelands.

She also suggested streamlining regs at the myriad federal agencies that have a hand in Indian finance such as the Bureau of Indian Affairs, Department of Housing and Urban Development and USDA. 'Could we possibly have a common application?' she wondered. Title search reports (TSRs) are another roadblock in need of streamlining, she said.

The Center has the backing of the chairwoman of the Federal Reserve, Janet Yellen, who personally approved it, Kunesh said. She said the center got its start from Sue Woodrow of the Montana office of the Minneapolis Fed."

"Live from Indian Country, The NIGC announces largest tribal revenue gain in 10 years: Indian gaming continues to be a strong force for tribal economic development, "Indio, CA, July 19, 2016, reported, "Today the National Indian Gaming Commission (NIGC) released data showing revenues generated by the Indian gaming industry in 2015 totaled $29.9 billion dollars. After six years of modest, but stable growth, the 5% increase in GGR from 2014 is the largest increase in 10 years."

Chairman Jonodev Osceola Chaudhuri, Vice Chair Kathryn Isom-Clause, and Associate Commissioner E. Sequoyah Simermeyer made the announcement from within the homelands of the Cabazon Band of Mission Indians.

'The strong regulation that tribes as well as federal regulators and other stakeholders provides has played a key role in the stability and growth of the Indian gaming industry by providing consistency and predictability.' said the Chairman of the NIGC, Jonodev O. Chaudhuri.

The Commission also noted the role of the many small or moderately sized Indian gaming operations that support rural economic development where little else has. Only 6.5% of operations can show a $250 million dollar or more GGR. The majority of tribes, 57%, generate less than $25 million per year in gross gaming revenue. And 20% of the total 474 tribal gaming operations produce less than $3 million per year.

The Chairman further stated that Indian gaming is fundamentally different than commercial enterprises; it directly provides resources for Indian people including, social services, public works, education, housing, health care, emergency services, public safety and cultural presentation programs that no other economic driver has yet to provide.

The announcement was made from a location that was historically significant to the tribal gaming industry. The Commission highlighted Cabazon’s early efforts to engage in gaming as a modest means of pursuing self-sufficiency and how those efforts ultimately contributed to the
landmark U.S. Supreme Court case of *California v. Cabazon*, which recognized and reaffirmed the inherent authority of tribal nations to regulate gaming activities within their communities.

The Indian gaming industry can look back on tremendous growth and advancement. In the 30 years since the Cabazon case was argued before the Supreme Court, Indian gaming has grown into a multi-billion dollar industry annually. This is in no doubt due largely to the innovation, leadership, and positive reputation that Indian Country, in conjunction with the regulatory community, has cultivated since the advent of Indian gaming,’ said Chairman Chaudhuri.

The 2015 GGR was calculated based on 474 independently audited financial statements received by 238 tribes."

### Gross Gaming revenue distribution by Region (From NIGC)

<table>
<thead>
<tr>
<th>Region</th>
<th>FY14 Growth</th>
<th>FY15 Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portland</td>
<td>0.8%</td>
<td>3.2%</td>
</tr>
<tr>
<td>Sacramento</td>
<td>4.4%</td>
<td>8.0%</td>
</tr>
<tr>
<td>Phoenix</td>
<td>-1.1%</td>
<td>3.7%</td>
</tr>
<tr>
<td>St. Paul</td>
<td>-1.5%</td>
<td>3.3%</td>
</tr>
<tr>
<td>Tulsa</td>
<td>1.8%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Washington, DC</td>
<td>0.3%</td>
<td>3.3%</td>
</tr>
<tr>
<td>OK City</td>
<td>7.5%</td>
<td>6.7%</td>
</tr>
</tbody>
</table>
Gross Gaming Revenue Trending

FY15: Indian gaming industry’s largest year-over-year GGR increase during past 10 years.

Source: National Indian Gaming Commission

NIGC
2015 Gross Gaming Revenue Trending
"Seminole Tribe Continues Payments to Florida: Despite judge’s ruling, the tribe honors original compact," ICMN, December 9, 2016, https://indiancountrymedianetwork.com/news/business/seminole-tribe-continues-payouts-florida/, reported, "The Seminole Tribe has continued to share its gaming revenue with the State of Florida, despite a federal judge ruling in November that the tribe isn’t required to make payments to the state through 2030, the end of the original compact." The tribe's payments to the state for 2016 were projected at $306 million.


The tribe is adding a seven-story, 128-room hotel, plus a 600-seat ballroom event center, as well as other facilities."

"Rincon Band Opens South California’s First Casino Brewery: SR76 Beerworks to produce 3,000 kegs of beer a year," ICMN, December 8, 2016,
A Southern California tribe [the Rincon Band of Luiseño Indians] recently debuted the first brewery and tasting room at a casino in the region. SR76 Beerworks opened last month at Harrah’s Resort near Valley Center, just an hour’s drive north of San Diego.


Gov. Jerry Brown approved the tribe’s 25-year gaming compact between California and Jamul Indian Village on August 4, 2016, reported timesofsandiego.com."


"Laguna Pueblo to Purchase $134.5M Commercial Casino in Louisiana," ICMN, August 23, 2016, https://indiancountrymedianetwork.com/news/business/laguna-pueblo-to-purchase-1345m-commercial-casino-in-louisiana/, reported, "The New Mexico-based Laguna Pueblo has entered an agreement to purchase a commercial, riverboat casino in Louisiana. Kicks Entertainment, LLC, newly formed by Laguna Development Corporation (LDC), the tribe’s economic development arm, plans to purchase the Isle of Capri Casino Hotel Lake Charles, including its 50,000-square-foot riverboat casino, a 493-room hotel, various food and beverage outlets, covered parking and other amenities, reported Albuquerque Business First."


"Ho-Chunk to Grow Workforce With $153M Casino Expansion," ICMN, August 18, 2016, https://indiancountrymedianetwork.com/news/business/ho-chunk-to-grow-workforce-with-153m-casino-expansion/, reported, "Next month the Ho-Chunk Nation is diving into its “Project Forward” — a substantial expansion on its three casinos in Wisconsin. The three Ho-Chunk Gaming (HCG) casinos—Wisconsin Dells, Black River Falls and Wittenberg — will simultaneously undergo major upgrades. “Project Forward” includes gaming floor expansions with additional slots, brand new hotels, new restaurants and bars, smoke free gaming areas along with major cosmetic enhancements. As a result of the expansions, 100 new jobs will be created that will add to the existing 3,400 employee Ho-Chunk Nation workforce."

"Mohegan Sun Anticipates $750M Fee Income From Project Inspire in South Korea," ICMN, December 2, 2016, https://indiancountrymedianetwork.com/news/business/mohegan-sun-anticipates-750m-fee-income-from-project-inspire-in-south-korea/, reported, "In March, the South Korean government awarded the Mohegan Tribal Gaming Authority (MTGA) and
its two partners a license to develop Project Inspire adjacent to South Korea’s Incheon International Airport, located 30 miles west of Seoul.

Recently, the tribal gaming arm said it expects to receive around $750 million in fee income from its involvement in the new casino, reported GGRAsia.com."

"Mille Lacs Band Debuts Daily Fantasy Sports Site," ICMN, September 8, 2016, https://indiancountrymedianetwork.com/news/business/mille-lacs-band-debuts-daily-fantasy-sports-site/, reported, "Just as fantasy sports fans are enthusiastically selecting players for their team lineups, the Mille Lacs Band of Ojibwe in Minnesota has officially launched Grand Fantasy Sports."

Falling gas and oil prices have greatly reduced the revenues of the State of New Mexico, and in turn are reducing the state's spending and grants that assist the tribes in the state. The New Mexico state reserves have fallen from $800 million to $36 million (Bill Donovan, "Sinking oil revenue in N.M. will impact tribes," Navajo Times, July 21, 2016).

The Navajo Tribal Utility Authority (NTUA) which is developing and providing internet service on the Navajo Nation, finalized an agreement, in June 2016, with the Office of Indian Energy and Economic Development (IEED) and the Department of the Interior giving NTUA greater authority to operate. NUTA gained more financial control of its operation, acquiring the remaining 51 percent of its stock. IEED also approved a $23.5 million loan guarantee, in partnership with Great Western Bank, for NTUA ("Tribe partners with feds to expand wireless services," Navajo Times, June 30, 2016).

Lynn Armitage, "Hemp: The Next Big Cash Crop for Tribes?" ICTMN, August 30, 2016, https://indiancountrymedianetwork.com/news/native-news/hemp-the-next-big-cash-crop-for-tribes/, reported, "With the passage of the Farm Bill in 2014, industrial hemp now can be grown legally by higher education institutions and state departments of agriculture for research and pilot programs. However, it remains to be seen whether the same rules will apply to tribal nations.

Alex White Plume is banking on that outcome. Recently, the federal government lifted a 12-year injunction, the only one of its kind, on the Oglala Lakota Native related to the cultivation of industrial hemp on his Pine Ridge Reservation property dating back to 2000, which the Feds said violated the Controlled Substances Act. The ruling does not give White Plume permission to grow industrial hemp yet, and he faces more legal hurdles. But it is "a step in the right direction."

White Plume, considered the first modern-day Native American hemp farmer in the U.S., believes tribes can make hefty profits growing industrial hemp, a hardy plant from the Cannabis family, not to be confused with marijuana, as it contains less than 1 percent of the psychoactive chemical THC, so it can’t get you high. He says hemp can fetch $197/square acre, compared to $38/square acre for alfalfa, and $18 a square acre for barley.

Every part of the hemp plant has great market value, the seeds, stalks, leaves and hurd (the woody core of the stalk). Traditionally, Natives used hemp to make medicinal salve, fishing nets and clothing. “Our women had some of the nicest threads,” says White Plume.

Today, this versatile crop is being used to make many commercial products in the U.S. “For nutrition, the hemp seed contains Omega-3 and Omega-6 essential fatty acids that help with brain development and nerve function, and help lower the risk of heart disease. Hemp oil can be taken in capsule form or used directly as are a variety of vegetable oils. Hullled hemp seeds can be eaten as are other seeds and nuts.

Hemp oil’s fatty acids can be used to maintain healthy hair and skin. in lotions, soaps, cosmetics, shampoos, sunscreens and lip balm.
Hemp stalks have many uses, including to create fiber, lighter than fiberglass, that is processed into composite material for car door panels, interior parts and car bodies. The woody core or hurd of the plant, when mixed with a lime agent to form Hempcrete, increasingly is being used to build homes that are energy-efficient, low-maintenance, fireproof, earthquake-resistant and impervious to mold, termites and rats.

The Puyllup nation of Washington State was moving, in August 2016, toward producing medical marijuana. Tribal leaders have agreed on an amended contract, allowing the operation to go ahead, with the Washington Liquor and Canibus Board, and Governor Jay Inslee. Prior to that, the tribe opened a marijuana testing laboratory ("Puyallup pursue medical marijuana growing operation," NFIC, August 2016).


The tribe’s solar farm will power 150 area homes and power about 10 percent of its Black Bear Casino electric needs."


The 12,000-square-foot center will cost $1.3 million to built out."

"Jackson Rancheria Band Buys Local Newspaper," ICMN, November 3, 2016, https://indiancountrymedianetwork.com/news/business/jackson-rancheria-band-buys-local-newspaper/, reported, "The first Volcano Weekly Ledger newspapers were printed 161 years ago in a small California mining town. Now the Jackson Rancheria Band of Miwuk Indians has purchased what was later renamed the Amador Ledger Dispatch for $1.2 million. The tribe will merge the weekly newspaper into its newly existing Acorn News, reported the Calaveras Enterprise.

The Sacramento Bee calls the tribe’s move one 'that strengthens the tribe’s influence in the largely rural community while diversifying its own economic base.'"

"Seminole Tribe Sells Citrus Business," ICMN, November 29, 2016, https://indiancountrymedianetwork.com/news/business/seminole-tribe-sells-citrus-business/, reported, "In April 2014, the Seminole Tribe purchased a 60 percent ownership in a major citrus operation. After substantially growing the company, now the tribe and partner William G. Roe & Sons Inc. (the Roe family founded Blue Lake Citrus in 1927) are selling the brand to Miami-based Sun Orchard."

"Tribal Tech Makes Inc. 5000 for Third Consecutive Year," ICMN, August 30, 2016, https://indiancountrymedianetwork.com/news/business/tribal-tech-makes-inc-5000-for-third-consecutive-year/, reported, "Tribal Tech, LLC came in at No. 817 on Inc. magazine’s 2016 ranking of the nation’s fastest-growing private companies. This was the third year in a row that Inc. included Tribal Tech, LLC in its annual Inc. 5000."

"Tribal Tech, LLC provides a diverse range of services to Native American tribes, federal
agencies, and private businesses. Specialized services include Training and Technical Assistance, Grants Management, and Communications, Outreach and Event Planning."

The Indian Pueblo Cultural Center in Albuquerque, owned by New Mexico's 19 pueblos, in October, was moving ahead with a plan to develop retail stores on its 46 acre tract across 12 St, in Albuquerque, from the Cultural Center (Jessica Dyer, "Pueblo corp. goes big on 12th Street plans," Albuquerque Journal, October 8, 2016."


Cary Rosenbaum, "Turtle Island Meets the Caribbean: Historic Talks Unite Tribes and Cuba," ICTMN, August 25, 2016, https://indiancountrymedianetwork.com/news/native-news/turtle-island-meets-the-caribbean-historic-talks-unite-tribes-and-cuba/, reported, "In what was billed as Indian country’s first face-to-face with Cuba, a conference sponsored by the Native American Finance Officers Association (NAFOA) focused on empowering both groups by creating a partnership for culture and economic sharing. The two delegations exchanged visions and strategies over five days in Havana."

Sheena Louise Roetman, "‘Total Loss’: Native-Owned Arrowhead Foods Burns Down," ICTNM, July 27, 2016," reported, "Arrowhead Foods, the only Native-owned business in Whiteclay, Nebraska, burned to the ground Monday morning due to a defective chicken broaster."

Education and Culture

Tanya H. Lee, "‘Stark Racial Disparities’ Persist in Classrooms," ICTMN, June 17, 2016, https://indiancountrymedianetwork.com/education/native-education/stark-racial-disparities-persist-in-classrooms/, reported, "U.S. Education Secretary John B. King Jr. says data collected by the department’s Office for Civil Rights for the 2013-2014 school year show 'stark racial disparities' in how kids are dealt with in areas such as school suspensions, course offerings and graduation rates, as well as in the treatment of kids with disabilities when compared with other kids. The office released its 'First Look' at the data on June 7; it represents the experience of more than 50 million students in more than 95,000 schools—virtually every public school in the country.

'In general the data show that students of color, students whose first language is not English and students with disabilities are—according to a number of indicators—not getting the same opportunities to learn as are classmates who are white, whose first language is English or who do not have disabilities,' King said during a press call.

The one bit of good news in the report is that the federal #RethinkDiscipline campaign to increase awareness about the detrimental impacts of exclusionary discipline seems to have had an effect-. Out-of-school suspensions have decreased by nearly 20 percent since the 2011-2012 school year.

The bad news is that this reduction has not affected non-white children or children with disabilities, who are still suspended more frequently than their white, non-disabled peers. American Indian or Alaska Native, Latino, Native Hawaiian or other Pacific Islander, and multiracial boys represent 15 percent of K-12 students but 19 percent of K-12 students receiving one or more out-of-school suspensions, according to the report."

Overall, the report documents that boys are expelled from school more frequently than
This disparity is greater for AIAN children. White boys represent 26 percent of all students, but 35 percent of students expelled without educational services. American Indian or Alaska Native boys represent 0.6 percent of all students, but 2 percent of students expelled without educational services.” In addition, AIAN and multiracial boys are disproportionately subject to restraint and seclusion.

The 2013-2014 data collection looked into areas not previously assessed, including chronic student absenteeism, which was reported on in “Chronic Absenteeism in the Nation’s Schools: An unprecedented look at a hidden educational crisis,” issued June 10, 2016. It showed that over 3 million high school students were chronically absent, missing 15 or more days of school in 2013-14. Overall, 13.1 percent of all students were chronically absent in that period, but 22.2 percent of American Indian students were chronically absent. For American Indian high school students, 27.5 percent were chronically absent, compared with 17 percent of white students. American Indian students overall have the highest rate of chronic absenteeism of any racial/ethnic group.

Chronic absenteeism is a better indicator of whether students will drop out than are test scores. To counter it, the Education Department has initiated the national program, Every Student, Every Day.

The data began being available online, in August 2016, including downloadable school and district-level reports, on the Education Department’s website: https://www2.ed.gov/about/offices/list/ocr/index.html.

"NMU Awarded $300K Grant to Increase Native Women in STEM," ICTMN, September 25, 2016, https://indiancountrymedianetwork.com/education/native-studies-tribal-colleges/nmu-awarded-300k-grant-to-increase-native-women-in-stem/, reported, "Northern Michigan University has received nearly $300,000 from the National Science Foundation to launch a two-year pilot project designed to increase the number of American Indian and Alaska Native female college graduates, particularly in the STEM fields of science, technology, engineering and mathematics. The project will also address the 'lack of American Indian teaching methods within the sciences education curricula.'

Thirty-seven projects nationwide received the first awards presented through NSF INCLUDES (Inclusion across the Nation of Communities of Learners of Underrepresented Discoverers in Engineering and Science). NMU’s Center for Native American Studies and its Office of Diversity and Inclusion will implement the pilot program titled 'Indigenous Women Working within the Sciences.'

The NMU grant will be used to provide the following: training for K-16 STEM educators on American inclusive methods and materials; college preparation opportunities that will allow American Indian and Alaska Native [AI/AN] high school students to expand their experience with inclusive STEM practices; and educational mentors, primarily from the sciences, for AI/AN female students as they transition from high school to college."

The National Aeronautics and Space Administration (NASA) has provided a NASA Tribal College and University Experiential Learning Opportunity to Southwestern Indian Polytechnic Institute (SIPI), in Albuquerque, NM, which has been providing Native students with the simulated experience of what it would be like living and working on Mars. In the course of working with equipment, such as Mars rovers, in the simulated environment, students become involved in additional related math and science courses (Jason Morgan Edwards, "Aiming for the Red Planet," Navajo Times, October 17, 2016).

"Diné College Adds Three New Bachelor’s Programs," ICMN, July 28, 2016, https://indiancountrymedianetwork.com/education/native-studies-tribal-colleges/din-college-adds-three-new-bachelors-programs/, reported, "This fall, students attending Diné College will
have three new bachelor’s programs available to them. The school will offer a Bachelor of Science in biology, a Bachelor of Science in secondary education, with tracks in math and science, and a Bachelor of Arts in psychology."

"IAIA Moves Forward, Breaks Ground on Performing Arts and Fitness Center," ICMN, November 15, 2016, https://indiancountrymedianetwork.com/education/native-studies-tribal-colleges/iaia-moves-forward-breaks-ground-on-performing-arts-and-fitness-center/, reported, "The Institute of American Indian Arts held a groundbreaking ceremony for its new Performing Arts and Fitness Center on November 10, 2016. The center is part of the IAIA Moving Forward Campaign, which seeks to raise the $9.5 million needed to build the new space.

IAIA has already secured $7.5 millions from individuals, foundations, the State of New Mexico, and various federal sources. The center is expected to have professionally equipped rehearsal spaces, a full gymnasium, a cardio room, weight room, basketball court, as well as a theater."


A public concert was held October 6 in connection with SITE Santa Fe’s biennial exhibition: much wider than a line, where the pieces were presented to an enthusiastic audience of approximately 100 music lovers.

The compositions were performed by The Huntress Quartet—Chacon’s musician friends and bandmates—who came together to form a quartet to perform the students’ works."

Jeannie Allen, SSAI at NASA, "Weaving Diné Knowledge With NASA Science for Community Education," September 7, 2016, https://indiancountrymedianetwork.com/education/native-education/weaving-din-knowledge-with-nasa-science-for-community-education/, reported, "A movement is ongoing to reclaim and rebuild original Diné (Navajo) culture while building and maintaining relationships with “Western” society. As part of this movement, Diné educators, government officials, and elders have worked for 12 years in partnership with the federal agency, National Aeronautics and Space Administration (NASA), to weave together the very different ways of knowing embodied by these two groups. The guiding vision has been for Native youth to succeed in science, technology, engineering, and math (STEM) without compromising their cultural identity or undermining culturally-based priorities. Toward this end, the partnership now known as NASA and the Navajo Nation co-created culturally authentic and relevant education materials and programs, and has succeeded because of mutual respect and a great deal of time spent listening to each other."

"One issue the team faced was which language to use in the materials. 'We want to re-discover the original speakers of Navajo language,' says Barney-Nez. 'When you speak the language, certain elements emerge that hold people together.' Ultimately it was decided that the materials should be in both Navajo and English, with some of the materials in Navajo alone.

Another issue was STEM content. How could NASA science and the Diné worldview be integrated? 'We started with the stars,' explains Barney-Nez. 'For Navajo, they are our guides. They tell us what to do each season, each day. Sometimes we make a new plan, but it’s always based on the foundational guidance of the stars.'

Two educational booklets were developed: The Story of the Stars or $q'Baa Hane' and Navajo Moon or Tl'éhonaa'éíNihemaá and accompanying learning activities and films."

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Diné teachers helped to draft, review, and pilot-test the activities with their students. “We talked about what could be written better, what was missing,” said Michelle Brown, one of the participating teachers. “It was awesome because every question we had about Diné culture we took back to the project team, they were able to provide us with Diné knowledge and resources.”

The first booklet was designed for use in community events. Bringing together parents, grandparents, family, and friends in a community setting extended the depth and reach of the activities. The second booklet was designed for use by teachers in classrooms. The partnership also produced star parties, community nights, teacher workshops, and summer camps. 'For the camps, we brought together scientists and Medicine Men, educators and learners,' says Scalice. 'We visited sacred sites with the blessing of the elders. Students learned geology, astronomy, and Diné cultural knowledge, all outside, all on the trail.'

The team also created an immersion experience for Native American education program directors at agencies including NASA. Carron explained, 'It’s one thing for NASA folks to fly in for a one-day meeting, but it’s an entirely different thing to spend days and nights with Diné people on their land, seeing where and how teachers teach, students learn, and people live.'

The young firm, Cultivating Coders has been offering boot camps for aspiring young Navajos wishing to become software and web developers. The New Mexico office of the international firm, WSI, based in Toronto, has made an arrangement with Cultivating Coders to hire its graduates, including, in 2017, 40 of its Dine graduates from boot camps in Farmington and Gallop, NM (Kevin Robinson-Avila, "Digital marketing giant to contract Navajo coders," Albuquerque Journal, October 28, 2016, https://www.abqjournal.com/877512/digital-marketing-giant-to-contract-navajo-coders.html).


The curriculum will include material on Hispanic, Native American, African American and Asian cultures, and will be offered to high school juniors and seniors as an elective.

'We have found that teaching ethnic studies helps minority students stay in school because they’re learning about their own history, they’re learning about their own contributions to the country, they’re learning about their own cultural story within the United States,’ said Ralph Arellanes, Sr., chairman of the Hispano Round Table of New Mexico, who is leading the charge for developing the ethnic studies curriculum within APS. APS is struggling with a graduation rate hovering around 60 percent, one of the lowest in the nation.

This all sounds like a step in the right direction. However, there is concern that Native Americans are not being asked for their fair share of input.

Dr. Daisy Thompson, Director of the Office of Indian Education for the APS and a member of the Navajo Nation, said her group hasn’t been consulted adequately. “A lot of people here in New Mexico are very ignorant about the tribes, about the number of tribes, and their knowledge about Native Americans. I feel we have a wealth of information, but yet no one has approached us to talk about this.”

Richard Walker, "Native Education Advocates Will Rally to Restore American Indian Heritage High School," ICTMN, November 14, 2016,
"During its heyday, American Indian Heritage High School had a 100 percent graduation and college attendance rate. But in the early 2000s, the school building’s condition steadily declined as funding for maintenance was directed elsewhere. By 2013, students were sent to other schools and the Heritage School program dismantled, and in 2015 the building was demolished to make way for construction of a new school."

Richard Walker, "Seattle’s New Middle School Will Be ‘Like a Water Fountain in the Desert’," ICTMN, September 6, 2016,
https://indiancountrymedianetwork.com/education/native-education/seattles-new-middle-school-will-be-like-a-water-fountain-in-the-desert/, reported, "Seattle’s newest middle school, named for a beloved Native American educator of the 1980s and ’90s, is scheduled to open in time for the 2017-18 school year.

Robert Eagle Staff Middle School is being built on the site of the former American Indian Heritage High School. Licton Spring, which is important to the Duwamish people, flows through this site. The school features Native-themed wall murals by artist Andrew Morrison, Apache/Haida; the walls were saved from the school that was torn down to make way for the new school. The middle school will also house a K-8 program that will focus on Native culture and social justice.

Native education advocates hope the middle school will house a resurrected Indian Heritage High School. Eagle Staff, Lakota, was principal of Indian Heritage School from 1989-1996, when he walked on, and led the school to a 100 percent graduation and college-attendance rate.

But after Eagle Staff’s passing, the school district let the site fall into disrepair as maintenance funds were directed to other schools."

The Bug-O-Nay-Ge-Shig K-12 School opened in September 2016, on the Leech Lake Band of Ojibwe Reservation near Bena, Minnesota. The new building restores the successful tribal school that was begun as an alternative for tribal youth who were not well served in the public school they attended. Because the building in which the school was housed was decrepit and continuing to decay, student enrollment dropped over a number of years from 120 to 35. After two decades of seeking funds, the new $1.9 million, more than 44,000 square foot school building opened in September 2016 (Konnie LeMay, "New Bug-O-Nay-Ge-Shig School Finally Being Built," ICTMN, September 28, 2016, https://indiancountrymedianetwork.com/education/native-education/new-bug-o-nay-ge-shig-school-finally-being-built/).

"Osage Nation Immersion Program Receives $420K Grant," ICMN, September 23, 2016,
https://indiancountrymedianetwork.com/education/native-education/osage-nation-immersion-program-receives-420k-grant/, reported, "The federal Administration for Native Americans awarded the Osage Nation Immersion School a two-year $420,926 grant to help with the cost of hiring three additional staff members, adding two grade levels, developing a five-year strategic plan, and developing standard operating procedures and policies.

The school was founded last year to perpetuate the Osage language for future generations."
for indigenous languages using technology to stop language loss, reported, "The loss of a community’s language leads to widespread cultural change including a movement away from aboriginal medicines, a movement away from aboriginal foods, a rise in diet based diseases, and children losing relations with their local environments," says Xelita Temryss Lane, Lummi, in a video on the Wiki for Indigenous Languages website.

The site allows anyone to record, learn, and in a way help save their language, and it can be accessed from anywhere in the world, whether that be a mobile phone, a public library, or a home computer."


The disenrollment of "the 306" Nooksack tribal members is having the side effect of undermining the Nooksack Language Revitalization Program, because the last remaining speaker of the Nooksack language, Lhéchelesem, was supporting the cause of the 306 (Frank Hopper, "Disenrollment Kills Nooksack Language Revitalization Program," ICTMN, June 29, 2016, https://indiancountrymedianetwork.com/education/native-education/disenrollment-kills-nooksack-language-revitalization-program/).

The films To Brooklyn and Back: A Mohawk Journey (Reaghan Tarbell, Canada, 2009, 55 min, English) and Bronx Llaktamanta (Doris Loayza, USA, 2016, 5 min, Spanish / Kichwa with English subtitles) were shown at the United Nations, in New York City, on the occasion of the 9th anniversary of the UN Declaration on the Rights of Indigenous Peoples, September 13, 2016, to pay tribute to the indigenous peoples living in cities far from their ancestral homes.

To Brooklyn and Back tells the story of Mohawk women and their role in sustaining a vibrant community in Brooklyn while Mohawk workers were helping build Manhattan’s iconic skyscrapers in the 1920s to 1960s. Set decades later, Bronx Llaktamanta follows Segundo Angamarca from Ecuador, who runs a Kichwa language radio station two blocks from Yankee Stadium in the Bronx. The screenings were followed by a discussion about indigenous peoples’ identity, cultural survival and contributions to the world’s cities (E-mail fro the United Nations Permanent Forum on Indigenous Issues, August 30, 2016, indigenous_un@un.org).

The protests against the Dakota Access Pipeline led by American Indians just outside the Standing Rock Reservation in North Dakota have been a major interest and media point across the world. This includes numerous documentary film makers coming to the site to make films about various aspects of the protest and the issues involved (John Anderson, A Call to Respect the Feathers: Filmmakers with profoundly different attitudes compete to tell the story at Standing Rock," The New York Times, December 17, 2016).

Since 2012, the Bank has been revising the ESSF, which is intended to identify and minimize harm caused by its projects. The process has been criticized for failing to comply with international human rights standards on a number of fronts. Calvert is among the growing number of investors that recognize the staggering financial losses incurred by companies and governments that destroy ecosystems, violate human rights, or fail to obtain community support for their operations. In February 2016, the CEO of Blackrock, the world's largest asset manager, called on companies to pay more attention to environmental and social issues in order to generate sustainable returns.

In a letter addressed to Bank President Jim Yong Kim, trustees expressed concern that Calvert’s long history of constructive engagement with the Bank on Indigenous Peoples, human rights, and gender is being eroded, prompting them to 'reconsider whether continued involvement with the Bank aligns with our sustainable and responsible investment practices.' The letter mentions the Bank’s recent decision to waive the Indigenous Peoples Safeguard for an agribusiness project in Tanzania because the government claims there are no Indigenous Peoples in the country. This sets a precedent that will likely trigger the denial of Indigenous Peoples’ existence in many parts of the globe, in blatant violation of Indigenous Peoples’ right to self-determination.

In February 2015, Calvert joined Boston Commons Asset Management, NEI Investments, and other investors worth $125 billion in assets under management to sign a letter urging the Bank to ensure the ESSF is consistent with the UN Declaration on the Rights of Indigenous Peoples and the UN Guiding Principles on Business and Human Rights.

In addition to ignoring its devastating toll on Indigenous Peoples and other vulnerable communities, the Bank is failing to recognize major changes that are happening in the market,’ says Rebecca Adamson, Calvert trustee and Founder and President of First Peoples Worldwide (FPW). 'Companies are seeking business climates that are suitable to the acquisition of a social license to operate. By weakening the environmental and social conditions tied to its loans, the Bank is leading borrower countries away from policy reforms needed to attract foreign investment.' In 2014, FPW published the Indigenous Rights Risk Report, which quantified corporate risk exposure to violating Indigenous Peoples’ rights.

Currently, the Bank is deliberating the ESSF and is expected to release the final draft for public review on July 20th, 2016. A final vote on the new policies by the Bank’s Board of Directors is set for August.

Contact: Nick Pelosi, Corporate Engagement Director, First Peoples Worldwide, npelosi@firstpeoples.org, (917)324-3160; Julia Radomski, Information Services Coordinator, Bank Information Center, jradomski@bankinformationcenter.org, (202)624-0636."

The President of the 71st Session of the General Assembly organized a consultation on the participation of indigenous peoples’ representatives and institutions in relevant United Nations meetings on issues affecting them.

The two-day meeting took place at the UN Headquarters in New York (Trusteeship Council) on December 14-15, 2016 (The results of the meeting will likely be found at, UNPFII,
Detmer Yens Kremer, "UN Special Rapporteur Addresses the Intersection of Conservation and Indigenous Rights." Cultural Survival, October 20, 2016, https://www.culturalsurvival.org/news/un-special-rapporteur-addresses-intersection-conservation-and-indigenous-rights, reported, "On July 29, 2016, UN Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz presented a thematic report that examines the rights of Indigenous Peoples in regards to nature conservation to the UN General Assembly. The impact of the establishment, expansion, and maintenance of nature conservation has been a constant and recurring focus of the Special Rapporteur since the establishment of its mandate. The visits to a variety of countries by Special Rapporteurs have shown that Indigenous people face growing consequences of intrusion of their lands through exclusionary conservation policies, yet also recognizes a growing movement that recognizes the position of Indigenous Peoples in regards to successful, sustainable, and ethical conservation.

Special Rapporteurs have noticed a repetition of specific violations of Indigenous rights in regards to conservation including the expropriation of land, forced displacement, denial of self-governance, lack of access to livelihoods and loss of culture and spiritual sites, non-recognition of their own authorities and denial of access to justice and reparation, including restitution and compensation. Tauli-Corpuz focused in this particular report on terrestrial protected areas, including World Heritage Sites, yet acknowledged the myriad of ways in which the land and water rights of Indigenous Peoples are violated through extractive industries, pollution, urbanization, and other processes outside the scope of this rapport. Based on this history of violations of rights, and a recent albeit patchy application of recentering Indigenous Peoples in conservation efforts, the Special Rapporteur decided it was time to provide an in-depth rapport to evaluate the status of the human rights-based nature conservation.

In the report, protected areas are defined as geographically defined areas that are designated, regulated, and managed to achieve specific conservation objectives, and could be identified as national parks, wildlife refuges, community lands, et cetera. These areas aim to protect and safeguard biodiversity for all of humanity. Unfortunately these spaces have since colonial times gravely infringed upon the rights of Indigenous Peoples. For over a century, the establishment of conservation areas was accompanied with vacating protected areas based on the understanding that the sole method of nature conservation was through removing any human presence. This destroyed political and spiritual sites and severed cultural connections to space, and was accompanied with genocide, rape, poverty and ethnocide. Now, protected areas have almost doubled in size since 1980 alone, from 8.7 million square kilometers to 16.1 million square kilometers in 2000, and yet colonial mindsets persist globally.

The report mentions significant overlap between ancestral lands of Indigenous Peoples and areas which retain the highest levels of biodiversity on earth. These lands make up about 22% of the world’s land surface and contain approximately 80% of the planet’s biodiversity. Particularly in the Americas, Australia, New Zealand, India, Nepal, and the Philippines, many protected lands are on Indigenous lands. These facts require a conservation approach that accounts for the rights and experiences of Indigenous Peoples, especially as many Indigenous people retain strong spiritual links with the plants, trees, and animals as well as the lands themselves. Conserving the land becomes a sacred duty, yet because it is not named as such. The knowledge and practice of Indigenous Peoples is not often acknowledged nor included, violating Indigenous rights, and putting conservation efforts at a disadvantage. More and more studies demonstrate that territories where Indigenous Peoples hold land rights have been significantly better conserved than adjacent lands. The loss of guardianship Indigenous people can provide also leaves many areas
exposed to destructive settlement, extractive industries, illegal logging, agribusiness expansion and large-scale infrastructure development, even when strict protections are in place.

The mobilization of Indigenous Peoples’ movements is seeking to incorporate a greater recognition of Indigenous Peoples’ rights as well as their benefit to conservation efforts. Although this is an extremely positive development, significant gaps remain between new policies and their implementation. Additionally, laws regarding Indigenous rights and conservation efforts are often not harmonized, particularly regarding previously established protected areas. These legal challenges contribute to the failure to successfully alter oppressive and unsustainable policies.

**Self-determination is central to improving the rights of Indigenous Peoples and has been interpreted in a variety of legal contexts. It is considered an overarching right because self-determination directly impacts economic, cultural, and political development as well as the participation in processes and decisions regarding the establishment and management of protected areas.** The right to self-determination is enshrined within both the International Covenant on Civil and Political Rights (1966, article 1) and the International Covenant on Economic, Social and Cultural Rights (1966, article 1) and is included in the United Nations Declaration on the Rights of Indigenous Peoples (2007, article 3, 29). Additionally, the right of Free, Prior and Informed Consent, enshrined in ILO Convention No. 169 and many other legislative and administrative measures, emphasizes the requirement to respect and incorporate the rights and interests of Indigenous peoples, most notably in regards to their ancestral lands and its conservation.

Additionally, many mechanisms such as ILO Convention No. 169 (article 16), stipulate that Indigenous peoples shall not be forcibly displaced, and stresses the disproportionate impact Indigenous displacement can have as it severs cultural and spiritual ties to land. If forcible removal occurs, Indigenous peoples have the right to receive fair reparation including restitution and compensation, as well as the option of returning to their lands. Article 8 (j) of the Convention on Biological Diversity, adopted in 1992, specifically calls on member states to respects and maintain Indigenous knowledge, innovations, and practices in order to create more sustainable and ethical protected areas. The Convention, however, fails to contain explicit recognition of the human rights of Indigenous Peoples.

**Although there is an increased awareness of the importance of Indigenous Peoples in successful conservation efforts, which is reflected in several international treaties, many Indigenous Peoples face the ongoing legacy of colonial nature protection and see their human rights violated. The positive changes that did happen were because of how Indigenous people mobilized and pursued the implementation of the evolving international legal standards to ensure their customary rights. Despite the fact that conservation is gradually embracing a human rights-based approach, significant challenges remain in ensuring its effective implementation.**

The Durban Accord and Action Plan (DAAP) was adopted to create a framework to implement this paradigm shift of explicitly including Indigenous peoples in conservation efforts. DAAP seeks to ensure that Indigenous peoples and local communities participate in the establishment and management of protected areas, and that conservation authorities promote the rights and conditions of Indigenous Peoples. **DAAP set out three major targets concerning the rights of Indigenous Peoples:**

All existing and future protected areas shall be managed and established in full compliance with the rights of Indigenous peoples, mobile peoples and local communities

Protected areas shall have representatives chosen by Indigenous Peoples and local communities in their management proportionate to their rights and interests
Participatory mechanisms for the restitution of Indigenous Peoples' traditional lands and territories that were incorporated in protected areas without their Free, Prior and Informed Consent shall be established and implemented by 2010.

Although these three targets are still far from being achieved, many international human rights bodies and international conservation NGOs have adopted new resolutions endorsing these goals and created alliances and mechanisms to hold each other accountable to ensure successful implementation. Several conservation organizations, including International Union for Conservation of Nature (IUCN), World Wildlife Federation (WWF) and Conservation International, have established Indigenous advisory bodies and are working on the inclusion of Indigenous Peoples in senior positions.

The slow adoption and implementation of new conservation policies leaves room for the large-scale violations of the rights of Indigenous peoples, which include forced displacement from protected areas, poverty, food insecurity, and extrajudicial killings. These violations often occur in protected areas declared prior to human rights-based conservation and in countries where legal mechanisms to protect Indigenous Peoples remain insufficient. An example given in the report is the forced displacement of Ogiek and Sengwer from their ancestral lands in Kenya to form Mount Elgon National Park and Chepkitale Game Park, and the continued marginalization and exclusion faced by these communities. Another example is the inconsistency of Canadian legislation that is prohibiting U'wa from managing the Peak of Cocuy Mountain, a deeply sacred space that ought to only be tread upon with permission from U'wa spiritual authorities, but currently faces environmental degradation and excess tourism. Protected areas occasionally overlap with sites with World Heritage designation, which presents particular issues as these specific UNESCO mechanisms do not require participation by Indigenous Peoples and the declaration of these sites often occurs without Free, Prior and Informed Consent. An example is the requested listing of Kaeng Krachen National Park in 2013 by Thailand without consulting the Karen people. The Karen have experienced forced evictions, destruction of housing and crops, arrests and enforced disappearances, and collectively expressed concerns about a possible World Heritage designation for many believe it would intensify human rights violations as well as negatively impact the environment.

The rapport presented by Special Rapporteur Victoria Tauli-Corpuz reaffirms a truth many Indigenous Peoples have known for a long time; to sustainably protect the land you need to include the people that live there and know the spaces. Increasing evidence supports the correlation between Indigenous land management and positive conservation outcomes, from resisting deforestation in Brazil to growing wildlife populations in Namibia. As climate change becomes more pressing, so does the amount of land we seek to protect and sustain. To do so sustainably, Indigenous participation is paramount. Rights-based conservation continues to face difficulties in implementation as nations struggle with colonial narratives of protecting nature. As extractive industries and expanding infrastructure prey on biodiverse lands, any conservation effort requires the legal recognition and explicit inclusion of Indigenous Peoples. This requires the full recognition of Indigenous land rights, and a ratification and implementation of the Durban Action Plan. It is a necessary commitment to actualize the sustainable and inclusive protected areas needed to achieve human rights globally and to change climate change and its consequences.

Detmer Kremer, "33rd UN Human Rights Council Accepts Three Resolutions Concerning Indigenous Peoples," Cultural Survival, October 16, 2016, https://www.culturalsurvival.org/news/33rd-un-human-rights-council-accepts-three-resolutions-concerning-indigenous-peoples, reported, "On September 13-21, 2016, the United Nations Human Rights Council (HRC) met for its 33rd session. The Human Rights Council is an intergovernmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe. During the time dedicated to the rights of Indigenous Peoples at the session, Mexico and Guatemala took charge on the adoption of three different resolutions. One on the mandate of the Special Rapporteur on the Rights of Indigenous Peoples (SRRIP), one on the thematic studies presented by the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the final resolution concerns the EMRIP mandate as defined by the World Conference of Indigenous Peoples (WCIP). The meeting also specifically addressed the experience of Indigenous women with disabilities. Adam Abdelmoula, the director of the HRC and the Treaty Mechanisms Division, emphasized how gender-based oppression, ability-based oppression, and anti-Indigenous oppression produce particular experiences demanding an intersectional approach. Victoria Tauli-Corpuz, the current SRRIP, stressed that 'the time has come to integrate more Indigenous women and girls by facilitating their participation in the decision-making processes.' The Indian Resource Law Centre (IRLC) informed the meeting that 90% of Indigenous victims of sexual violence reported that said violence was committed by non-Indigenous persons, and thus that any sustainable change must recognize intercultural inequality. Lastly, the meeting also encouraged the inclusion of Indigenous knowledge and healthcare concerning disabilities of all sorts and experiences.

The member states of the Council extended the mandate of the SRRIP to a period of three years. Additionally the adopted resolution emphasizes that the SRRIP examines the ways and means of overcoming existing obstacles to ensure the full effective protection of the rights of Indigenous Peoples, and to gather and exchange all relevant information between governments, Indigenous Peoples, and their communities and organizations, on alleged violations and abuses of Indigenous human rights. The SRRIP also works to formulate recommendations and proposals to prevent and remedy Indigenous human rights violations and abuses. Lastly, the SRRIP was asked to “pay special attention to the human rights and fundamental freedoms of Indigenous children and women,” and to take in account the variety of Indigenous experiences in her work.

The thematic studies presented by EMRIP, similar to the theme of the session, focused on the right to health and the experiences of Indigenous communities that require particular attention in regards to the needs of Indigenous women, children, youth, elders, and persons with disabilities. The reports stressed the importance of traditional knowledge and health practices, and that any intercultural approaches must be sensitive to historical and cultural nuances. The reports specifically called to intensify efforts to prevent and eliminate gender-based violence as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the Outcome Document of the World Conference on Indigenous Peoples. EMRIP encouraged member states to continue to participate in and contribute to its discussions, and asked member states to give due consideration to fulfill the commitments undertaken in the 2030 Agenda for Sustainable Development and other international and national programs and plans.

The final resolution sought to implement the recommendations and definitions concerning the EMRIP mandate as suggested by the WCIP in order to achieve the ends of UNDRIP through the promotion, protection, and fulfilment of the rights of Indigenous Peoples. The session agreed that EMRIP will prepare an annual global study on the status on the rights of Indigenous Peoples, which will include suggestions from member states and Indigenous Peoples, and that EMRIP will report to the Human Rights Council at least once a year. This presentation shall be open to the participation of member states, United
Nations mechanisms, stakeholders, and all Indigenous Peoples and their communities and organizations. EMRIP will consist of seven independent experts, each representing one of the seven Indigenous sociocultural regions. This process will follow the procedure and criteria for nominating, selecting, and appointing mandate holders.

For more information regarding the general notes of the meeting and the precise language and other components, please read more at https://cendoc.docip.org/collect/upd_en/index/assoc/HASHfcd1.dir/Synthesis%20note%20HRC%2033th%20session_EN.pdf?utm_source=MadMimi&utm_medium=email&utm_content=New+Docip+Publication+_+Summary+Notes+on+the+33th+HRC+session&utm_campaign=20161012_m134861266_New+Docip+Publication+_+Summary+Notes+on+the+33th+HRC+session&utm_term=Summary+Notes+n_C2_BA+2.

Cultural Survival separately reported several reviews of countries human rights records by the UN Human Rights Council, in which there were recommendations concerning Indigenous peoples, on September 14, 2016. Those reports have been combined here:

"On January 20, 2016, Paraguay’s human rights record was reviewed by the United Nations Human Rights Council (https://www.culturalsurvival.org/news/human-rights-council-reviews-paraguay) as part of the second cycle of the Universal Periodic Review (UPR) process. This mechanism emerged from the 2005 UN reform process and periodically examines the human rights performance of all 193 UN Member States. It is intended to complement the work of other human rights mechanisms, including the UN human rights treaty bodies. This is the first international human rights mechanism to address all countries and all human rights.

The UPR is an opportunity to report on the implementation of certain recommendations as well as the general state of human rights in the country subject to review. The process stresses dialogue and a sharing of knowledge on both local and global levels. There are five phases of participation in the Universal Periodic Review: Preparation, Interaction, Consideration, Adoption, and Implementation. In total, these five phases amount to a 24-month campaign that can educate, engage, and empower Indigenous Peoples to connect issues at the grassroots level with global governmental responsibility based on recommendations drafted in their own communities and countries.

During Paraguay’s review, several recommendations were made pertaining to Indigenous Peoples. These recommendations affect the country’s Indigenous population of approximately 115,000 people or 1.6% of the total population. The Indigenous peoples of Paraguay fall under five different linguistic families; Guaraní, Maskoy, Mataco Mataguayo, Zamuco, and Guaiacurú. Although Paraguay has ratified many international treaties such as ILO 169 and UN Declaration on the Rights of Indigenous Peoples, and has established the Indigenous Peoples Institute of Paraguay, the situation for many communities remains dire. Inaccessibility to the justice system, extreme poverty, and the theft of land remain significant issues that disproportionately impoverish Indigenous communities. The increased presence of extractive industries and hydroelectric dams have posed significant threats to the lands of many Indigenous communities.

Cultural Survival is one of the 18 organizations that submitted a stakeholder report. Focusing on Indigenous Peoples’ rights, the report reviewed the implementation of recommendations from the previous cycle of the UPR. Second cycle recommendations that reflect the submission by Cultural Survival include:

To protect and strengthen the land rights of Indigenous communities and eradicate land-based discriminatory practices, specifically by enforcing the Inter-American Court sentences in regards to the Yakye Axa and Sawhoyamaxa communities (Lebanon, Germany, Costa Rica, Canada, Australia, Norway).

To pass legislation that protects the right to free, prior and informed consent and other legislation that explicitly recognizes and protects the rights of Indigenous peoples (Philippines, Lebanon, Armenia, Iraq, India, Plurinational State of Bolivia).
To pass legislation and policy that combats any form of discrimination, and to explicitly mention Indigenous communities in such laws (Honduras, Brazil, Guatemala, Greece, Indonesia, Kyrgyzstan) and to bolster and increase the support of the Indigenous Peoples Institute of Paraguay (INDI) (Peru, Haiti, Georgia).

To increase the access to quality education that respects and encourages Indigenous cultures and languages (Lao People’s Democratic Republic, Kyrgyzstan, Holy See, Georgia, Islamic Republic of Iran) and to ratify the Convention against Discrimination in Education (Iraq, Nicaragua, South Africa, Uzbekistan, Portugal, Ghana, Honduras).

To enhance the access to and quality of healthcare, specifically in regards to Indigenous communities and reproductive rights (Belgium, Colombia, Panama, Kazakhstan, Dominican Republic).

To improve access to, and fairness and transparency of the justice system to Indigenous peoples (Mexico, Egypt, Spain)."

"On January 21, 2016, the Kingdom of Denmark’s human rights record was reviewed by the United Nations Human Rights Council (https://www.culturalsurvival.org/news/human-rights-council-reviews-denmark) as part of the Universal Periodic Review (UPR) second cycle process. This mechanism emerged from the 2005 UN reform process and periodically examines the human rights performance of all 193 UN Member States. It is intended to complement the work of other human rights mechanisms, including the UN human rights treaty bodies. This is the first international human rights mechanism to address all countries and all human rights.

The UPR is an opportunity to report on the implementation of certain recommendations as well as the general state of human rights in the country subject to review. The process stresses dialogue and a sharing of knowledge on both local and global levels. There are five phases of participation in the Universal Periodic Review: Preparation, Interaction, Consideration, Adoption, and Implementation. In total, these five phases amount to a 24-month campaign that can educate, engage, and empower Indigenous Peoples to connect issues at the grassroots level with global governmental responsibility based on recommendations drafted in their own communities and countries.

During Denmark’s review, several recommendations were made pertaining to Indigenous Peoples. These recommendations affect the the Greenlandic Inuit, Denmark’s only recognized Indigenous people. The Inuit still maintain traditional Indigenous practices, such as hunting and fishing. The Inuit were subjugated under Danish colonial rule from 1721 up through the twentieth century. In 1953, Denmark implemented a severe policy of modernization through urbanization, relocating the Inuit from their small, subsistence-based communities to major cities. In 1979, Greenland successfully lobbied for autonomy from Denmark and achieved a Home Rule Government, which was expanded to Self-Government in 2009. Although Denmark’s initial relationship with its Indigenous Population reflected typical Western European imperialism, its more recent promotion of governmental sovereignty for Greenland illustrates its sincere investment in and respect for Indigenous Peoples. During the 1950s the Inuit faced increasing forced assimilation coded as urbanization and modernization. In recent years, the Inuit community has achieved greater sovereignty and bolstered culture and language. As climate change is creating unprecedented access to natural resources in Greenland, extractive industries evoke new questions concerning environmental responsibility and Inuit independence.

Cultural Survival is one of the organizations that submitted a stakeholder report regarding the recommendations from the previous cycle of the UPR. Second cycle recommendations resonate with the recommendations made by Cultural Survival.

To internalize and enforce the International Convention on the Elimination of all forms of Racial Discrimination (ICERD), in specific regards to the criminal justice system, the
education system, and the political system (recommended by the United Kingdom, Brazil, Maldives, Indonesia, Estonia).

To establish a national action plan to directly target and solve issues of societal racial discrimination (recommended by Uruguay, Kyrgyzstan, Benin, Côte D’Ivoire, Russian Federation, Costa Rica, Chile, Poland, New Zealand).

To engage in dialogue with the Greenlandic government as a sovereign entity to ensure a continued campaign towards gender equality and stronger rights for women (recommended by Honduras, Costa Rica).

To bolster and further protect the rights of Indigenous people, particularly in regards to tradition, identity, language, access to education, and increased self-determination and recognition of distinct cultures within the Inuit population of Greenland (recommended by Armenia, Canada, Mexico, Plurinational State of Bolivia, Islamic Republic of Iran, Iceland, Djibouti, Panama).

"On January 18, 2016 (https://www.culturalsurvival.org/news/human-rights-council-reviews-namibia), Namibia’s human rights record was reviewed by the United Nations Human Rights Council as part of the second cycle of the Universal Periodic Review (UPR) process. This mechanism emerged from the 2005 UN reform process and periodically examines the human rights performance of all 193 UN Member States. It is intended to complement the work of other human rights mechanisms, including the UN human rights treaty bodies. This is the first international human rights mechanism to address all countries and all human rights.

During Namibia’s review, several recommendations were made pertaining to Indigenous Peoples. These recommendations affect the Indigenous Peoples which includes San, Nama, Himba, Zemba, and Twa, and totals to approximately 8% of the population. All these communities are culturally and linguistically diverse and live across the country. The San, a multicultural peoples, originally lived in the Kalahari Desert but have been forcibly displaced from these lands. Although much of Namibia is benefitting from increased revenue in extractive industries and tourism, Indigenous Peoples have not benefitted equally, and sometimes have actively been disadvantaged. For example the Oshivelo San are currently landless after having been evicted from what is currently Etosha National Park. Besides disproportionate poverty, Indigenous peoples face racism in areas of health, education, property rights, political representation, and programs for cultural support.

Cultural Survival is one of the nine organizations that submitted a stakeholder report. Focusing on Indigenous Peoples’ rights, the report reviewed the implementation of recommendations from the previous cycle of the UPR. Second cycle recommendations that reflect the submission by Cultural Survival include:

To internalize and enforce the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (recommended by Portugal, Slovakia, Montenegro).

To ratify the UNESCO Convention on discrimination in education, and to focus on the culturally appropriate participation and accessibility of Indigenous peoples to safe education (Tunisia, Bolivarian Republic of Venezuela, Austria, Singapore, Fiji).

To improve the access, facilities, and ownership of adequate lands of Indigenous peoples, especially of peoples who have been deprived of their ancestral lands and increase the inclusion of Indigenous voices in political decision making, be it locally or nationally (Australia, Mexico, Haiti, Bolivarian Republic of Venezuela, Cuba, Angola, South Africa, Zimbabwe).

To promote the effective access to basic social services for the Indigenous minorities on an equal footing with the rest of the society, as well as rapid adoption and effective implementation of the “White Paper on Indigenous Rights” drafted by the Ombudsman Office (Haiti, Spain).

To improve the access of Indigenous peoples to proper and culturally appropriate healthcare and to bolster efforts to fight societal discrimination towards Indigenous peoples through continuation of programs like the San Development Program (France, Portugal, Uzbekistan, Democratic People’s Republic of Korea, Honduras, Lesotho, Trinidad and Tobago)."
On November 4, 2015, Rwanda’s human rights record was reviewed by the United Nations Human Rights Council (https://www.culturalsurvival.org/news/human-rights-council-reviews-rwanda) as part of the second cycle of the Universal Periodic Review (UPR) process. This mechanism emerged from the 2005 UN reform process and periodically examines the human rights performance of all 193 UN Member States. It is intended to complement the work of other human rights mechanisms, including the UN human rights treaty bodies. This is the first international human rights mechanism to address all countries and all human rights.

During Rwanda’s review, several recommendations were made pertaining to Indigenous Peoples. These recommendations affect the country’s Indigenous Batwa population of approximately 35,000 people. The Batwa have lived as hunter-gatherers in Rwanda for approximately 2000 years. During the 1994 Rwandan genocide and its aftermath, Batwa were displaced from their ancestral lands in order to create national parks. The contemporary Batwa community faces tremendous discrimination in regards to land rights, housing justice, political representation, education and healthcare. Although Rwanda has been making significant strides in regards to its political and judicial system, existing legislation prevents the Batwa from being recognized as a distinct, Indigenous people. This legislation aims to prevent genocide and ethnicity-based prejudice and violence, but effectively disenfranchises the Batwa and renders them powerless to self-organize and enjoy the human rights promised to them in the international human rights treaties Rwanda has ratified (Rwanda was absent from the adoption of the United Nations Declaration of the Rights of Indigenous Peoples in 2007).

Cultural Survival is one of the 21 organizations that submitted a stakeholder report. Focusing on Indigenous Peoples’ rights, the report reviewed the implementation of recommendations from the previous cycle of the UPR. Second cycle recommendations that reflect the submission by Cultural Survival include:

- To improve the access and quality of education for all Rwandans, specifically those of rural or historically marginalized groups, and to embed human rights frameworks into curricula (Morocco, Sudan, Sri Lanka, Slovakia, Namibia, China).

- To ensure that Rwanda’s agricultural policies do not undermine food security or the land rights of the most vulnerable communities (Ireland).

- To strengthen measures to ensure integration of marginalized and vulnerable members of society and to enforce the implementation of human rights through the allocation of resources to actualize those rights (Nigeria, Madagascar, Côte d’Ivoire) and to accelerate the development of the National Human Rights Action Plan and its independent monitors (Israel, South Sudan, Georgia, Côte d’Ivoire, Paraguay).

On January 18, 2016, Niger’s human rights record was reviewed by the United Nations Human Rights Council (https://www.culturalsurvival.org/news/human-rights-council-reviews-niger) as part of the second cycle of the Universal Periodic Review (UPR) process. This mechanism emerged from the 2005 UN reform process and periodically examines the human rights performance of all 193 UN Member States. It is intended to complement the work of other human rights mechanisms, including the UN human rights treaty bodies. This is the first international human rights mechanism to address all countries and all human rights.

During Niger’s review, several recommendations were made pertaining to Indigenous Peoples. These recommendations affect the Indigenous peoples of the Peul and Tuareg, which each amount to approximately one million people, and the Toubou, who number to about 200,000. Many of these peoples are pastoralists and live fully or semi-nomadically. The Nigerien Pastoral Code, adopted in 2010, aims to secure land and protect the cultures of pastoralists. However land grabs, extractive industries, and an unorganized influx of refugee threaten Indigenous cultures and rights. Although the creation of the Pastoral Code successfully included the voices of Indigenous communities, its implementation has been severely delayed. The lack of action has furthered the erosion of Indigenous rights, which has already resulted in violence. As
Niger is facing consequences of climate change and global instability, the rights of Indigenous Peoples continue to be uncertain.

Cultural Survival is one of the 14 organizations that submitted a stakeholder report, focusing on Indigenous Peoples’ rights, regarding the recommendations from the previous cycle of the UPR. Second cycle recommendations resonate with a majority of the recommendations made by Cultural Survival.

The recommendations below did not enjoy the support of Niger and were not accepted but only noted:

“To internalize and enforce the human rights instruments Niger has ratified, and create independent institutions to monitor its implementation (recommended by Sierra Leone, Burkina Faso, Afghanistan, Costa Rica).

To further its commitment to gender equality and the equal rights of women and children, and prioritizing the abolition of Wahaya, a practice that disproportionately affects Indigenous women (Ukraine, Spain, Uruguay, Kingdom of Great Britain and Northern Ireland).

To improve the protection of Indigenous land rights by implementing and enforcing the Pastoral Code (France, Denmark).

To improve the access of Indigenous peoples to proper and culturally appropriate healthcare and education (Egypt, Algeria).”

"On November 4, 2015, Nepal’s human rights record was reviewed by the United Nations Human Rights Council (https://www.culturalsurvival.org/news/human-rights-council-reviews-nepal) as part of the second cycle of the Universal Periodic Review (UPR) process. This mechanism emerged from the 2005 UN reform process and periodically examines the human rights performance of all 193 UN Member States. It is intended to complement the work of other human rights mechanisms, including the UN human rights treaty bodies. This is the first international human rights mechanism to address all countries and all human rights.

During Nepal’s review, several recommendations were made pertaining to Indigenous Peoples. These recommendations affect the Aadivasi Janajati, or recognized Indigenous nationalities of Nepal. According to the government this amounts to approximately 37% of the population, however many Indigenous rights organizations dispute this figure and place the percentage point around 50%. The 59 recognized Indigenous nationalities have seen Nepal ratify the United Nations Declaration on the Rights of Indigenous Peoples and ILO 169, however the implementation of Indigenous rights has been severely lacking. The presence of a caste system has historically placed Indigenous communities on the bottom of society. This has resulted in an absence in political participation, infractions on religious freedom, and the displacement of Indigenous peoples from their ancestral lands through extractive industries and national park forming. Additionally educational access is limited and often not inclusive of Indigenous languages and modes of knowledge, creating disproportionate levels of illiteracy among Indigenous women.

Cultural Survival is one of the 38 organizations that submitted a stakeholder report. Focusing on Indigenous Peoples’ rights, the report reviewed the implementation of recommendations from the previous cycle of the UPR. Second cycle recommendations that reflect the submission by Cultural Survival include:

“To improve the access, quality, and affordability of education for all Nepalese citizens, specifically those of rural or Indigenous communities, and in regards to women and girls (Singapore, Indonesia, Namibia, Maldives, Afghanistan, Israel, Dominican Republic, China, Sri Lanka, Qatar, United Arab Emirates).

To ensure compliance with all ratified human rights treaties and mechanisms, and to combat any form of discrimination (Germany, Czech Republic, Japan, Thailand, Myanmar, Pakistan), with a particular focus on post-earthquake reconstruction efforts (Australia).

To create an effective and independent mechanism to address reported discrimination against women and Indigenous peoples and foster dialogues (Uganda, Ukraine)."
To ensure that its climate change-related policies are informed by Nepal’s human rights commitments and obligations (Philippines)."

"On January 25, 2016, the Solomon Islands’ human rights record was reviewed by the United Nations Human Rights Council as part of the second cycle of the Universal Periodic Review (UPR) process. This mechanism emerged from the 2005 UN reform process and periodically examines the human rights performance of all 193 UN Member States. It is intended to complement the work of other human rights mechanisms, including the UN human rights treaty bodies. This is the first international human rights mechanism to address all countries and all human rights.

During Solomon Islands’ review, several recommendations were made pertaining to Indigenous Peoples. These recommendations affect the country’s predominantly indigenous population of 600,000 people who speak 120 different languages across 347 inhabited islands. The largest non-Solomon Islander populations consist of Polynesian and i-Kiribati peoples, who have often been brought to the Solomon Islands through British colonialism. Although the country is predominantly Indigenous, the Solomon Islands has yet to ratify many major treaties, including the United Nations Declaration on the Rights of Indigenous Peoples. Particularly rural and remote communities have struggled to achieve human rights, especially with mounting struggle created by industrial logging, extractive mining, and most significantly to the island nation, climate change.

Cultural Survival is one of the seven organizations that submitted a stakeholder report. Focusing on Indigenous Peoples’ rights, the report reviewed the status of the recommendations made in the previous cycle of the UPR. Second cycle recommendations that reflect the submission by Cultural Survival include:

- To ratify and implement major international human rights treaties, in particular ILO no. 169 and the United Nations Declaration on the Rights of Indigenous Peoples (Argentina, Slovenia, Iraq, Benin, Philippines, Djibouti, Morocco, Nigeria).
- To further its commitment to gender equality and the equal rights of women and children, with specific regard to rural areas (Morocco).
- To use the advantage of its matrilineal society to improve women’s access to power, especially in relation to land issues, sanitation and family rights (Jamaica).
- To enhance the access and fairness of the formal justice system, especially in regards to rural areas and through the establishment of Truth and Reconciliation Committees (Australia, Trinidad and Tobago, France).
- To establish independent human rights institutions and enact legislation that ensure that corporations respect human and environmental rights and directly addresses the displacements caused by climate change and natural disasters (New Zealand, Switzerland, Djibouti)."

In all these cases, "These recommendations are given to encourage the government to improve their human rights records, and to provide the opportunity for citizens to set up specific goals. These reviews provide the tools and information to continue to advocate for change and to hold, in this case, the Solomon Islands, accountable to its commitment to human rights.

There are many different ways in which civil society, both Indigenous and non-Indigenous, can use this information to strengthen commitment to human rights and hold their governments accountable in implementing UPR recommendations.

By publicizing the recommendations and commitments made by the country involved, and raising awareness of the envisioned benchmarks, civil society can make the government accountable to its citizens, as well as increase the participation of Indigenous and other marginalized citizens in the process of creating, assessing, and evaluating these recommendations. This is possible through radio shows, press releases, publications, speaker events, festivals, email blasts, social media campaigns, and community organizing as examples.

To become a part of the implementation of the recommendations. To ensure the sustainability and success of these recommendations Indigenous citizens and their organizations
need to part of or lead the implementation. This is possible through advocating for transparency, inclusion, and creating awareness and accountability. As the inclusion of Indigenous voices is in itself a recommendation, it is important to hold the country accountable.

Besides implementing recommendations, Indigenous citizens and their organizations should also be part of monitoring, evaluating, and reporting on the implementation of these recommendations. One way of vocalizing Indigenous concerns is through presenting at the Human Rights Council, which convenes three times a year."

"Civil society groups and local organizations can read UPR Info’s “Civil Society Follow Up Kit” to learn more about how to implement UPR recommendations on the ground in their country.

Ultimately, the UPR process is an opportunity for Indigenous communities to vocalize their concerns and experiences, create action plans, and ensure implementation and accountability."


Cultural Survival Executive Director Suzanne Benally (Dinè and Santa Clara Tewa) attended the session and delivered an intervention on July 12, 2016. In her intervention, Benally declared that “the right to health in Indigenous communities is rarely understood or addressed holistically. Social services and health interventions are isolated from a holistic framework, underfunded, disregarded, or non-existent. The failure of states to understand the relationship between Indigenous peoples well-being and health and their spiritual and cultural ties to their lands and territories continues a long history of cultural genocide.” During the session, members of the Expert Mechanism examined the ways in which Indigenous communities are currently being denied a right to health, and how States and governments can take steps towards implementing measures for Indigenous Peoples to have increased access to healthcare in all capacities.

The study first establishes a legal framework in which the right to health is guaranteed to Indigenous communities across the globe, through treaties such as the Universal Declaration of Human Rights, the United Nations Declaration on the Rights of Indigenous Peoples, and the International Covenant on Economic, Social, and Cultural Rights. The right to health forms an integral part of these treaties, and as the Special Rapporteur on the right to health has explained, this should push the states to partner with Indigenous Peoples in order to ameliorate the well-being of Indigenous communities.

Availability, accessibility, acceptability, and quantity of right to health are provisions that the Expert Mechanism considers essential to state obligations of fulfilling Indigenous Peoples’ right to health. Healthcare for Indigenous communities is often geographically inaccessible or of poor quality; many individuals also experience racial discrimination and marginalization when seeking access to healthcare. The Expert Mechanism has also stated that governments have a duty delineated by international laws and treaties to respect, protect, and fulfill all Indigenous Communities’ right to health. States should work to change discriminatory and harmful practices surrounding
Indigenous communities, and promote the inclusion of Indigenous individuals in the leadership and decision-making process concerning the health of their communities.

The Expert Mechanism then brings attention to the poorer standard of health for Indigenous children, stating that Indigenous women and children are more vulnerable to human rights violations, have higher infant mortality rates, and experience frequent discrimination when forced to move to more urban areas looking for higher quality education and employment. Leaving their traditional homes behind, many Indigenous individuals have a higher risk of experiencing depression and substance abuse, as well as other health risks that develop without the existence of a support system.

Regarding education, illiteracy rates among Indigenous children are significantly higher than among non-Indigenous children. In addition, the Expert Mechanism declares that dropout rates are alarming; in Peru, Indigenous girls aged 12-16 have school dropout rates of 89% (A/HRC/29/40/Add.2., para. 68). The Expert Mechanism urges governments to increase investment in education for Indigenous communities. Suicide rates among Indigenous youths are also startlingly high. The Expert Mechanism advocates for the implementation of suicide prevention strategies in schools and communities to reduce feelings of depression and hopelessness among Indigenous youth. For Indigenous women, access to sexual and reproductive health services is extremely limited and maternal mortality rates are excessively high, as are the rates at which Indigenous women experience sexual and domestic violence. The Expert Mechanism suggests that many of these problems faced by Indigenous woman can be ameliorated through states partnering with Indigenous communities, and implementing programs such as maternal wards, midwife training, the eradication of laws that prevent access to contraceptives, in addition to offering legal remedies to domestic and sexual violence. The Expert Mechanism has also urged states to address discriminatory practices which Indigenous persons with disabilities experience at a higher rate than the average population.

A variety of challenges exist for Indigenous Peoples accessing their right to health, such as communicable and noncommunicable diseases. Infectious diseases, like HIV/AIDS, malaria, and tuberculosis exist at high levels in Indigenous populations. Tropical diseases such as trachoma, yaws, and leprosy, are also existent at disproportionately high rates in Indigenous communities. It has also been estimated that more than 50% of Indigenous adults over age 35 suffer from Type II diabetes worldwide (ST/ESA/328). The Expert Mechanism has suggested that states create a mass treatment program for these diseases, specifically among Indigenous communities.

Not only is physical health concerning in Indigenous communities, but poor environmental health is evident as well. For example, climate change has changed the hunting and fishing practices of the Inuit People in Canada, leading Indigenous communities to rely on less healthy and more mainstream food options. Transnational corporations also contribute to environmental damage, often contaminating water sources, food, and causing communities to be displaced from their traditional lands. The Expert Mechanism advocates for companies to cooperate with Indigenous people and the State in order to reduce the adverse effects of their practices.

The Expert Mechanism on the Rights of Indigenous Peoples ultimately urges States to provide Indigenous communities with the full right to health by ratifying ILO Convention No. 169, in addition to creating plans and programs that promote mental, spiritual, physical, and emotional health. The study also advocates for the elimination of laws that may prevent Indigenous individuals from accessing this right to health, such as bans on contraceptives, and to work with Indigenous communities to prevent environmental damage from outside companies or entities. The Expert Mechanism has also suggested that Indigenous Peoples themselves bolster efforts to promote health rights and representation of Indigenous communities, and recommended that international
organizations such as the World Health Organization, the World Bank, and the United Nations should research treatments for physical and mental health, partnering with Indigenous Peoples to promote best practices for health in Indigenous communities.

The final draft of the study will soon be available.

"American Declaration on the Rights of Indigenous Peoples Adopted," International Indian Treaty Council, http://hosted.verticalresponse.com/1383891/50591cbee8/545546365/0fb3cb9d79/, reported, "After 30 years of negotiations, the Organization of American States (OAS) General Assembly adopted the American Declaration on the Rights of Indigenous Peoples on June 15, 2016. During the final negotiating session and in a letter submitted to the Chair on May 19, 2016 IITC expressed concerns regarding language in article 24.5 on “Rights to Land and Resources” that includes the phrase "...in accordance with the legal system of each state...,” which was not accepted in the UN Declaration on the Rights of Indigenous Peoples. However, IITC had worked for and strongly supported the American Declaration’s Article 23 on Treaties as adopted, which further strengthens the UN Declaration Article 37 with provisions on “true spirit and intent” and international redress. The American Declaration also contains articles on Family, Genocide and Indigenous Peoples in Voluntary Isolation, which are not included in the UN Declaration. As both the American and UN Declaration are cited in the American Declaration as “minimum standards,” IITC will continue to advocate that the strongest provisions in each Declaration be considered as the minimum standard for the rights of Indigenous Peoples in the Americas.

The IITC statement to the OAS and other information is at: http://www.iitc.org/program-areas/treaties-standard-setting/the-oas-american-declaration-on-the-rights-of-indigenous-peoples/. The text of the American Declaration on the Rights of Indigenous Peoples is at:

Regional and Country Developments

"Mexico and Canada Sign Memorandum of Understanding about Indigenous Peoples Without Consulting First Nations," Cultural Survival, July 6, 2016, https://www.culturalsurvival.org/news/mexico-and-canada-sign-memorandum-understanding-about-indigenous-peoples-without-consulting, reported, "On June 28th, 2016, the President of Canada, Justin Trudeau, and the President of Mexico, Enrique Peña Nieto, issued a joint statement declaring that they have reached an accord regarding Indigenous Peoples. The statement affirmed 'the importance of a renewed strategic partnership founded on the fundamental values of democracy, respect for human rights, diversity, inclusion, gender equality, Indigenous rights, good governance, and rule of law, as well as on improved economic opportunity and respect for our shared environment.'

Information on the accord is still limited, but the statement notes that 'both countries have also agreed to share more information about how we can improve the health and prosperity of our Indigenous Peoples.' Both Justin Trudeau and Enrique Peña Nieto attest that First Nations and Indigenous Peoples will form part of the advancements promised by the accord. The statement issued also mentions increased efforts by both countries to create new energy reforms, taking steps forward for Indigenous communities to participate in the decision-making in the energy sector.

Assembly of First Nations (AFN) National Chief Perry Bellegarde acknowledged the new accord between Canada and Mexico, answering that 'any initiatives aimed at Indigenous Peoples must respect Indigenous rights, Treaties, human rights and the UN Declaration on the Rights of Indigenous Peoples. We are concerned that First Nations have not had the opportunity to provide input on the Accord announced today. We fully expect
to get more details immediately so we can assess the accord and consider the next steps. We are pushing for sustained action to close the gap and ensure respect for Indigenous rights and it is essential that First Nations be directly involved in any agreement of this kind from the beginning.' The Assembly of First Nations is an organization that represents First Nation citizens in Canada. Chief Perry Bellegarde added that the Assembly of First Nations is currently examining the accord and plans on searching for more specific information regarding First Nations and Indigenous Peoples in the accord to distribute it as soon as possible.

According to the International Work Group for Indigenous Affairs (IWGIA), 851,560 people in Canada identified themselves as First Nations individuals, making up 2.6% of the total population of Canada. As a group, they represent more than 600 First Nations and at least 60 different languages. In Mexico, The National Institute for Statistics and Geography (INEGI), the National Population Council (CONAPO) and the Economic Commission for Latin America (ECLAC) report that there are 16,933,283 Indigenous people in Mexico. Indigenous Peoples in Mexico make up 15.1% of the total population of 112,236,538 people. As a whole, Indigenous communities in Mexico speak 68 different languages and 364 different dialects."

The deaths, in Thunder Bay, Ontario, of seven teenage Aboriginal high school students from isolated reserve communities since 2000 has raised numerous questions. Inquests have not been able to determine the cause of death. In one case, bruises on the body suggested that the student may have been attacked. One Aboriginal high school student fled Thunder Bay, and returned home, after being beaten and thrown into the river. A large part of the problem relates to the students living in scattered private homes, as roomers, rather than in a dormitory with support and orientation on living in a strange community, geographically and culturally far from home. The lack of a dormitory and First Nation student support is related to problems in delivering education to Aboriginal students in Canada. Schooling for most Canadians is financed with a mix of provincial and local taxes, with the federal government responsible only for educating indigenous children living on reserves. This has resulted in a wide disparity. Thunder Bay's Roman Catholic French-language school spends about 27,000 Canadian dollars, or about $20,000, per student. Dennis Franklin Cromarty High School, where six of the dead students were enrolled, receives 11,000 Canadian dollars per pupil. First Nation leaders have asked for an investigation into the deaths. But as of July 2016, no action has been taken. (Ian Austin, "7 Teenage Deaths, but No Answers for Aboriginal Canadians," The New York Times, July 13, 2016, http://www.nytimes.com/2016/07/14/world/americas/unsolved-deaths-of-indigenous-canadian-students-offer-a-glimpse-of-hardship.html?ref=todayspaper).

Dan Levin, "APTN, a TV Voice for Largely Ignored Indigenous Canadians," The New York Times, October 29, 2016, http://www.nytimes.com/pages/todayspaper/index.html, reported, "The day’s top news stories are beamed from a round studio that evokes a tepee. Adventurous chefs teach viewers how to hunt, skin and cook beaver in a stew. Cartoons about a powerful superhero are broadcast in the Algonquin language. These are just some of the many programs that appear on the Aboriginal Peoples Television Network, Canada's indigenous broadcaster. Better known as APTN, the network is mainly aimed at viewers in Canada whose cultures existed long before the first Europeans arrived. But its reach is far larger, available to more than 11 million Canadian cable and satellite subscribers with news and entertainment programs designed to reflect the values, spiritual traditions and political priorities of indigenous people across Canada."

The network has received a lift from the Liberal government of Prime Minister Justin Trudeau, who has promised to reset Canada’s relationship with its indigenous peoples. Aware of the network’s political influence among aboriginal communities, Mr. Trudeau in June became the first prime minister to sit down for an interview with APTN
while serving.

The network began in 1999 with a mission to speak for and to the roughly 1.8 million indigenous people in a country that is about 75 percent white. While ethnic minorities often appear on mainstream Canadian networks, “the original people are not represented,” said Sky Bridges, 38, the chief operating officer of APTN, a nonprofit organization that generates revenue through subscriber fees, advertising sales and strategic partnerships.


“This is how land resource decisions are going to be made in the future — through co-management with people who have been on the land forever,’ said Hadley Archer, the executive director of the Nature Conservancy Canada, which helped put together the Great Bear forest agreement. To that end, the University of Victoria law school in British Columbia will begin enrolling students next year in a degree program that will combine the traditional study of court precedents and legislation with the study of tribal law.

People like Chantal Pronteau, a member of the Kitasoo/Xai’Xais Nation (pronounced hay-hay), are walking this uncharted road.

Last year, Ms. Pronteau, 22, put on a uniform as a member of the Coastal Guardian Watchmen, a Native American patrol, to monitor the environment and guard against poachers and illegal tree-cutters from Klemtu, her community’s tiny home village of about 300 people."

In Nova Scotia, Canada, the several hundred member Little Bras d’Or Indian Association is attempting to gain recognition for its members as Indians of the Mi’kmaq First Nation. They are descendants of a tribal member, who in the early 19th Century changed his name to Francis Young to avoid being forced to move to a reserve, and succeeded in obtaining a royal land grant. (Craig S. Smith, "In Canada, Feeling ‘Robbed’ of Indian Identity, and Benefits, “*The New York Times*, December 1, 2016, http://www.nytimes.com/2016/12/01/world/canada/canada-indian-status.html?ref=todayspaper&_r=0).

"The 'Canada Brand': Violence and Canadian Mining Companies in Latin America," Cultural Survival, November 28, 2016, https://www.culturalsurvival.org/news/canada-brand-violence-and-canadian-mining-companies-latin-america, reported, "In October 2016, The Justice and Corporate Accountability Project (JCAP) published a report documenting incidents of violence associated with Canadian mining companies in Latin America. This study is the first of its kind, compiling information over a span of 15 years from 14 countries in South and Central America about violence associated with Canadian mining companies. With 41% of the large mining companies in Latin America being Canadian, it shows that a lack of accountability that these companies take for their actions abroad to be extremely problematic. Neither the Canadian government nor the industry itself are recorded to be tracking or reporting on violent incidents which affect Indigenous Peoples, and all people, throughout Latin American Countries.

Mining around the world often intrudes on Indigenous lands, and has since times of colonization. JCAP’s report identified 28 Canadian companies involved in these issues, and reported on at least 10 detailed conflicts in which Indigenous people were victims of
violence and criminalization stemming from a mining corporation. From the 14 countries that were analyzed, there were 44 deaths overall, 30 of which were labeled as “targeted.” There were also 403 injuries, occurring in events such as protests and confrontations related to the mining, 709 cases of criminalization, and a widespread geographical distribution of documented violence in all countries. Deaths, injuries, warrants, and arrests specific to Indigenous People in relation to Canadian mines occurred in 8 of the 12 countries and 73% of the women who were recorded as being sexually assaulted as a result of the Canadian mining corporations were Indigenous. Data shows however, that the Canadian companies from this study reported on only 24.2% of the total deaths and 12.3% of the injuries that were documented in the report.

The actual extent of violence and repression at Canadian mines in Latin America is likely even much higher than what is detailed in this report, but due to the broad focus on this piece, as well as inconsistencies in media reports of Indigenous identity, this report was unable to make definitive remarks on the full extent of the impact on Indigenous Peoples. The report focuses on violence and criminalization setting aside environmental, and health concerns due to mining as a separate issue. The authors noted that additional reports of deaths, injuries, and other abuses also surfaced during the investigation, but could not be included based on the methodology. However, this report had crucial findings for the Indigenous People in Latin America who have long been fighting Canadian mining companies. The impact of these the Canadian mining industry has been devastating and largely under-reported. Cultural Survival has covered one controversial mine in Guatemala for over a decade- Goldcorp’s Marlin Mine, located in San Miguel Ixtahuacan, San Marcos, has been the site of deaths, intimidation, criminalization, prostitution, and the slow poisoning of an entire Indigenous community. Scheduled to finally complete the extraction of gold in 2017, plans for environmental remediation of the area and unclear and underfunded. Goldcorp’s Marlin Mine has repeatedly violated human rights and has been called on to close operations by the Inter-American Commission on Human Rights, the International Labor Organization, the Catholic Church, the UN Special Rapporteur on Indigenous Peoples, multiple advocacy organizations both locally and internationally, and even the president of Guatemala.

Hudbay’s Fenix mine is another example of the wrongful treatment of Indigenous People, with little to no reparations from the Canadian Government. This mine is located on Indigenous Maya Q’eqchi’ territory in Guatemala. Its development in the 1960s immediately led to the violent displacement of Indigenous communities with numerous reports of indecent treatment of the Indigenous People surrounding it. In 2004, Skye Resources purchased the mine and in 2008, Hudbay Minerals conveniently purchased Skye Resources. It is reported that during this time, 11 Indigenous women were gang raped during a particularly violent eviction. Other confrontations in 2009 led to one recorded death, and at least 12 separate recorded injuries. It was reported that homes were also burned to the ground during the evictions and a community leader of the time was dragged into the compound of Hudbay’s subsidiary, CGN, and murdered by the head of security of CGN. The head of security was arrested and as of 2016 is finally being tried in Guatemala. Hudbay, however, denied most of the claims and made no reparations to the Maya Q’eqchi, claiming that none of the evictions were violent. They also insisted that protesters were the attackers and targeted a government vehicle on Hudbay property, stating that several employees were injured and a protester died as a result of his gunshot wound later in the day. The Canadian company refused responsibility and kept little records of damages done in this case, as well as all of the others in this report. In fact, a large majority of incidents are undisclosed by Canadian parent companies, and when companies disregard violence related to their mining projects, the language used often lightens or inadequately explains the extent of the injuries suffered. Company reporting for the entire study was inadequate and official government reporting was either minimal or inaccessible.
This lack of accountability is an issue common throughout Canadian companies’ operations overseas. Laws in Canada requiring companies’ disclosure of information are lax. Compared to United States Laws, Canadian companies are required to disclose less, and on top of that, enforcement is also not rigorous. This allows for the most corrupt mining companies to keep quiet on violence related to their projects.

Global Organizations such as the UN have been calling for Canadian companies to be accountable for their operations overseas for years. The United Nations Guiding Principles on Business and Human Rights notes that the responsibility to respect human rights is a global standard and is expected conduct for all business enterprises wherever they operate. It exists regardless of States’ ability or eagerness to fulfil their own human rights obligations, and does not diminish those obligations.

The Inter American Commission on Human Rights has held three hearings on the accountability of Canadian mining companies and called on Canada to adopt measures to prevent multiple human rights violations. The Canadian government, however, continues to point to voluntary Corporate Social Responsibility (CSR) codes to measure company conduct. CSR codes suffer from deep structural problems related to the fact that they are voluntary and unenforceable. They have no mechanism for investigation, companies cannot be sanctioned and victims cannot be compensated. Their main power is to recommend the withdrawal of the Canadian government’s financial support. This however, has yet to be done and the current CSR Counsellor’s website shows no indication of any investigations, disputes, dialogues or any engagement with specific conflicts, and has no form of an annual report.

These facts are devastating but perhaps not shocking. Antagonism with Canadian mines have been a part of Indigenous Peoples struggle for years. In January of 2011, at the request of Mexico’s Wixárika people, Cultural Survival aided in a campaign to stop a Canadian company from building a silver mine in the sacred Wirikuta Natural and Cultural Reserve. The campaign was a success after receiving 2,748 international letters in one week. The Mexican senate urged the ministry of the economy to exhaustively review the 22 concessions granted to the Canadian mining company and to issue a public report. The secretary of the environment and natural resources was to publically release the environmental impact study that was carried out, including the protected Wirikuta reserve. Later, after much public mobilization, a moratorium was issued on mining in Wirikuta.

There have been multiple calls to the Canadian Government to regulate mining industry, but the Canadian government has argued it does not assume any legal responsibility for the activities of Canadian mining companies abroad.

According to MiningWatch in Canada, in April of 2016, 180 Latin American organizations sent in a letter to Canadian Prime Minister Trudeau to take measures to prevent systemic harms and ensure that affected peoples and communities have access to justice for the many harms taking place. Among other things, the letter to Prime Minister Trudeau calls for measures to ensure respect for the decisions of numerous communities, both Indigenous and non-Indigenous, who have said no to large-scale mining because of its severe and damaging impacts on the environment and social well-being. The letter also called for measures to ensure effective access to Canadian courts. In Guatemala alone, an estimated 1 million people have voted against mining on their lands and in their territories given the negative impacts that have been felt around Canadian held projects, such as Goldcorp’s Marlin mine and Tahoe Resources’ Escobal mine. “The situation for land and environment defenders in Guatemala and Latin America is progressively getting more and more dangerous. It is absolutely urgent that the Canadian government respond to the demands,” noted Lisa Rankin for the Breaking the Silence Maritimes-Guatemala Solidarity Network.

NGOs have been working long and hard to make these reporting gaps known to shareholders and the general public. A large part of mining companies’ funding comes from Canadian citizens whose assets are invested via several institutions, particularly banks, mutual
funds and public pension plans. For now, campaigns to divest from these companies may be the most direct way Canadians and others can make their voices heard.

The following companies are listed on and have a bad track record for respecting Indigenous Peoples rights in Latin America: Goldcorp: GG (NYSE), Barrick: ABX (NYSE), Hudbay HBM (NYSE), First Majestic Silver: AG (NYSE), Taseko: TGB (NYSE), Tahoe Resources: TAHO (NYSE), Oceana Gold: Toronto Stock Exchange: OGC."

A concerted effort to restore tradition at the Lac Seul First Nation community in Ontario has been accompanied by a rise in graduation rates and drops in substance abuse and suicide rates, not experienced in nearby communities with similar demographics, which had not undertaken such an effort (Dylan C. Robertson, "Deploying culture against suicide: Indigenous traditions make a difference in remote Canada," Christian Science Monitor Weekly, September 5, 2016).

The Blood Tribe of Alberta succeeded in significantly reducing substance abuse, including moving from 35 deaths from fentanyl deaths in 2015 to none in 2016, by taking a strong, multipronged, approach. To meet ill effects of fentanyl use, well equipped emergency kits with instructions were placed everywhere on the reserve where it was thought the drug might be used. A pair of confidential hotlines were installed, one to help addicts quit, the other to report traffickers. The tribal recovery program includes making available the opioid suboxone, to chemically help addicts be weaned off more dangerous drugs, while including psychological and cultural aspects of the program. The latter encompasses recovering addicts at weekly meetings making and decorating smudge boxes appropriately for their own spiritual practice that they take home for regular prayer. The police engage in harm reduction as well as in making raids and arrests. Parents suspected of harboring drug dealers are given multiple warnings before being raided, to encourage the parents to act, and to keep families together. During traffic stops, officers only confiscate used syringes, paying no attention to safer new ones (Dylan C. Robinson, "The Tribe that beat back an opiate Christian Science Monitor Weekly, August 15 & 22, 2016).

ICG, "Easy Prey: Criminal Violence and Central American Migration," Latin American and Caribbean Report No. 57, July 28, 2016, https://www.crisisgroup.org/latin-america-caribbean/central-america/easy-prey-criminal-violence-and-central-american-migration, commented, "Massive deportations from Mexico and the U.S. have failed to stem the tide of Central Americans fleeing endemic poverty combined with epidemic violence. Stepped up enforcement has diverted undocumented migration into more costly, circuitous and dangerous channels. Criminal gangs and the corrupt officials who enable them are the beneficiaries of a policy that forces desperate people to pay increasing sums to avoid detention, extortion or kidnapping. Beefed-up border control inadvertently fuels human smuggling and fortifies criminal gangs that increasingly control that industry. Governments must guarantee those fleeing violence the opportunity to seek asylum through fair, efficient procedures, while launching a major regional effort to provide security and economic opportunity in home countries. Central American leaders, especially in the northern triangle of El Salvador, Guatemala and Honduras, must in turn address chronic insecurity more effectively while monitoring and assisting those deported, especially children and adolescents, so they have an option other than fleeing again.

The humanitarian crisis of 2014, when the U.S. struggled to cope with a surge of undocumented migrants, especially unaccompanied children, was never resolved. It was just pushed southwards. In fiscal year 2015, Mexico returned 166,000 Central Americans, including some 30,000 children and adolescents, while the U.S. deported over 75,000. But the Mexican government’s capacity to control the flow of migrants and refugees is reaching
its limit. Many see Mexico as their destination, not just the country they cross in transit to the U.S. Asylum petitions have more than doubled, straining capacity to process them fairly and efficiently. Though the acceptance rate has increased in 2016, it remains inadequate to protect the men, women and children whose lives and livelihoods are threatened by the criminals who dominate many impoverished communities.

Migrants from both Mexico and the northern triangle of Central America (NTCA) region have long fled poverty to seek a better life abroad, sending home remittances that are a major source of foreign exchange and a crucial prop for their home countries’ economies. However, Mexico and the U.S. treat what is now in large part a violence-driven refugee crisis as if it were still solely an economic migration problem. Many victimized today by economic deprivation and social exclusion also face persecution by organized criminal groups, from neighbourhood gangs to transnational drug traffickers. Forced displacement is increasingly widespread, as violence reaches civil-war levels. About 150,000 people have been killed in the NTCA since 2006, an average of more than 50 homicides per 100,000, more than triple the rate in Mexico (where killings have soared since 2007) and more than ten times the U.S. average.

El Salvador became the most violent country in the western hemisphere in 2015 with a staggering murder rate of 103 per 100,000 people, while Honduras suffered 57 per 100,000 and Guatemala 30 per 100,000. Young people are the most vulnerable to violence, as both perpetrators and victims. The proportion of homicide victims under age twenty in El Salvador and Guatemala is higher than anywhere else in the world. No wonder that 35,000 children and adolescent migrants were detained in Mexico in 2015, nine times more than in 2011.

Those escaping violence at home are targeted again as they flee. Ideal victims, many have relatives who can be stung for ransom payments; lacking legal status, they are less likely than locals to report serious crimes like assault, extortion or kidnapping. They are also vulnerable to trafficking: the sex industry along the Mexican/Guatemalan border is largely driven by supply of migrants, especially adolescents, some of whom are held in virtual debt bondage to traffickers. A recent study, estimating that for every reported case there were 30 hidden victims, put sexually-exploited victims in Guatemala alone at nearly 50,000.

Guatemala has acted against human trafficking, including creating a special prosecutorial unit that, however, lacks staff and resources to be effective beyond the capital. Mexico has specialized units to investigate crimes against migrants, including a new one in the federal prosecutor’s office, but lack of information and resources again hampers efforts. Prosecutors should work with migrant shelters and other NGOs to encourage violent crime and official abuse victims to come forward, with guarantees of humanitarian protection and financial aid.

The region already has relatively robust legal frameworks to protect refugees: the countries of Central and North America either signed the 1951 convention on refugees or its 1967 protocol and have asylum systems in place. Mexico has been at the forefront of international efforts to protect refugees: its diplomats promoted the 1984 Cartagena Declaration on Refugees, which expands the definition to those fleeing “generalized violence”. To offer effective protection, however, capacity must be expanded to process asylum requests quickly and fairly. The countries should also refrain when possible from holding asylum-seekers in detention, which can deter those most in need – families and unaccompanied children – from seeking help.

Mexico cannot shoulder the refugee problem alone; genuine regional sharing of responsibility is essential. Guatemala must also provide better safety and shelter to those in transit and combat human trafficking. The U.S. should step up legal, economic, medical and psychosocial support for international agencies, government institutions and local NGOs that work with refugees. Despite unabashed hostility from some political sectors to migration from Central America and Mexico, it should explore bringing more refugees, especially children, directly to the U.S., so they avoid a dangerous journey, and consider temporarily halting
deportations of youths who risk becoming victims or members of gangs. Erecting more barriers and forcing migrants and refugees further underground has exacerbated the humanitarian crisis, strengthening the illegal networks that have turned much of Central America into a criminal battleground.

**Recommendations**

To protect the lives and rights of Central American migrants

**To the government of Mexico:**
Recognize that migrants, especially children and families, must not be returned to Central American communities where their lives and freedom could be in danger; so expand the capacity of the Commission for Refugee Assistance (COMAR) to evaluate asylum petitions, based on the 1951 Refugee Convention and 1984 Cartagena Declaration, as incorporated in Mexican law.

Work with the UN High Commissioner for Refugees (UNHCR) to implement protocols allowing migration agents and other government officials to seek out those needing protection, especially in border areas and migrant detention centres.

Provide alternatives to detention in consultation with civil society and community leaders, so families seeking refugee status can remain together and vulnerable groups – such as unaccompanied minors, women and lesbian, gay, bi- trans- or inter-sexual (LGBTI) individuals – receive adequate assistance and protection.

Offer “Visitor for Humanitarian Reasons” status, commonly known as humanitarian visas, to applicants for asylum, allowing them to accept formal employment and move freely within the country.

End the impunity of criminals and corrupt officials who target migrants by:
- working with humanitarian agencies, shelters, and other NGOs to protect migrants who have been victims of or witnesses to violent crime, abuse or corruption, encouraging them to report crimes and serve as witnesses and informing them of their right to humanitarian parole and protection; and
- expanding special state and federal prosecutorial units to investigate crimes against migrants, and working with shelters and human rights groups to identify victims of violent crime or official abuse; such units should also work closely with state special prosecutors for migrants and the federal organized crime unit, prioritizing and monitoring the investigation of official corruption and violent crime, such as kidnapping.

**To the governments of Guatemala, Honduras and El Salvador:**
Provide adequate support for and monitoring of deported migrants, especially children, including security and enhanced screening to identify and provide follow-up aid to those needing particularly education and job opportunities.

Work with the UNHCR to establish in-country centres in Mexico and other transit and destination countries, where those fleeing violence can petition for refugee recognition and be screened for third-country resettlement.

Expand prosecutorial capacity in Guatemala to investigate human trafficking for sexual exploitation, especially in border areas; and work with shelters and human rights groups to encourage Central American victims of trafficking networks to report abuse.

Protect trafficking victims from involuntary deportation, providing resettlement assistance and counselling when necessary; and reunite children and adolescents with their families, if feasible, or refer them to specialized institutions able to provide the required medical and psychosocial care.

**To the government of the U.S.:**
Step up and expand in-country processing for refugee status or humanitarian parole of Central Americans with protection needs, particularly minors; explore accelerating the asylum process; and give adequate shelter to those awaiting decisions.

Work with the UNHCR to establish processing centres in Mexico and Central America so that those forcibly displaced can seek U.S. refugee recognition from the safety of neighboring
countries.
Give COMAR financial help and training, especially to expand regional offices; and set up mobile units along the border and migration routes.
Assist Mexican authorities and NGOs with programs to help integrate refugees, including initiatives to help them find health care, training, employment and psychosocial support, when necessary.
Address the push factors that impel Central Americans to leave the northern triangle by extending support for the Alliance for Prosperity for five years, with targeted programs to address community violence prevention, institutional reform and poverty.
Help regional governments replicate effective community-based violence prevention programs, partner with the private sector to create jobs and undertake police and justice sector reforms like those exemplified by the International Commission Against Impunity in Guatemala.
Halt deportation of undocumented youths by offering Temporary Protected Status (TPS) until countries of origin have effective education and job training programs; and provide resources to that end, so as to avoid sending them back to violent neighbourhood where they risk forced gang recruitment."

Tracy Barnett for Intercontinental Cry, "Wixarika Take a Stand: An Indigenous Community Gears Up To Take Back the Land from Mexican Ranchers," Cultural Survival, September 22, 2016, https://www.culturalsurvival.org/news/wixarika-take-stand-indigenous-community-gears-take-back-land-mexican-ranchers, reported, "A contingent of at least 1,000 Indigenous Wixárika (Huichol) people in the Western Sierra Madre are gearing up to take back their lands after a legal decision in a decade-long land dispute with neighboring ranchers who have held the land for more than a century.
Ranchers who have been in possession of the 10,000 hectares in question for generations say the seizure is unlawful and that they will not hand over the land — setting the scene for a showdown that observers fear may end in violence.
Leaders of the Wixárika community of San Sebastian Teponahuaxtlán have announced their plans to accompany the authorities of the federal agricultural tribunal to carry out an enforcement action on the first parcel, a 184-hectare ranch in the state of Nayarit, on Sept. 22, and called on state and federal law enforcement officials to send police forces to prevent a conflict. Until the time of publication, neither the Nayarit nor the federal authorities had agreed to send police to maintain or der, so both parties are hoping for the best but preparing for the worst.
'We’re hoping they’ll accept the decision which is now law: that they lost the trial. They had the opportunity to legally prove that they really had the documentation and they didn’t have it,' said Miguel Vázquez Torres, president of the communal lands commission of San Sebastian. He is aware of the potential for violence, he said, 'but the community is not going to sit with its hands crossed. We are prepared.'
Ranchers have titles to the land that go back to the early 1900s — but San Sebastian has the original grant from the Spanish crown that dates to 1717, and is backed by a 1953 presidential resolution. In all, 10,000 hectares is at stake, for a total of 47 different claims. The agrarian court has ruled in favor of San Sebastian in 13 of those cases; the remainder are still in process.
Rosa Carmen Dominguez Macarty, an attorney representing some of the ranchers of Huajimic, disputes the version presented by Wixarika attorneys, saying that only two of the sentences are definitive, and that all the rest are still under appeal. The ranchers are appealing the 1953 presidential resolution, saying it is based on a document that is invalid.
'It's a social injustice,' she said. 'These are very simple people; they are fathers, they are mothers who work the land themselves, and that’s how they support their families. It would be really sad if through the government’s disregard, something unpleasant were to happen.'

Vázquez said that two families who have no land have already been granted permission by the community assembly to establish homesteads on the parcel and that the assembly plans to send a rotating contingent of community residents to stand guard for several months — 'as long as it’s necessary so that the families can feel safe and comfortable.' The long-term plan, he said, is to establish another settlement in the area, as San Sebastian’s existing towns are becoming overcrowded.

Dominguez argued that the local inhabitants have worked the land for generations and turned it into a highly productive area. Local residents suspect the Huicholes have another ulterior motive for taking back the land, which they have never worked: to exploit the mineral deposits that supposedly lie beneath.

Complicating matters is that San Sebastian lies in the state of Jalisco, while the contested land lies in Nayarit, where the ranchers have been outspoken in their opposition to the court decision and have been organizing in resistance to the return of the land to the Wixárika.

'Jalisco vs. Nayarit: Blood will run,' screamed one headline in a Nayarit newspaper. Meanwhile, Nayarit Gov. Roberto Sandoval reportedly has sent messages of support to ranchers.

'The governor promised us that while he is in office, we would not have to turn over a single meter of land to the Huichols,' one of the landowners told local reporter Agustín Del Castillo of Milenio newspaper.

Indeed, it’s no accident that the conflict crosses state lines, according to anthropologist Paul Liffman, author of the book Huichol Territory and the Mexican Nation.

'In fact that’s the deep history of Jalisco and Nayarit,' Liffman said in a recent interview. 'Nayarit was part of Jalisco, and it separated in 1917, in part for the ranchers who wanted more political autonomy and also wanted to kick out the Indians.'

During the early years of the 20th century, the government encouraged settlers to make land claims on apparently abandoned land. It was during that period that major encroachment began to occur on Wixárika land, and the courts granted titles based on the erroneous assumption (or pretext, as Liffman says) that the land was unoccupied.

Tensions have flared periodically since the land was taken but the Wixárika had no legal recourse until the government created an agrarian court system in the 1990s, said Ruben Avila Tena, the attorney representing the community of San Sebastian. Soon afterwards that community began a legal process of reclaiming its land.

Jalisco law enforcement has agreed to be present, but only up to the state line; thus far the Wixárika leadership has received no such assurances from the Nayarit authorities, nor from the federal government.

'I’m not sure what the Jalisco police can do, besides cheering them on from the other side of the border,' commented Avila Tena. 'It’s actually a very worrisome situation.'

Avila said sources in the Agrarian Tribunal have told them that the Nayarit police have no intention of supporting the Wixárika on Sept. 22. Agrarian Magistrate Aldo Saul Muñoz López spoke to this reporter by telephone but said he could not grant an interview by telephone, only in person in the Tribunal regional offices in Tepic, Nayarit.

'We did what corresponds to us as a federal tribunal, we notified all of the relevant authorities of Nayarit. If they don’t respond, it’s something that escapes my authority,' said Muñoz López, but would not give further information by phone.

Liffman likened the current conflict in San Sebastian with one that arose in the 1950s under the Huichol leader Pedro de Haro. Haro built a movement that ultimately procured the 1953 presidential resolution confirming that San Sebastian was the legal owner of the land. But as in the present case, the government didn’t provide any enforcement mechanism, and the local residents refused to give up the land. A band of armed Huichols took the matter into their own
hands and marched to the Canyon of Camotlán, where they reportedly burned down a farm, drove out local residents and reclaimed the land.

Santos de la Cruz Carrillo, a Wixárika leader and also an attorney on San Sebastian’s legal team, said the community has been urging the federal authorities to attend to this case for five years under a program that would offer financial compensation to the current landholders.

'It’s been five years since the community of San Sebastian asked the federal government to attend to this situation, to support the landholders with compensation', said de la Cruz. 'But the ranchers showed no interest in the compensation; they always said they want the land, so the community chose to take possession.'

Finally, in a meeting in March of this year, an official with that program told San Sebastian authorities that there was no money to pay restitution to the ranchers. That’s when they made the decision to move ahead with the process of retaking the lands, said Avila.

The Wixárika authorities have done everything in their power to seek compensation for the ranchers in the hope that a conflict could be avoided, said Avila. 'This case was decided in their favor more than two years ago,' he stressed. 'The community didn’t want it to be enforced like this, they were trying to get the federal government to indemnify the landholders. When they couldn’t do that anymore, they said, it can’t be helped, we will have to ask the tribunal to enforce the law.'

Liffman warned that the situation was not to be taken lightly; the area has changed radically since the times of Pedro de Haro, he said, with a significant amount of drug production now occurring throughout the territory.

'The region has become much more heavily armed,” he said. 'San Sebastian has been the most violently disputed area in the sierra over the past several years…. it’s big-scale transnational narcos now, it’s not just some ranchers with pistols on their belts. So if it does come to that, it could be a bloodbath.”'

Linda Ferrer, "Victory in the Release of Guatemalan Political Prisoner Rigoberto Juarez," Cultural Survival, August 05, 2016, https://www.culturalsurvival.org/news/victory-release-guatemalan-political-prisoner-rigoberto-juarez, reported, "July 22, 2016 marked a day of victory, not only for Rigoberto Juarez Mateo, but also for the Indigenous Q’anjob’al Maya community in the municipality of Santa Eulalia, Huehuetenango, Guatemala. In a split decision made by Judges Yasmin Barrios, Patricia Bustamante, and Gerbi Sical, seven Ancestral Authorities, including Rigoberto Juarez, Domingo Baltazar, Ermitano Lopez Reyes, Sotero Adalberto Villatoro, Francisco Juan Pedro, Mynor Lopez, and Arturo Pablo were released from prison, five of whom were acquitted of all charges.

Sixteen months ago, Rigoberto Juarez, one of nine Ancestral Authorities, was detained for his advocacy against two private hydroelectric and mining companies, Hidra Energia and Hidro Santa Cruz, respectively, for their failing to comply and consult with Indigenous communities’ prior to accessing licensure for their projects. Posing a threat to their natural resources, land, and way of life, those who resisted the projects faced threats, coercion, and were sometimes kidnapped, raped, or even murdered. Rigoberto Juarez and Domingo Baltazar, two well-known Indigenous leaders, traveled to Guatemala City to file reports on these various human rights violations to the Department of Public Ministry and the United Nations Commission for Human Rights but both were arrested by police without warrant or charges. They were illegally imprisoned without due process on that day of March 23, 2015. Rigoberto Juarez was placed in High Risk Group A preventive detention center for false accusations in a series of crimes which the private companies claimed against them. Sixteen charges were then made against him, including public disturbances of peaceful demonstrations, kidnapping, and intent to commit crimes. However, the lack of evidence and factual grounds for the heinous charges that were made only indicate that the hydroelectric and mining companies, working with the Mayor and judicial system of Guatemala, strategically organized the persecution and arrest of
the community leaders in order to remove their voice and actions from the resistance movement he had begun and committed to since 2008.

The ‘Gobierno Plurinacional,’ or the Plurinational Government, represents at least five distinct Mayan communities in Huehuetenango that stand in solidarity for the “defense of territory and life.” For sixteen months, the movement’s primary focus was forced to shift from stopping these private companies from infiltrating their village to finding justice in a corrupt judicial system. Despite such setbacks, Rigoberto Juarez was able to empower and mobilize through the community radio station, Snuq Jolom Konob, which was re-inaugurated this year. Now with his release, the Indigenous communities of Guatemala have gained a stronger leader who continues to mobilize his community. But while Rigoberto’s freedom signifies a great overcoming, the Mayan community of Maya Q’anjob’al and others understand that the struggle continues. Free, Prior Informed Consent (FPIC) must be properly implemented and enforced. Government officials must be held accountable for their crimes and the justice system of Guatemala must be reformed to prevent further corruption. Judge Jazmin Barrios, who ordered his release due to the clear indication that he was criminalized for being an outspoken Mayan leader and human rights advocate, has displayed honor and protection for the vulnerable. In a press release from YAJABIL PAYXAILBOM KONOB’ Akateko, Chuj, Popti’, Q’anjob’al, the Ancestral Government of the Akateko, Chuj, Popti and Q’anjob’al Maya Nation in Huehuetenango Guatemala, Judge Barrios was thanked, as well as the Fiscal General and the Director of Public Ministry with the support and assistance of CICIG (International Commission Against Impunity in Guatemala), who continue to thwart crimes against humanity. Having been visited by seven Nobel Prize winners this year, Rigoberto Juarez’ release marks a new triumph for human rights activism in Latin America and around the world. On June 30, 2016, hundreds of supporters gathered in Huehuetenango to await and welcome the seven recently released Ancestral Authorities travelling by caravan to express their gratitude and join them in the capital city’s central park for a special Mayan ceremony. On June 31st, the caravan travelled through Chimaltenango, Tecpan, Los Encuentros, Solole, Cumbre de Alaska, San Juan Ixcoy, Santa Eulalia, and Santa Cruz Barillas where hundreds and thousands celebrated and stood in solidarity in the continued fight for their rights; that to defend life, water, earth, and land is not a crime."

ICG, Arturo Matute, Analyst, Guatemala, "Guatemala: Young Blood, Old Vices," Commentary/Latin America & Caribbean, November 14, 2016, https://www.crisisgroup.org/latin-america-caribbean/central-america/guatemala/guatemala-young-blood-old-vices, commented, "A year after the election of would-be reformer Jimmy Morales as president, corruption investigations are casting a shadow over his inner circle. Recent appointments bring youth and oxygen to his faltering administration, but much still stands in the way of political renewal.

Guatemala’s would-be reformist President Jimmy Morales won office by a landslide last year by using a simple but effective slogan: “not corrupt, nor a thief”. In one of Latin America’s most violent, unequal and impoverished countries, his election was part of an anti-corruption “tsunami” that began in April 2015, led by the UN-backed International Commission against Impunity in Guatemala (CICIG) and the Attorney General’s Office (AG). The racket that emerged in April 2015 in the customs authorities claimed the scalps of high-ranking officials, sparked massive protests throughout the country, and eventually brought down the corruption-plagued administration of former President Otto Pérez Molina, who was jailed promptly after his resignation.

Pérez Molina’s former vice president, most of his cabinet, scores of politicians and many prominent businesspeople now face trial in connections to the customs fraud and a barrage of ensuing cases. As a result, Guatemala stands at a crossroads. Either it continues the unprecedented anti-corruption actions, or falls back into the vice-ridden past where illicit networks sought to embezzle, defraud, bribe and extort public money for private gain, with no
adverse consequences.

The past year proved how emboldened institutions are now willing to use legal prosecution to disentangle the state and political parties from criminal groups. Guatemala’s capacity to bring to justice officials who had previously enjoyed complete impunity represented an unexpected revolution in national life. The country is still reeling from the shock of this change, and the outcome of this process is far from certain. “Justice doesn’t change states on its own, it just contributes to identify what ails them” warns CICIG commissioner, and centerpiece of the judicial campaign, Colombian investigative judge Iván Velásquez.

President Jimmy Morales, an outsider who gained fame as a TV comedian, broke with a relatively long tradition of Guatemalan politics in winning by 67.4 percent of the vote in the second round of the 2015 elections even though he was not the runner-up in the previous presidential contest, nor the greatest spender in the campaign. Manuel Baldizón, the candidate in question on both counts, fled the country after a poor showing in the first round, allegedly to escape the wrath of his many financial backers.

However, Morales is now struggling to differentiate his government from that of his predecessors. A new joint CICIG and AG investigation into corruption in the National Registry of Property (NRP) has enveloped Samuel ‘Sammy’ Morales, the president’s older brother and a close adviser, and José Manuel Morales, his son. The two men allegedly presented an invoice in 2013 to the NRP for US$12,000 for an event that never took place. They are barred from leaving the country during the investigation.

The case illustrates the slow pace of change in Guatemala. While the modes and networks of corruption have been disturbed, structural conditions of poverty and inequality, as well as rates of violent crime, remain far above the global or Latin American average. Recent death threats against Attorney General Thelma Aldana and the judge handling the main corruption cases are the most sinister side of this anti-reform backlash: Aldana had to leave the country for a month, but the threats have reportedly continued since her return.

The Guatemalan Congress modified the electoral law in April 2016 and introduced stronger controls over financing of political parties. It also passed laws to strengthen the autonomy of the attorney general and create a much-delayed institute for victims of crime. But critics point out that the initiatives have been hastily patched together to assuage popular demands for reform, and are riddled with inconsistencies. They argue that more stringent rules are needed to ensure internal democracy within parties to prevent them from being controlled by strongmen, or to allow for start-up parties such as ‘Seed Group’ (Grupo Semilla), ‘Justice Now’ (Justicia Ya) and ‘We Are’ (Somos) to get a foothold in the party system.

Even though many of these recent achievements are impressive, frustration has festered among many of the civil society groups that drove the anti-corruption mobilization last year. Most of the lawmakers elected in 2015 conform to the traditional way of doing politics in Guatemala, described in a report published by CICIG as a system where “the money that comes from corruption [to finance political parties] is increased by resources contributed by criminal organisations, which achieve dangerous influence and, in certain localities, control over authorities”. Recent efforts by the president to secure control of Congress’ governing board have been sharply criticized for relying on deputies with shady pasts.

Evidently, President Morales has not become the anti-corruption crusader that many voters wished for. His anti-establishment stance still lacks a clear plan to clean up political life and to broaden the state’s measly provision of basic services. His effort to improve state finances by raising what are Latin America’s lowest tax rates was badly planned and rejected by most sectors of society. The shadow of the so-called military ‘juntita’ – a clique of former army
officers who came into power with him – hangs over his administration and undermines his credibility as a political outsider. His call on foreign states not to intervene in Guatemalan judicial matters, presumably under the advice of juntita members bitter at international support for cases against human rights violations during the armed conflict, has also been questioned by international bodies. Falling asleep during the presentation of the 2017 budget has not helped his public image.

However, a counter-reformist backlash is unlikely. The traditional powerful actors who dominated Guatemala’s post-conflict democracy and might seek a return to the old order have lost the initiative and lack an agenda. The army is no longer a preeminent political force, and would be very reluctant to join an anti-reform effort that would face fervent opposition from citizens and international opprobrium. Opposition from the private sector has also weakened. The head of the main business association and a former fortress of political power, the Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Associations (CACIF), recently pledged the private sector would continue to support the anti-corruption campaign, even if it harms its members. Another new constituency vocally supporting reform is an engaged and critical middle class making use of new outlets in cable television, online newspapers and radio.

At the same time, some of Morales’ high-level appointments have pumped oxygen into his faltering administration. One of them is Francisco Rivas, a lawyer who ascended through the ranks of the prosecution service leading investigations that produced the arrests of major drug traffickers – earning him the trust of the attorney general, the CICIG and U.S. security agencies. Rivas is now providing the operational back-up to their investigations, which was not always forthcoming in previous administrations.

Another fresh face is the current Health Minister Lucrecia Hernández, daughter of Myrna Mack, an anthropologist murdered by a military death squad in 1990 due to her work with communities displaced by the conflict. Hernández and her aunt, Helen Mack, have carried out a decades-long struggle for justice in the case and created the Myrna Mack Foundation, one of Guatemala’s leading human rights organisations. Waging a complicated battle against entrenched corruption in the health ministry, Hernández confronts an acute crisis of medical supplies in hospitals.

Juan Francisco Solórzano Foppa, for his part, was allegedly blackballed by the military juntita and prevented from joining Rivas in the interior ministry, but has since become another member of Morales’ young bloods after his appointment as chief of the Guatemalan Tax Bureau (SAT). He worked for thirteen years in the Attorney General’s Office, where he carried out investigations against street gangs and undertook the wiretap recordings that helped bring down the Pérez government. “Foppa” developed a reputation of fearlessness, and in his new role has taken on large firms formerly considered untouchable, such as the steel works “Aceros de Guatemala”, the soft drinks firm “Big Cola” and the drugstore chain “Farmacias Galeno”, which during his first three months in his job returned over US$110 million in unpaid taxes.

But Guatemala needs more than new faces in politics to right the wrongs of the old establishment. International backing is fundamental in this effort, and unless the Republican president-elect’s campaign against undocumented migration affects other areas of policy in Central America when he takes power in 2017, U.S. support seems reliably strong.

The U.S. remains the region’s geopolitical hegemon, and regards the Northern Triangle of Central America (El Salvador, Guatemala and Honduras) as one of its national security priorities, largely due to the stream of migrants and refugees fleeing the region’s poverty and violence. Guatemala is exemplary in enjoying bipartisan U.S. support in its anti-corruption crusade and is a beneficiary of the Plan of the Alliance for Prosperity of the Northern Triangle of Central America, which will significantly increase cooperation funding.

Extraordinarily, the actions of the U.S. in Guatemala are regarded as welcome even by
individuals personally harmed by its earlier Cold War interventions. The “holy trinity” of the U.S. embassy, the attorney general, and the CICIG, as certain wits brand it, has been fundamental to the high-level corruption cases and reform plans in the fields of justice, politics and the constitution as a whole. Allies of the U.S. government in Guatemala are also changing, as reflected by the absence of some of its usual political associates during independence day celebrations in July 2016: most of those present were less prominent civil society activists and academics.

The strengthening justice system, new initiatives for political reform processes and support from an activist citizenry and the international community provide President Morales with exceptional opportunities to turn his campaign slogan into the new identity of the Guatemalan state. If properly implemented, reforms to the electoral law and the subsequent constitutional amendments may go a long way to cleaning up politics, but the construction of a new political party system is a challenge that must be dealt with head on. Rules must be simplified so that new groups, composed primarily of young people, are able to participate. These new political actors should hopefully be able to overcome the divisions of the past and the injustices in Guatemala society. There is a long road to travel, but the journey has at least begun."

An international arbitration panel, The International Center for the Settlement of Investment Disputes, at the World Bank, decided, in November, that El Salvador did not have to pay the gold mining firm, Pac Rim Cayman, for lost profits for denying it a mining permit, accepting the government’s argument that the firm did not meet all the requirements to receive the permit (Elisabeth Malkin, El Salvador Wins Dispute Over Denying a Mining Permit," The New York Times, October 15, 2016).

Francis Robles, "Nicaragua Dispute Over Indigenous Land Erupts in Wave of Killings," The New York Times, October 16, 2016, http://www.nytimes.com/2016/10/17/world/americas/nicaragua-dispute-over-indigenous-land-erupts-in-wave-of-killings.html?ref=todayspaper&_r=0, reported," Indigenous communities all over Nicaragua’s Caribbean coast say they are under attack by settlers who have taken over their ancestral lands. Thousands of Nicaraguans have moved into the lush tropical rain forests that are home to the country’s nearly 180,000 indigenous Miskito people. The newcomers — called 'colonists' by the Miskito — have been lured by the promise of gold and the abundance of lucrative timber. Some of the settlers have also been forced from their lands by drought."

"With the law on their side, and a bitter history of war, the Miskitos sometimes pushed back, confronting the settlers with large groups of people. The settlers responded with a vengeance, raiding indigenous towns. One indigenous village was burned to the ground. At least 600 indigenous people have fled to neighboring Honduras, where they live in dirt and squalor, advocates say. The killings of at least 30 Miskitos have been documented; the settlers say at least 80 farmers have also been killed, but have been unable to provide a list of names.

During a recent visit to Francia Sirpi, a remote community several hours’ drive from the coast, more than a dozen indigenous men showed off gunshot wounds they had received from attacks while fishing or hunting. One teenager lost a leg. In December, three communities were attacked in a single day, with two men killed. Three others were kidnapped that day and have not been seen since.

Now the men patrol the far-flung indigenous communities with homemade weapons."
Wednesday, October 26th, another human rights defender was arrested in Guatemala. Domingo Francisco Cristobal was captured on his way home from a peaceful demonstration in the city of Huehuetenango by members of the Special Investigative Crime Division of the Guatemalan police. Traditional Indigenous community leaders, as part of the Plurinational Ancestral Government of the Akateko, Chuj, Popti’ and Q’anjobal Maya Nations, denounced the arrest in a press release.

The issuing of arrest warrants and unjust detainment of Indigenous community authorities and environmental and human rights defenders has been an ongoing problem in Guatemala, especially in Indigenous communities in northern Huehuetenango, termed “ungovernable” by Guatemalan state authorities. The region also holds some of the highest levels of extreme poverty in the country, while being rich in mineral and water resources.

According to statistics from UDEGEUGUA, in 2015 there were 493 cases of reported violence against human rights and environmental defenders in Guatemala. Of which, 13 human rights defenders were murdered, 8 attempted murder, 92 cases of torture and 159 cases of criminalization. Indigenous human rights defenders are especially targeted. In 2014 Indigenous human rights and environmental defenders were 8 times more likely to be killed for their work than non-Indigenous defenders, according to data from Global Witness.

Domingo Francisco Cristobal is a recognized defender of individual and collective human rights. He is a coordinator of the Payx Yajawil Jolom Knob, an ancestral authority of Santa Eulalia, Guatemala. He is also the president of two community groups, the Consejo Asesor Indigena and the Asociacion Pro-Justicia and according to the Ancestral Government, is involved in many projects for the benefit of the Maya Q’anjobal people and the Maya people in general.

In a press release, the traditional leaders demanded the immediate cancellation of all of the existing arrest warrants against community leaders, and human right defenders, and humanitarian workers. They also demanded the immediate cancelation of licenses authorized by the government of Guatemala for mega-projects in Q’anjobal territory, including mining, dams, and specifically the Hidro Santa Cruz dam project, Promoción de Desarrollo Hídrico in San Mateo Ixtatán and Hidroeléctrica San Luís in Santa Eulalia, Huehuetenango, Guatemala. These companies, the authorities explain, 'Rather than bring development, have caused conflict and numerous human rights violations in our territory, including the unjust incarceration and numerous arrest warrants.'

"Fifth Radio Journalist Killed in Guatemala in 2016, Cultural Survival, June 28, 2016, https://www.culturalsurvival.org/news/fifth-radio-journalist-killed-guatemala-2016, reported, "The freedom of expression movement in Guatemala is once again in mourning due to the brutal murder of radio journalist Alvaro Alfredo Aceituno Lopez. Aceituno Lopez, age 64, was shot in the city of Coatepeque in southeastern Guatemala at 4pm on June 25, 2016. The shooting took place at the Callejon de la Radio, located in the San Antonio Colony, zone 1 of Coatepeque, Quetzaltenango, beside the Alvaro Arzu avenue. Estuardo Ruiz, a member of the Red Cross of Guatemala, stated that Aceituno Lopez died late Saturday night in the hospital due to the severity of his injuries.

Aceituno Lopez was a journalist and director of the local radio station, Radio Ilusión. As director of the radio station, he led a news program called Acontecer Coatepecano. The slogan of this broadcast he directed was labeled: If you do not say it, who will? The broadcast promoted community rights, and focused primarily on significant issues in the surrounding Coatepeque community such as health, education, public safety, and the role of public administration.

The National Police has not revealed any names of suspects or the attacker's motive, however according to eyewitness testimonies, it is clear that this was a direct and calculated
attack against Alvaro Alfredo Aceituno Lopez. This is the second attack directed towards journalists in this region of Coatepeque in the last three months. On April 17, 2016, William Omar Monterroso Cabrera, a local reporter, was the victim of an armed attack and suffered severe injuries on his left hand. Irina Bokova, the Director-General of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), has condemned the murder of Aceituno Lopez and has issued a statement urging the government to conduct thorough investigations of the killing. Bokova has stated that “violent crimes must not be allowed to limit media workers’ freedom to carry out their work, which is important for society as a whole.”

Counting Aceituno Lopez, five radio journalists have been murdered during the first six months of 2016 in Guatemala. To date, no actions have been made to seek justice for their deaths.

'Cultural Survival denounces this kind of violence against the personal security of radio journalists, against the freedom of expression and against the practice of community media, which are ongoing problems in Guatemala. We demand that the authorities begin timely investigations to determine the whereabouts of those responsible for this heinous criminal act,' said Mark Camp, Cultural Survival deputy executive director.

Radio Journalists Murdered in 2016
Mario Roberto Salazar Jutiapa, March 17, Director of the Estereo Azucar Radio 2016.
Diego Salomon Esteban Gaspar, Quiche, April 30, Commentator of the Sembrador Radio 2016.
Victor Hugo Valdez Cardona, Chiquimula, June 7, Host of Chiquimula Vision 2016.
Alvaro Alfredo Aceituno Lopez, Quetzaltenango, June 25, Director of Estereo Ilusion 2016."

Anna Hernandez, "Working Towards Corporate Accountability in Guatemala," Cultural Survival, June 27, 2016, https://www.culturalsurvival.org/news/working-towards-corporate-accountability-guatemala, reported, "As recent high profile corruption cases continue to bring worldwide attention to Guatemala’s government and military institutions, other, less-known human rights cases have been overlooked.

The recent CREOMPAZ case has been a victory in many ways. A case consisting of alleged war crimes committed during the country’s 36 year period of armed conflict, it has recently had enough evidence to move forward. On June 6, 2016, 'a Guatemalan judge ruled that 8 former military officials would face trial on charges of enforced disappearance and crimes against humanity,' announced the Guatemala Human Rights Commission/USA (GHRC). The case reviewed further uncovered evidence about the military base CREOMPAZ. Based in Cobán, Verapaz, the site, previously know as Military Zone 21, is currently used for the training of UN peacekeepers.

The evidence uncovered '565 bodies exhumed from 85 clandestine cemeteries.' In January 2016, 18 high-ranking officials were arrested. According to the New York Times, those arrested included Gen. Manuel Benedicto Lucas García, 83, an army chief of staff, a former military intelligence chief, Manuel Antonio Callejas y Callejas, and one of the generals who forced General Lucas García out in 1982.

Eight others remain fugitives of justice, according to GHRC. The long process will be an important one, finally bringing justice to the crimes of the Guatemala’s past.

As the CREOMPAZ case continues to draw international attention, several international human rights organizations have joined together to bring awareness to lesser known human rights violations in Guatemala.

In June 2015, REPSA, Reforestadora de Palma de Petén S. A., an African palm oil plant, poisoned the Pasión River, killing fish and forcing many fishermen into debt. Following the spill, a Guatemalan court ruled the event an “ecocide” REPSA was ordered to suspend all operations, pending investigation.
Immediately following the ruling, in September 2015, one of the plaintiffs, Q’eq’chi Mayan schoolteacher Rigoberto Lima Choc, was shot and killed, says the GHRC.

Cargill, one of largest purchasers of palm oil, has required REPSA to take further action to prevent future violence after the sever contamination. Since, REPSA has published a “Policy on Non-Violence and Intimidation” (Links to the policy in Spanish).

Other organizations, including Friends of the Earth-US, Rainforest Action Network, ActionAid USA, Oxfam America, and the Guatemala Human Rights Commission/USA have reached out to palm oil companies, urging them to denounce the violence and make provisions for human rights within their supply chains. The push from Cargill is one of the first steps, and the hope is that other companies will follow.

Wilmar, another company within the industry has not yet published anything similar. Action is needed from the public: Sign this Friends of the Earth petition today.

In addition to pushing corporations to change their policy, human rights organizations have also brought concerns to a more international platform. “In early June, a letter was presented to the UN Committee on Economic, Social and Cultural Rights, calling for a statement from the Committee in support of ESC rights defenders and addressing the obligations of States and businesses,” says GHRC. As land is consistently abused, negatively affecting Indigenous Communities, organizations worldwide continue to fight for those who defend their rights.

Teresita Orozco Mendoza, "Ortega Re-elected for Third Term: Indigenous Peoples in Nicaragua Demand Respect for International Indigenous Rights," Cultural Survival, December 16, 2016, https://www.culturalsurvival.org/news/ortega-re-elected-third-term-indigenous-peoples-nicaragua-demand-respect-international, reported, "Daniel Ortega will continue in his third consecutive term as President of Nicaragua after being reelected on November 6, 2016, this time accompanied by his wife, Rosario Murillo, as his Vice-President. Ortega also previously held the presidency of Nicaragua in 1979 as leader of the Sandinista National Liberation Front, or FSLN as its Spanish acronym, after supporting a popular revolution against the then dictator Somoza who held power for 45 years.

Today, Ortega is called by his opposition and by many of his former allies in the FSLN as the “new dictator” and criticized for violating Nicaragua’s Constitution. In 2014, Ortega pushed a constitutional reform that removed term limits for the presidency. The Constitution still bars candidates who are relatives, but a decision in the Supreme Court has allowed the husband and wife duo, saying that a spouse does not qualify as a legal relative.

Ortega has also, however, brought in his children as diplomats and advisors. At 71, Ortega has spent the last ten years consolidating power. The pacts made with what were some of the major political forces like the Partido Liberal Constitucionalista, the PLC, was what has permitted Ortega to have such a domineering leadership of congress people in his favor, allowing him to change laws and policies in Nicaragua at his whim. He controls the employees of the state, and the rest of the population of Nicaragua through his cronyism and abuse of power,' related Marcos Carmona, legal advisor to the Nicaraguan Center for Human Rights.

Ortega’s Relationship with Indigenous Peoples

Nicaragua is home to seven Indigenous ethnicities. In the central Pacific and North regions are the Chorotega, Matagalpa, Sutiaba, and Nahoas Peoples, while the Atlantic coast is home to the Miskitu, Sumu-Mayangna, and Rama Peoples.

A strategic step was taken by the Ortega administration regarding Indigenous rights at the beginning of his mandate in 2007, when Nicaragua voted in favor of the UN Declaration on the Rights of Indigenous Peoples, and in 2010 in the ratification of Convention 169 of the International Labor Organization, guaranteeing Indigenous Peoples the right to be consulted before any development projects take place on their land. But many of these rights have lacked implementation, or as Indigenous leader Lottie Cunningham explained using a Nicaraguan expression, 'are stuck on wet paper.'
Although Ortega hails from Chorotega territory, he does not identify as Indigenous, nor does he demonstrate interest in hearing the demands of the Indigenous communities of Nicaragua. “In almost ten years of his presidency, he has not held a single meeting with Indigenous authorities that have been demanding to be heard,” noted Cunningham.

It is important to recognize the historical context of the relationship between the long-time leader and Indigenous communities in the Atlantic coast. After the revolution of 1979, the Sandinista government, under leadership by Ortega during his first political stint, began attempting to incorporate Nicaragua's Atlantic Coast into the revolution. Under the previous Somoza regime, perhaps as the result of neglect rather than a strategized policy, residents of the Nicaraguan Mosquitia lived in relative autonomy from the government. The Sandinista resolve to incorporate the Atlantic Coast into the revolution created resentment on the part of many Atlantic Coast inhabitants who felt that the revolution was not their own, but was imposed upon them by revolutionaries from the country's interior. This resentment was further exacerbated by historical tensions between the Miskitu populations that are Protestant and speak English (as a second language), and the majority of Nicaraguans who live in the interior, who are Catholic and speak Spanish. The Miskito eventually took up arms against the Sandinistas, joining forces at times with the US-backed counter-revolutionary forces, the “Contras.”

To appease the Indigenous resistance, in 1987 the FSLN created autonomous regions of the North Atlantic and South Atlantic, known as the RAAN and RAAS. The framework for these autonomous regions was based on a new constitution and Statute on Autonomy, Law 28. But, many argue, it was an autonomy granted with deep strings attached.

Threats to the true autonomy of the Indigenous Peoples have been surging in recent years. There is the invasion of “colonos” or people of non-Indigenous descent moving into Indigenous territories. There are the plans for construction of an Inter-Oceanic canal without the full Free, Prior and Informed Consent of Indigenous Peoples who would be affected, particularly the Rama. And recently, there was the throwing out of election results after long-time Indigenous leader Brooklyn Rivera won a seat as a congressman in the National Assembly.

Congressman Brooklyn Rivera

The FSLN accused Rivera’s supporters of voter fraud, saying some had voted twice, as well as accusing Rivera of being involved in the sale of autonomous Indigenous land to non-Indigenous residents. But supporters of Rivera’s Indigenous movement, Yatama, dismissed those charges, and demanded respect for the results of their popular vote. Some took to vandalizing a local political office in a display of opposition. Eventually, the Ortega administration decided to respect the original election results and Brooklyn Rivera will take office in 2017.

'My expulsion from congress was used to create divisions within the party. The accusations against me had no basis. Now that I am officially re-elected for Congress by the vote of Indigenous Peoples, I feel vindicated. We will enter into congress following the fight for the defense of the people...The only way to have power in Nicaragua is through the electoral system and through political parties. We need to participate in elections, gain votes, and bring an answer to the demands of the people. Otherwise, we will [be] forced to beg and plead for the whim of governments and parties, and that is not how we can move forward in this fight,' he continued, adding that Yatama is an Indigenous movement, not a political one, but has opted to engage in politics to the end of achieving the el buen vivir for communities.

Invasion

The majority of natural resources in Nicaragua are found within Indigenous territories, as is the case with the Bosawás Nature Reserve. The Reserve, considered the lungs of Central America and which, for a number of years now, has been devastated by deforestation while government officials look on. 'We the Council of Elders, are not opposed to any particular government or political party; we just want the law to be respected. We are human beings, just like non-Indigenous, but we have our way of life, and our own way of seeing
things. We are the stewards of this land and we want that to be respected. Today, as a result of a disrespect of our Indigenous Rights, there is a war between colonos and our people. And this is something that the government is disregarding,' shared Williston Salinas Francis, member of the Elder’s Council of the Miskitu People.

Another member of the Elder’s Council, Simeon Rocha, emphasized 'Those who sell land belonging to Indigenous communities, who destroy the ecosystem, who contaminate the environment, are playing with the life and sustenance of the Indigenous communities, and should be put in jail. But they aren’t put in jail- and why? Because it’s people in the FSLN who are involved.'

Rocha added that the government created an 'Environmental Battalion' with the participation of the Nicaraguan army, but that the forces were used as a mechanism to protect its own interests. ‘It protects those who are destroying the environment, like Alba Forestal, a logging company that sells and exports precious types of wood growing in Bosawás, the lungs of Central America.’

The perspective of Rocha Castillo is shared as well by Marcos Hoppington, from the National Commission on Land Titling and Demarcation, who was recently quoted in the national newspaper La Prensa saying that Indigenous leaders often have a difficult time obtaining the permits to harvest wood from the Bosawás forest, but when a logger asks to do so accompanied by a letter from Alba Forestal, the government extends an 'expedited permit.'

**The Erasure of the Indigenous Peoples of the Central Pacific and North**

The Indigenous Peoples of the Central Pacific and North, (PCN) are particularly marginalized from mainstream politics in Nicaragua. Edwin Castro, leader of the FSLN party in congress, referred to them once as a 'utopia'. Humberto Hernández, leader Chorotega and president of the Council of Indigenous Peoples of Jinotega, said 'Castro’s characterization shows a lack of respect and disregard for Indigenous Peoples. It reflects the general opinion of what the government does and feels about us.' Hernandez explained that there has been some progress towards recognition of their rights- for example in the protection of their ancestral lands, but at the end of the day, many of the agreements achieved are left unimplemented. Hernandez explains, 'In Jinotega, nothing gets done without the blessing of those above. Our Indigenous community has solicited audiences with State officials regarding the lack of payment for our land taken to create the Apanás reservoir for a dam on Indigenous territory, but there has been no response. This is a clear demonstration of a violation of our authority. As well, we have people posing as title-holders of land on our territory, knowing full well that it is impossible to sell land that was taken illegally… but the government is not concerned about that.'

**Abstention as an Act of Civil Disobedience**

Miskitu leader Lottie Cunningham explained her reasons for not participating in the election on November 6. 'Personally, I decided not to vote as an act of civil disobedience, because the state of Nicaragua has not complied with the international human rights standards that guarantee respect for the rights of Indigenous Peoples. What’s more, we don’t trust the Supreme Electoral Council which was contributed to the perpetuity of the Sandinistas by doing them favors. For example, when they denied the issuing of ID cards to Indigenous Peoples who were not members of the government party, among other things.'

Humberto Hernandez also chose not to participate in the election: 'Those who are patriots and good children of the Earth should eminently reject the reelection of a person for the third time consecutively. In Nicaragua, there are many men and women capable of leading our country to its destiny -- not just one man, who operates through influence peddling at the cost of misery and hunger of the people, who uses using the taxes and debt of the masses to allow the few to benefit.’’

Nika Knight, "Leader of Honduran Campesino Movement Assassinated: Rural
Honduran farmer and organizer received death threats for years," Common Dreams, October 19, 2016. http://www.commondreams.org/news/2016/10/19/leader-honduran-campesino-movement-assassinated, reported, "A prominent Honduran leader of a rural land rights movement was killed on Monday night in what supporters claim was an assassination organized by wealthy landowners."

Jose Angel Flores, president of the Unified Campesinos Movement of the Aguan Valley, or MUCA, had been under police protection since March, teleSUR reported, after the Inter-American Commission of Human Rights ordered the Honduran state to protect him from death threats in 2014.

Former MUCA president Johnny Rivas, who hosts a radio show on the local station Radio Progreso, blamed 'death squads chasing peasant families fighting for land rights' for the murder.

Of Flores' organization, teleSUR wrote: 'MUCA has been on the forefront of alternative food production and economic development projects in the Aguan on land recovered through large-scale land occupations. The movement struggles to strengthen food sovereignty while continuing to demand comprehensive agrarian reform.'

'The situation in the Aguan has been called the most intense agrarian conflict seen in Central America in the last 15 years,' the Latin American outlet added.

Flores was killed in Tocoa, in the northern Honduran department of Colon.

The Spanish-language wire service EPE reported on the details of the attack:

'Comrade Jose Angel Flores was shot dead by four unidentified men when he was leaving a meeting at the collective farm trust," Bajo Aguan's Colon spokesperson Yoni Rivas said. He added that another companion, identified as Dionisio Silmer George, was wounded in the same shooting that took place at 6:10 pm local time and died at the hospital of Tocoa, in the same department of Colon.

About 150 other activists have been killed so far in the region, the local campesinos organizations told teleSUR. The battle between landowners and peasant farmers has led to so much bloodshed that people describe Bajo Aguan, where MUCA operates, as 'killing fields.'

'Many illegal mass graves have been discovered in recent years,' teleSUR wrote.

Honduran Indigenous activist Berta Cáceres, who was assassinated in March, also devoted her life to fighting for land rights. Violence against land defenders is on the rise across Latin America, and Honduras remains one of the most dangerous countries for activists in the world.

'Honduras has turned into a 'no-go zone' for anyone daring to campaign for the protection of the environment. How many more activists have to be brutally murdered before the authorities take effective action to protect them, or even be willing to talk about this crisis?' said Erika Guevara-Rosas, Americas director at Amnesty International.

And the U.S. continues to funnel millions of dollars in military funding to the Honduran government, despite the targeted assassinations and other human rights abuses.

'We are indignant that in the face of the ongoing and documented violence, repression and corruption involving the Honduran government, the U.S. State Department has certified that it is satisfied that the Honduran government has taken effective steps to improve human rights,' grassroots coalition Honduras Solidarity Network said Wednesday. 'This clears the way for $55 million more in U.S. aid.'

"Another Indigenous Activist Murdered in Honduras," Cultural Survival, July 6, 2016, https://www.culturalsurvival.org/news/another-indigenous-activist-murdered-honduras" Violence against Indigenous rights defenders continues in Honduras as yet another activist was murdered on Wednesday, July 6, 2016. A woman identified as Lesbia Yaneth Urquia was found dead near a garbage facility in Marcala with several head wounds. Her death is the latest
in a series of murders of human rights activists in Honduras, including her colleagues Berta Cáceres and Nelson García.

Mother and local merchant, Urquia was described as an outspoken community leader in Marcala who became well known for her activism after the 2009 Honduran coup. Her activism was associated with the Council of Popular and Indigenous Organizations of Honduras (COPINH), though she was not a member. In a press release, the organization stated that "death of Lesbia Yaneth is a political femicide, and an attempt to silence the voice of those brave women who are courageously defending their rights and opposing the patriarchal, racist and capitalist system of their society."

Cáceres, an environmental activist, Lenca rights advocate, and mother of four, was assassinated in March. She worked as the coordinator of the Commission of Indigenous Peoples of Honduras (COPINH) and was heavily involved in leading a campaign against the construction of the Agua Zarca hydroelectric dam in the Gualcarque River, a sacred site for the Lenca people. It was a result of her work that the largest contractor of this dam at the international level, Sinohydro, pulled out of the process. She and her community won the Goldman Environmental Prize for this achievement.

After receiving multiple death threats for her work, Cáceres was granted precautionary measures from the Inter-American Commission on Human Rights (IACHR), meaning that the government of Honduras was obligated to provide police protection. However, there was no police detail protecting her on the night of her death.

Just 12 days later on March 15th, Nelson Garcia, another outspoken member of COPINH, was gunned down in the Rio Chiquito community. Garcia had been involved in a land dispute to reclaim Indigenous lands in Rio Chiquito along with 150 families who were members of COPINH. Though it is not clear who was behind the killing, Garcia was killed on his way home after Honduran soldiers were sent to evacuate the community. He was the father of five and the leader in the community of Rio Chiquito.

Four months later, the vicious and systematic murders of Indigenous human rights defenders in Honduras continue. Urquia is believed to have been killed, like Cáceres, for protesting the Agua Zarca dam. Her death is the most recent example of political violence that has plagued the country since the 2009 US-backed coup that forced the democratically elected president, Manuel Zelaya, out of office. Crime and homicide have risen sharply—especially against women, Indigenous Peoples, and human rights defenders. At least 116 environmental and human rights defenders were killed in 2014, according to Global Witness, but many suspect that number to be much higher. Cáceres was active in leading protests against the coup.

Four men suspected in Cáceres’ murder were arrested in May. One of the suspects is a member of Desarrollos Energéticos S.A. de C.V. (DESA), the Honduran company responsible for the construction of Agua Zarca. Two of the other suspects are both active and retired members of the Honduran military. Given security footage of these men entering Cáceres’ home on the night of her murder, a judge decided that the men will be tried for her assassination and held in prison until the trial.

COPINH and Caceres’ family do not see this as justice being served, however. They demand that authorities find those who orchestrated the crime, not just try those who carried out the murder. Her family is demanding the creation of an independent group of international investigators led by the Inter-American Commission on Human Rights (IACHR) in order to conduct an objective investigation. The Honduran government has not responded to this demand.

UN Special Rapporteur Victoria Tauli-Corpuz, expressed her own concern about the situation: “You cannot delink the fight of Indigenous people for their lands, territories and resources from the violence that’s committed against Indigenous women (and men), especially if this is a violence that is perpetrated by state authorities or by corporate security.”
Cultural Survival condemns the continued systematic persecution of and violence against Indigenous activists and demands that the Honduran government and IACHR fulfill justice for the leaders who lost their lives in their struggle for human rights.


At the close of the 20th century the Ngäbe Bugle achieved a designation protecting their lands as an autonomous territory. Law 10, signed in 1997, created the region known as the Comarca Ngäbe Bugle and protected approximately seven thousand square kilometers of their ancestral land. Since then, these two communities have been fighting to defend the integrity of this land.

During the 1980’s, many years before the creation of this autonomous region, the Panamanian Government began mineral exploration in Cerro Pelado and the western regions of Panama, and also began conducting assessments for the construction of a hydroelectric dam on the Tabasará River, which is considered one of central rivers for the Ngäbe people. In 1999 the Movimiento 10 de Abril was founded, made up by the Ngäbe and fellow campesinos with the single goal of halting the hydroelectric and mining development that the government planned to construct within the region.

The mobilizations and actions of resistance taken by the Ngäbe Bugle people during this time solidified and strengthened the communities’ rights to their lands, keeping their resources out of the hands of foreign investors. But the government never removed this territory from the list of areas they had slated for the construction of ‘development projects’.

In 2007, the Martin Torrijos administration approved a water concession for the company Generadora del Istmo S. A. (GENISA) for the construction of the Tabasará hydroelectric project on the Tabasará River. This project was anticipated to generate 19 mega volts, located in an area adjacent to the autonomous region. GENISA is Honduran company, financed by three international banks; two of which are involved in the case of Berta Cáceres Flores. The operations are run by the Kafie family, a member of which is presently in prison under corruption charges in Honduras.

For the past two decades, the Indigenous communities of the Tabasará have successfully stopped projects in their territory. Now, with the approval for exploration on this new project, the Ngäbe are again on alert. In 2010 the President of Panama, Ricardo Martinelli Berrocal, approved an addendum for the hydroelectric dam on Tabasará. This addendum changed the name of the project to Barro Blanco, and allowed it to be much larger, covering 258 hectares of water and generating 28.56 megavolts. This expansion will directly impact three Indigenous communities from Bagamä, located in the Ngäbe Bugle comarca.

The affected communities were not consulted prior to the approval of the environmental impact study and the finalization of the concession contract, generating strong conflict: many living within the affected villages would lose their lands, along with ceremonial archeological sites of vital importance to the Ngäbe Bugle people.

In 2012 the government tried to modify regulations on mining, which sparked the Ngäbe Bugle and campesino movement to organize blockades on different points along the Pan-American Highway. Excessive force from the military response left two dead and ten wounded. After the violent confrontations, a roundtable was established that concluded with an agreement to sign a law that would ban mining and hydroelectric projects within the territory of Ngäbe Bugle.

This law was signed after one month of dialogue, but despite the agreed terms the Barro Blanco hydroelectric project on the Tabasará River continued. The government and the National
Ngäbe Bugle and Campesino Coordinator maintained a roundtable, mediated by the United Nations, with the objective of managing the conflict surrounding the Barro Blanco project. Both parties decided to conduct a new impact assessment, but meanwhile, the company continued with the construction of the hydroelectric project.

In 2014 the government ordered the forced evacuation for the property of Mr. Manolo Miranda, a resident of Kiad, a small town in Bagamá, but it was provisionally suspended by the Supreme Court. During the same year, the Supreme Court gave a definitive answer to a legal action brought by the Ngäbe in 2010. This legal action was based on the violation of the Ngäbe right to Free, Prior, and Informed Consent during the initial phase of the project, which is guaranteed under international standards in the UN Declaration on the Rights of Indigenous Peoples as well under Panamanian law. But, the court ruled in favor of GENISA.

Despite the disappointing ruling, the Ngäbe did not give up. They assembled a camp just outside the construction zone and waited for the machinery which was clearing the zone for the dam. This camp was stationed for four months at various locations around the project site, resulting in a series of confrontations during which more than nine people suffered injuries.

In July of 2014, Juan Carlos Varela Rodríguez was elected president under the campaign platform to cancel the project as soon as he assumed the presidency. In August, the Minister of Government Milton Henríquez visited the communities and pledged to establish a dialogue to put an end to the conflict, inviting the participation of affected peoples, the traditional authorities, and elected officials. The roundtable was established in 2015, after the government accepted the Ngäbe’s condition to temporarily suspend the project. This dialogue was facilitated by the United Nations and lasted only 4 months, when it was dissolved by the affected communities after finding too many points of contention and a lack of will by the government to cancel the project altogether.

During various sessions, experts from the communities demonstrated that the Barro Blanco hydroelectric project had violated Panamanian laws given that the impact assessments had been deficient or incomplete.

At the close of the discussions, the government lifted GENISA’s temporary suspension, allowing the company to finish construction of the dam which was very close to completion, and instead issued the company a fine of a mere 700,000 USD for irregularities in the environmental impact mitigation plan.

In disagreement with the demands of the affected communities at the roundtable, in August 2015 the government decided to start new negotiations, this time hand selecting new participants in representation of the communities, excluding affected communities themselves.

On May 22, 2016 the Public Services Authority of Panama circulated a press release announcing that on May 23 a test phase would begin, during which they would fill the reservoir 103 meters above sea level to test the functionality of the dam, indicating that the communities located within the project zone would be evicted. This first day more than 15 Ngäbe people from who were camped within close proximity to the dam were arrested.

In this instance, the Panamanian government once again violated human rights by failing to evacuate the affected persons in accordance with national and international laws. They also failed to enact the order of the Supreme Court regarding the temporary suspension of the evacuation of Mr. Manolo Miranda in Kiad.

While the reservoir tests took place, the Ngäbe mobilized across the country blockading highways. As tension grew, more attention was brought to their concerns. Meanwhile, the government continued to showcase dialogue with Ngäbe leaders who supported the dam while seeking financial reparations.

In August the government announced that they had signed an agreement with the leaders of comarca, Members of the communities affected by the dams denounced these agreements as illegitimate, as they had not been consulted or included in the drafting. On August 22, 2016, the
President along with members of his cabinet signed the agreement while onlooking community members threw rocks at them.

After considering what had taken place the government announced that the Ngäbe Bugle Congress is the only authority that can ratify the signed agreement, and on September 18, 2016 the congress voted against its ratification, as well as for the removal of the Ngäbe authority Cacique General Silvia Carrera, who had signed the agreement with the government on August 22 on behalf of the community.

To this date the conflict persists and there is great uncertainty at the national level and discussions at all levels of power, because despite their communities being under water, the people continue to mobilize and maintain camps in different vigils throughout Panama.

A popular phrase describing the community rings true: ‘the Ngäbe Bugle people will never stop fighting.’

"Charges Dropped Against Santa Cruz 13," Cultural Survival, Jun 29, 2016, https://www.culturalsurvival.org/news/charges-against-santa-cruz-13-dropped, reported, "On June 27th, 2016, the director of Public Prosecutions of Belize dropped the criminal charges against the Santa Cruz 13, allowing those who had unfairly been held prisoner to go free. The director stated that he had ‘no intention to lay charges against the accused in the future.’ This is a victory for Indigenous people in Belize, since the government has acknowledged the innocence of the Santa Cruz 13 and the violations of due process and rule of law, as well as racial discrimination, that have plagued the trial. The decision to drop charges also reaffirms the Caribbean Court of Justice decision that ruled in favor of the Maya and their right to the protection of communal land, a right which was jeopardized by the prosecution of the Santa Cruz 13.

The 13 villagers from Santa Cruz, Belize, including Maya land rights activist Cristina Coc, were arrested in June 2015, as a result of a conflict in which village leaders and alcaldes were forced to take action in the absence of police response. When a Belizean man, Rupert Myles, unlawfully built his home in Santa Cruz on communal Maya land, specifically the historically sacred and archaeologically protected site of Uxbenka, he failed to comply with Maya customary law by not applying for residence. He was given several eviction notices; with which he did not cooperate. Belizean police did not respond to complaints of Myles shooting his gun in the middle of the night and acting belligerently. When the alcaldes sent Myles a final eviction notice, threatening to forcibly dismantle his house if he did not move, Myles came to the fajina, or community gathering, threatening to bring his gun. The villagers detained him to prevent him from harming anyone in the community. Though he agreed to leave, Myles reported the incident to the Punta Gorda police. The police came to Santa Cruz in an early morning raid to arrest the villagers for “false imprisonment,” a crime which does not exist in the Belizean criminal code and which was later changed to “unlawful arrest and assault.”

Over the year in which these individuals have been in custody, the legal proceedings have been continuously delayed due to lack of evidence being presented in time for trial. The manner in which this trial has been handled, during which the Santa Cruz 13 have been denied constitutional rights, points to ongoing discrimination against Indigenous Peoples by a government that is unwilling to acknowledge Maya land rights. According to a statement from the Maya Leaders Alliance, the decision to release the Santa Cruz 13 is “a victory for everyone who finds themselves on the right side of the law, but the wrong end of an access to justice problem.” The Maya Leaders Alliance has advocated for the release of the Santa Cruz 13 as part of its mission to ensure Maya land rights. For its work, the Maya Leaders Alliance is a recipient of the 2015 Equator Prize, which is awarded by the United Nations Development Program to organizations that are actively involving groups and communities in ways to protect the environment.
Prior to the arrests of the Santa Cruz 13, the Caribbean Court of Justice (CCJ) ordered the government of Belize to protect Maya property rights and Maya land. In April 2016, the Court affirmed that the government of Belize had a responsibility to acknowledge Maya title to communal land, to award damages for destruction of this land, and protect these lands from further interference without free, prior, and informed consent from the Maya. By failing to implement this decision, the government has violated rule of law in Belize in order to prosecute the Santa Cruz 13 for protecting customary land.

According to the Maya Leaders Alliance, the aim of these arrests was 'to break the leadership of the Maya land rights, make an example of an entire village and cast doubt over the entire CCJ Orders and the implementation process.' Now that the charges have been dropped and the Santa Cruz 13 have been freed, the Caribbean Court of Justice’s decisions remain strong in their defense of the rights of the Maya to their land. “The Santa Cruz 13, along with the entire village, many Alcaldes, villagers and many friends of the Maya people stood tall and united throughout this intentional tactic,' said the Maya Leaders Alliance. This is a victory for Indigenous rights to the land, but also for the rule of law in Belize."

The Colombia-FARC peace treaty was thrown into limbo, October 2, 2016, when a low turnout referendum in Colombia voted against the peace treaty, that both the government and FARC want, while negotiations between the government and Colombia's smaller rebel group have been stalled (Kirk Semple and Nicholas Casey. "Colombia and Rebels Want Peace, but How Has Never Been Less Clear," The New York Times, October 4, 2016, http://www.nytimes.com/2016/10/05/world/americas/colombia-farc-rebels-peace.html?ref=todayspaper).

Nicholas Casey, "Colombia Reaches New Peace Deal With Rebels," The New York Times, November 12, 2016, http://www.nytimes.com/2016/11/13/world/americas/colombia-peace-deal-farc-rebels.html?ref=todayspaper, reported, "The Colombian government and the nation’s main rebel group said on Saturday that they had reached a 'new final accord’” to end their longstanding conflict, potentially reviving a deal that was rejected last month in a referendum. The changes to the agreement with the rebel group, the Revolutionary Armed Forces of Colombia, or the FARC, were announced in Havana and addressed a range of topics — such as where rebels would be confined after disarming and how courts might address drug trafficking offenses — that negotiators said had troubled voters. The agreement also appeared to withdraw a promise of guaranteed seats for rebels in Congress — one key demand of those who said the rebels would be unfairly rewarded with political positions.


"The new deal sets clearer protections for countrysides landowners, as the government establishes a greater presence in rural areas and gives judges more latitude in cases involving rebel drug trafficking, changes that conservatives had pushed for. It also bans the rebels from running in certain newly created congressional districts in postconflict zones. But the accords stopped short of the demands of some “no” voters, many of whom wanted the government to bar those involved in war crimes from any political participation. And the new deal did not open the door to tough prison sentences for rebels, which the government said would be a nonstarter for the rebels."
Nicholas Casey, "Colombia’s Congress Approves Peace Accord With FARC," *The New York Times*, November 30, 2016, http://www.nytimes.com/2016/11/30/world/americas/colombia-farc-accord-juan-manuel-santos.html?ref=todayspaper, reported, "Colombia’s Congress approved a revised peace accord with the country’s largest rebel group on Wednesday night, a vote that was most likely the final hurdle in ratifying the troubled agreement whose earlier version had been rejected in a referendum this fall."

(See "Columbia's Indigenous Peoples and the Peace Accords" in Research Notes, below)

Previously:
ICG, "Reassembling Colombia’s Rejected Peace Deal," Statement/Latin America and Caribbean, October 6, 2016, commented, "Three interlocking sets of negotiations can still end Colombia’s 52 years of civil war, even after a 2 October referendum voted down a 26 September peace deal. But success will need energetic new engagement by all sides – especially in the region.

The 37 per cent of the electorate that voted in the 2 October referendum narrowly and unexpectedly rejected the peace agreement between the government and the Revolutionary Armed Forces of Colombia (FARC) guerrillas 50.2 per cent to 49.8 per cent. The result has shaken the political establishment and shocked the international community, which had unanimously backed the peace process. Saving that process is still possible but requires success in three delicate, interlocking negotiations.

Myriad explanations are given for the vote. In areas with higher concentrations of the 52-year armed conflict’s victims and/or higher poverty rates, the “yes” vote tended to be stronger. But commuted sentences without jail for convicted FARC fighters who confess their crimes, even though their liberties would be restricted; a guaranteed ten seats in Congress; and the economic reintegration package for ex-combatants, with livelihood payments for two years, generated a sense, especially in big, formerly conflict-affected cities such as Medellín and Bucaramanga, that members of an illegal armed group would receive overly generous benefits. The fear that the country would “be handed over to FARC” or converted into chavista Venezuela was influential in higher-income brackets.

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The result is also the most conspicuous manifestation of the feud that has dominated politics since 2014, pitting President Juan Manuel Santos, the prime sponsor of the peace talks, against the opposition, led by former President Álvaro Uribe. Santos’s poll ratings have languished, while Uribe remains one of Colombia’s most popular but divisive politicians. His claim that the agreements can be amended is now the focus of attention. That despite the narrowness of their victory, Uribe and his colleagues have won significant leverage over the peace process was reflected in his meeting yesterday with Santos, their first formal encounter for six years.

The opposition has laid down demands for a “new” peace agreement. It insists that FARC concentrate its forces as a requisite to continue negotiation; any adjustment to the constitution be dropped; the special jurisdiction for transitional justice be scrapped; there be blanket amnesties for all who have not committed crimes against humanity; those who have committed such crimes be sentenced to jail terms and deemed permanently ineligible for political office; but also that there be special judicial treatment for members of the Armed Forces convicted of those crimes. Some describe these as minimum requirements, others as a starting point in negotiations. Uribe has said Santos has the right to continue peace talks – the plebiscite binds him, but only as it concerns the agreement signed in September – and that the opposition will not directly negotiate with FARC.

The opposition assumes it has public backing for a new agreement. Government figures fear Uribe may have little genuine interest in saving the peace talks, wishing instead...
to weaken the government ahead of the 2018 presidential election. But the power shift is not as overwhelming as it may appear. Santos and FARC could conceivably reach a new peace deal with some key changes without Uribe’s involvement. A second plebiscite would be politically desirable if the deal lacks his support, but not legally required.

Santos used his executive power to extend the bilateral ceasefire until 31 October, but convincing the FARC to accept any changes to the deal is challenging. Though guerrilla leader Timochenko has reiterated his desire to end the conflict, it is hard to see how FARC could accept many of the opposition demands. Even the opposition’s preconditions for renewing talks – concentration of insurgents in cantonments – is highly problematic. Exploratory negotiations with Colombia’s second guerrilla group, the National Liberation Army (ELN), failed in 2007 because Uribe insisted it assemble its forces ahead of talks.

Negotiating a way forward

The vote exposes deep divides in society. Containing efforts to make partisan gain from what are now in effect tripartite talks would badly strain the peace process. International support continues to be essential. Norway and Cuba, as guarantors of the negotiations, are complemented by others, including Venezuela and Chile as witnesses and U.S. and European Union (EU) envoys. Thirteen Latin American presidents attended last month’s signing ceremony. All must now use their influence to persuade the actors to put aside political calculations and act in the long-term national interest.

The U.S., complemented by new center-right presidents in Brazil, Peru and Argentina, should remind Uribe that achieving peace is imperative. Other Latin American nations and the UN Mission should assure all sides of willingness to ensure fair implementation of the final deal. The EU should be encouraged to use its trust fund for peace in Colombia creatively to kick-start the reintegration process and implement rapid-impact development projects as soon as a new accord is reached.

These confidence-building measures are essential given that three sets of interlocked negotiations will now begin, each needing tangible results fast. The first is between the opposition and Santos. Likely compromise areas are harsher punishments, including jail time for those convicted and most responsible for crimes against humanity and tougher restrictions on political participation for FARC leaders. Proposals must be realistic. Uribe may feel he has little to lose if Colombia returns to war, but if he appears to be willfully blocking peace with exorbitant demands, such as stripping rural reform from the accord, he risks being seen as responsible.

The second is between the outcome of the Santos-opposition talks and FARC. The latter can gain political capital by showing it accepts new conditions but may have little interest in complying with harsh demands resulting from a referendum it did not want. A fragile negotiation may move forward slowly as the government tries to find a balance to satisfy FARC and Uribe. Ceasefire extension beyond October will be essential.

The third will be within FARC, to adjust the deal in a way acceptable to its fighters. The risk of schism is higher than ever before in the peace process, and its leaders will be tested.

Every effort should be made to keep the opposition on board during the new negotiations. At the same time, no one, including Uribe, can be given a veto if a revised agreement is negotiated with tougher but reasonable conditions on the FARC.

Moving forward without the opposition would be very risky for both Santos and FARC. It should only be attempted if they, the international guarantors and other witnesses are convinced they have a good faith agreement meeting the major “no” vote objections. Nothing will be easy; international partners’ constant attention will be required. Avoiding return to conflict will demand sacrifices from all sides.”

Previously:
Nicholas Casey, "FARC Rebels in Colombia Reach Cease-Fire Deal With Government."
The New York Times, June 22, 2016, http://www.nytimes.com/2016/06/23/world/americas/colombia-farc-peace-deal-rebels-cease-fire-santos.html?ref=todayspaper, reported, "The Colombian government and the country’s largest rebel group said Wednesday that they had agreed to a cease-fire, clearing a major hurdle in the effort to end one of the world’s longest-running conflicts.
In a joint statement, the two sides said that they had overcome some of the most intractable parts of a peace deal, which they have been negotiating in Havana since 2012.
In addition to a cease-fire, the rebels — known as the Revolutionary Armed Forces of Colombia, or the FARC — agreed to lay down their arms.
The two sides said they would hold a ceremony in Havana on Thursday to mark the cease-fire, attended by Colombia’s president, Juan Manuel Santos, the FARC leader Rodrigo Londoño and other Latin American leaders. Negotiators hope a final peace deal will be reached in the days or weeks to come."
"The agreement sets in motion an end to the region’s oldest conflict. An estimated 220,000 people have been killed in more than 50 years of fighting between the guerrillas and the government. More than five million people are estimated to have been displaced.
"The agreement to lay down arms sets the stage for what will be one of the largest demobilization of guerrilla fighters in years. An estimated 7,000 FARC foot soldiers and commanders would be expected to disarm. Many were kidnapped as children by the guerrillas and know no other life than one with the rebels."
"Under a related agreement reached last year during the negotiations, FARC soldiers would enter into a “transitional justice” system, with reduced sentences for those who confess to crimes that took place during the conflict. In many cases, the punishments are expected to be limited to community service."
"Many FARC leaders have been killed and the group has suffered from mass desertions in its ranks. It counted 17,000 members in the early 2000s, a group that is estimated at 7,000 or fewer today."
into a regional menace and the responses of the Lake Chad basin states and their allies."

And continuing: ICG, "On the Verge of Peace: Colombia Reaches Final Agreement with the FARC: The comprehensive Colombia peace deal faces major challenges, including a 2 October plebiscite, disarmament and UN verification. But after four years of talks in Cuba, Colombians have passed a new landmark in the long search for an end to 52 years of armed conflict, Statement Latin America & Caribbean, August 25, 2016, https://www.crisisgroup.org/latin-america-caribbean/andes/colombia/verge-peace-colombia-reaches-final-agreement-farc, commented, "Crisis Group welcomes the 24 August announcement in Havana that Colombia and the Revolutionary Armed Forces of Colombia (FARC) have reached a final peace agreement. This is a landmark in the long search for an end to 52 years of armed conflict. After two failed attempts at negotiating peace with the largest guerrilla group over three decades, exhaustive and painstaking talks behind closed doors have led to a final agreement that aims to remedy the cause of the conflict, provide redress for its victims, and ensure that the FARC can eventually become part of the country’s democratic system.
The deal is the fruit of four years of talks in Cuba, including agreements on comprehensive rural reform; strengthening guarantees for political opposition; major reforms to drug policy and coca crop substitution; a truth commission; a special judicial apparatus to hear cases of the most serious human rights violations committed in the conflict; FARC’s reincorporation into civilian life; and seats for FARC in the Congress, among other issues. A special UN mission is already deploying to monitor and verify the weapons abandonment process, bilateral ceasefire and cessation of hostilities.
The final points negotiated included FARC’s participation in the political system and reintegration into civilian life. It will contest the 2018 congressional elections and be
guaranteed a small number of seats in the Senate and House of Representatives. Until then, FARC can choose three civilians as non-voting representatives in the Senate and three in the House.

While the accord is cause for celebration, major challenges remain in the six to nine months ahead as Colombia transitions from war to peace. The most immediate is the 2 October plebiscite, when citizens will vote on the package, with the result binding on President Juan Manuel Santos. Low approval ratings and discontent with aspects of government performance dog him, while the opposition led by popular ex-President Álvaro Uribe, has targeted its campaign at the most controversial aspects of the peace deal: that convicted FARC members may avoid jail, although those most responsible for the most serious crimes still will face deprivation of liberty for several years, and guaranteed seats in Congress. The opposition also argues that it would renegotiate the deal to achieve better terms, which is generally considered to be unrealistic.

Approval of the deal is far from a given. Proponents will have to argue simply and effectively and separate the merits of peace from the perceptions of government performance. The government has already begun to educate the public about the content of the accords. The FARC also has a role. It must start to gather its forces and destroy some weapons before the vote. Expressing remorse for its worst abuses against civilians, such as kidnapping and extortion, would go a long way toward convincing voters that it will fulfil the agreements in good faith.

FARC began to move off a war footing last year with an informal ceasefire, but its full transition will begin with the weapons abandonment process, set to last six months from the official signing of the agreements in late September. A detailed timeline, UN mission verification and clear protocols indicate the process has a robust framework. In light of the extermination campaign that met the FARC’s efforts to join the political system in the 1980s, however, concerns will focus on the security of fighters who leave the 23 cantonment and eight smaller sites where the guerrillas will concentrate. Efficient, flexible application of the security protocols will be essential. Security of the communities FARC formerly controlled will also be fundamental. These often have a hostile relationship with army, and the presence of illegal economic activities, above all coca cultivation and mining, will tempt other armed groups to seize vacated territory.

One such armed group could be the National Liberation Army (ELN), the second-largest guerrilla force, with an estimated 1,800 combatants and a strong presence in border areas with Venezuela. The government and ELN announced separate peace talks in March but have yet to convene the first round and are locked in a stalemate. Monitoring and verifying a cessation of hostilities in a context of ELN and other armed groups is sure to be a main challenge in the immediate post-conflict era.

FARC will also have to maintain internal cohesion during the transition to guarantee it can fulfil its side of the agreements, including stopping all forms of violence against the armed forces and civilians. Risk of dissident and divided units breaking away has been confirmed by events in the FARC’s First Front, which operates in the south-east province of Guaviare and has stated that one of its factions will not take part in the peace process. There is strong evidence that other FARC units are divided. Attacks have already been attributed to them, and in some areas, fighters have joined the ELN.

The government also has the challenge of creating goodwill, both in areas long affected by violence and state abandonment, and also in zones expected to host cantonments. State legitimacy in many of these places is close to nil. The government must begin a sustained dialogue as it implements projects to stabilize territory and re-introduce its authority.

Finally, the UN mission tasked with monitoring and verifying arms abandonment, ceasefire and cessation of hostilities is essential for both the parties and society to trust that the
deal will be fulfilled. Managing the expectations of local communities while remaining within its limited mandate will be challenging. Collecting and channeling reliable information from and through a plethora of national and international actors will be difficult. And as it resolves disputes over possible violations, it will be under pressure to take sides, especially against the FARC. To make informed decisions, it will need to consult with delegates from the guarantor nations, Norway and Cuba. The international community, especially but not only the U.S. and European Union, will on occasion need to publicly support its tough decisions during a turbulent period."

ICG, "Colombia’s Final Steps to the End of War," Latin American & the Caribbean Report 58, September 7, 2016, https://www.crisisgroup.org/latin-america-caribbean/andes/colombia/colombia-s-final-steps-end-war, https://www.crisisgroup.org/latin-america-caribbean/andes/colombia/colombia-s-final-steps-end-war, commented, "To convert August’s historic peace deal into a durable end to 52 years of conflict, the government and FARC rebels must redouble efforts to achieve a full cessation of hostilities, a successful plebiscite, and UN-monitored ceasefire and weapons handover process."

I. Executive Summary

Painstaking negotiations have brought Colombia to the verge of peace with its main insurgency, the Revolutionary Armed Forces of Colombia (FARC). Over half a century of armed conflict, leaving over 220,000 dead, displacing six million and imprinting poorer regions and the central state with deep divisions and lingering grudges, appears close to an end. On 23 June, the parties announced a detailed plan to gather FARC fighters in 28 zones to lay down arms. The insurgency’s 15,000 combatants and militia members are then soon to resume civilian life, while it seeks to convert its radical ideology into a force able to compete in a democratic system. A final peace deal, unveiled on 24 August, resolved the last disputes and brought together earlier agreements to initiate an ambitious scheme of transitional justice; rescue rural Colombia from stark inequalities; further open up the country’s democracy; and begin, with FARC help, a program to replace coca cultivation with licit crops and off-farm economic opportunities.

However, peace faces real perils. The deal finalized in Havana has the blessing of the government and guerrilla leadership but not yet full support from the broader public or the entirety of FARC. The next six to nine months pose major tests that, unless dealt with effectively, threaten to derail the agreement, narrow its impact on guerrilla combatants or fail to prevent the chronic reproduction of violence in the outback.

Trading heavily on the unpopularity of President Juan Manuel Santos’s government, opposition has surged under the influence of ex-President Álvaro Uribe, the principal antagonist of the peace process. If the 2 October plebiscite to approve the peace accords fails, Colombia will most likely suffer political convulsions and a return to war.

Even if the plebiscite succeeds, the relief in government quarters may be brief. The ceasefire and FARC’s laying down arms hinge on how the transition takes shape at the grassroots. In light of the extermination campaign to prevent FARC’s political participation after a ceasefire agreement 32 years ago, the real and perceived security of ex-combatants is fundamental to the success of the early post-conflict period. Local vendettas against guerrillas, unhappiness of some FARC fronts with parts of the agreement and moves by other illegal armed groups to seize former FARC-controlled territory, coca fields and illicit businesses pose acute risks to a delicate transition.

Clear approaches to these and other dangers should help the state and guerrilla leaders steer through the turbulence. A strong communications strategy to educate people about the contents of the peace agreements would help the “yes” vote in the plebiscite. Campaign efforts will have to delink the agreement from the government’s perceived performance and focus on rebutting the opposition’s exaggerated charges that FARC war
criminals will not serve jail-time. FARC should help by showing goodwill and remorse.

Strict security protocols for protecting FARC combatants, already agreed, should be fine-tuned as the group proceeds to lay down its arms. It is up to the military and other state actors, however, to ensure that the power vacuums left by the insurgency are occupied quickly and conflict-affected communities feel some affinity to a state they have long regarded as distant and brutal. Throughout these multiple challenges, the initial UN Mission will aim to monitor and verify the ceasefire and handover of weapons. Given society’s extreme polarization, both cause and legacy of the FARC uprising, it must be the neutral arbiter, entrusted with the group’s weapons, watching over the cantonments and investigating and reporting ceasefire violations. Its mandate is narrow, time-limited and difficult.

To fulfill that mandate, the mission will have to handle carefully the expectations of communities and maintain dialogue with them to acquire crucial details on any possible violations. It will have to navigate the dynamics of other illegal armed groups still active in the countryside and accurately assess all violations. When disputes between FARC and the government occur, it could find itself on fragile ground. Informally consulting with Norwegian and Cuban delegates to the peace talks could be useful, while the international community will occasionally need to voice support for the mission’s ongoing role.

Colombia has been in tougher times in over 50 years of conflict. Its response to these hurdles will decide if the war ends or continues into the next generation.

II. Recommendations
To achieve approval of the peace agreement in a legitimate plebiscite
To the government:

1. Implement a clear communications strategy to educate citizens on the peace deal that emphasizes peace dividends for victims and conflict-affected communities, especially how justice will be applied, while being sensitive to differing urban and rural concerns.

2. Coordinate with but respect the independence of political parties and civil society campaigns for peace and guarantee rights and assure a level playing field to opponents of the agreement, including in civil society.

3. Apologize publicly for the state’s role in certain events in the war, including the extermination of the Patriotic Union (UP) party, abandonment of rural communities and/or abuses by security forces.

To the FARC:

4. Carry out goodwill gestures such as partial concentration of forces, symbolic destruction of unstable weapons and/or the release of all children under the age of fifteen in its ranks, to show benefits of peace before the plebiscite vote.

5. Apologize publicly for specific and/or systematic abuses such as extortion and kidnapping, and cooperate with the International Committee for the Red Cross in the Commission to Search for Disappeared Persons.

6. Publicly announce and abstain from coercing local populations to vote or vote a certain way in the plebiscite.

To assure an effective transition from war to post-conflict
To the government and FARC:

7. Carry out activities to promote reconciliation between conflict-affected sectors, FARC and the state, including short-term projects that can be done with community participation while the guerrillas lay down their weapons. Define long-term reincorporation activities to be carried out in the cantonment sites, individual and collective in nature, and tailored to gender, age, and ethnic differences.

To the tripartite mechanism:

8. Establish and sustain dialogue with local communities in and near the cantonments on their
concerns, and purchase supplies as much as possible from local providers while doing no harm to local economies.

9. Establish quickly a space in which security incidents against FARC members who travel outside the cantonments can be reviewed, and change security protocols when necessary.

To FARC:

10. Select, before the ceasefire finishes, the members who will assume official roles in implementing the peace agreements, taking account to the greatest extent possible their transitional justice obligations.

To the armed forces:

11. Carry out activities to create the groundwork for reconciliation with conflict-affected communities that mistrust military and police forces and simultaneously time movements into territories adequately to minimize the risk of illegal armed groups taking over.

To the UN mission:

12. Establish continued dialogue with local authorities and communities to explain its mandate, gain information and maintain independent relationships.

13. Establish and lead regular meetings between actors working on the ground in areas close to cantonments to exchange pertinent information and consult, when necessary, with the delegates from guarantor nations when making decisions in the high-level dispute resolution process.

14. Begin planning for the three-year expanded mission while FARC lays down its weapons and the ceasefire is being implemented, monitored and verified.

To the international community, in particular the U.S. and European Union:

15. Give the UN mission urgent political support as and when crises arise and the mission and tripartite mechanism the technical support they request.

16. Give sustained support to finance community projects in post-conflict areas, especially in and around zones where FARC will lay down its weapons, and back the post-conflict ministry’s Rapid Response Strategy.

17. Explore the means to support FARC reincorporation activities financially after the group finishes laying down its weapons.

To the international community, in particular Latin American governments:

18. Maintain support for the peace process, independently of other issues that cause regional tensions."

"A Yukpa Woman Demands Justice," Cultural Survival, June 27, 2016, https://www.culturalsurvival.org/news/yukpa-woman-demands-justice, June 27, 2016, reported, Sabino Romero, chief of the Indigenous Yupka community in the Sierra of Perijá, Venezuela, was murdered in March of 2013. The Yupka community claims that the suspected murderers were hired by cattle ranchers attempting to take the ancestral lands of the Yupka people. Romero was a lands activist who defended his community’s ancestral lands from cattle ranchers and mining companies. He was a prominent force in the struggle the take back Yupka lands and worked tirelessly to voice the concerns of his community, urging the government to stop the destruction of their homes.

In a letter to the Venezuelan Attorney General below, issued in June 2016, his wife, Lucía Martínez, demands that the government take action against her husband’s murderers and bring justice for the Yupka community. Lucía Martínez argues that in the fight for their lands, the homes and families of the Yupka community are continuously threatened everyday by the violence that continues to ensue in the Sierra of Perijá, and by a government that does not bring those responsible to justice.

"Letter from Lucía Martínez, wife of the Chief Sabino Romero Izarra to the Attorney General of the Republic, Luisa Ortega Díaz: Luisa Ortega Díaz
Public Prosecutor of the Bolivian Republic of Venezuela

I, Lucia Martínez Romero, carrier of the identity card Number 13.707.493, indigenous Yukpa woman, resident of the Chaktapa community of the 'Sierra de Perijá,' parish of Liberty of the municipality Machiques of Perijá of the state of Zulia of the Bolivian Republic of Venezuela, widow of the Chief Sabino Romero Izarra murdered in my presence and in that of my youngest son in the community Yukpa Tukuko on March 3rd 2013; during this incident I was also was injured.

In my dual capacity as a victim, I would like a written response explaining the reasons why the Attorney General’s office refuses to bring to trial the intellectual actors who paid the hired killer El Manguera to assassinate my husband Sabino Romero Izarra. We know as the Yukpa communities of Yaza who were the cattle ranchers that were paid to kill us.

In November of 2015 the deputy Attorney General, Joel Gerardo Espinoza Dávila informed me personally in his office, that day I went accompanied by the President of the Presidential Commission of Family Members of Victims of Assassin Maite García, that the trial against the intellectual actors of the assassination of the Chief Sabino Romero Izarra would be realized by the end of the year. The two (2) previous trials of those who participated in the assassination: the five (5) policemen of Machiques and the cattle rancher hit man El Manguera, were led by Judge Vanessa Yajaira List Lures of the Tribunal Number 17 of the moving trial of the Metropolitan Area of Caracas and of the Fiscal Number Number 38 of the District Attorney’s office, lawyer Edgar Angulo Betancourt.

Before these said trials began, the District Attorneys Espinoza Dávila and Angulo Betancourt had informed us the same thing: separate the trial into three (3) parts: first the five (5) policemen, then to the hit-man Angel Romero Brach alias El Manguera, and lastly to the two intellectual actors, the cattle ranchers of Gardena.

The District Attorney General Laura Alvarez assigned to the General Direction of Processing Action informed on Monday the 14th of the present month by telephone that the case was closed. However, this is strange now that the Attorney General’s Office seems to have changed its mind.

Neither the Assistant District Attorney, Joel Gerardo Espinoza Davila, nor the District Attorney 38 of the District Attorney’s Office, lawyer Edgar Angulo Betancourt, currently work in this department. We do not have witnesses to what these two (2) District Attorneys had said. To this date nobody in the Attorney General’s Office has informed me of this arbitrary and illegal decision.

All of my rights as a dual victim have been violated, there is no consideration to the indigenous population or to the defenders of human rights of Indigenous communities, for I am a member of the Association of Indigenous Yukpa Women of the Sierra of Perijá, “Oregano Kakapo Toned”

We demand to the Attorney General’s Office of the Republic, lawyer Luisa Ortega Diaz, justice like we demanded before the death of Sabino and again we demand it now that he is dead, and those who ordered his assassination continue to trample us without any mercy. They continue to be free among the streets of Machiques and the trails of the Mountains “Sierra de Perijá,” they still have in their power many of our original and ancestral lands among where my husband, my father in law, my son in law, and six more of us have died from Chaktapa. We fight for our territories that we have occupied for thousands of years. For this they murder us.

We want justice.
Chaktapa, Sierra de Perijá, June 2016.
Lucía Martínez Romero
Victim"
International, November 4, 2016, http://www.survivalinternational.org/news/11493, reported, "52 protestors have been acquitted of charges relating to the Baguio Massacre, one of the bloodiest episodes in recent Peruvian history.

The protestors, many of whom were indigenous, were accused of killing 12 policemen in June 2009. The massacre, which began as a peaceful demonstration, ended with at least twenty-three police officers, five Indians and five civilians dead, and more than 200 people injured. Unofficial reports suggest that the death toll was much higher.

The protest began when several thousand Awaji and Wimps Indians blockaded a highway at the ‘Devil’s Bend’ in the Peruvian Amazon. They were demonstrating against the Peruvian government’s plans to strip the Indians of their rights and open up the Amazon to oil drilling and mining. The plans were a product of a 2006 free trade agreement between Peru and the U.S.

Peruvian security forces were sent to the blockade to break it up. The subsequent violent confrontation has been the subject of a Survival report, and a recent film. Peru’s national indigenous organization AIDESEP is now calling for the true perpetrators of the violence, including ex-president Alan García, to be brought to justice.

Since the massacre, several of the controversial decrees that were being protested have been repealed. Peru now has a law designed to guarantee indigenous peoples’ right to free, prior and informed consent to any projects affecting them and their lands.

However, more than 70% of the Peruvian Amazon has been allocated to oil companies."

"Revealed: ‘Master plan’ to open up uncontested tribe’s Park to Big Oil," Survival International, October 6, 2016, http://www.survivalinternational.org/news/11438, reported, "Survival International has learned that the Peruvian government is developing a ‘Master Plan’ for a new national park that could pave the way for large-scale oil exploration. This will threaten the lives and lands of several uncontested tribes. The area, known in Spanish as the Sierra del Divisor [“Watershed Mountains”], is part of the Amazon Uncontacted Frontier, the region straddling the Peru-Brazil border that is home to the largest concentration of uncontested tribal peoples on the planet.

A new plan for the area currently being drafted by Peru’s national parks agency SERNANP could enable oil companies to enter the park. It has further been reported that the new government wants to change the law to make it even easier to open up national parks to oil and gas operations.

The Sierra del Divisor National Park was created in 2015 to protect the region. The new plan could wipe out the uncontested Indians, not all of whom have been recognized by the authorities.

A contacted Matsés woman said: 'Oil will destroy the place where our rivers are born. What will happen to the fish? What will the animals drink?'

In 2016, Canadian oil company Pacific E&P cancelled a contract to explore for oil on nearby contacted Matsés territory, in the face of stiff opposition from the tribe. However, it still has a contract to explore in the Watershed Mountains.

In 2012, it conducted the first phase of exploration, which Survival International and contacted Matsés campaigned against. The more vulnerable uncontested members of the tribe are still at risk, and not in a position to consent or object to the project. The environment that they have depended on and managed for millennia could be destroyed.

The oil exploration process uses thousands of underground explosions along hundreds of tracks cut into the forest to determine the location of oil deposits. Uncontacted tribes are the most vulnerable peoples on the planet. All uncontested tribal peoples face catastrophe unless their land is protected.

With a new Peruvian government in place, Survival and the indigenous organizations AIDESEP, ORPIO and ORAU are urging the government to think again. Survival’s Director Stephen Corry said: 'It’s in all our interests to fight for the land rights of uncontested tribes,
because evidence proves that tribal territories are the best barrier to deforestation. Survival is doing everything we can to secure their land for them."


"A Canadian oil company has pulled out of the territory of an Amazon tribe in Peru. In July 2016, Pacific E&P cancelled its contract to explore for oil, in the face of stiff opposition from the Matsés Indians.

The Matsés’ resistance has prevented the oil company from starting its first phase of oil exploration.

Oil exploration is devastating for tribal peoples. The process uses thousands of underground explosions along hundreds of tracks cut into the forest to determine the location of oil deposits.

The explosions scare away animals, leaving little food to hunt, and the whole process causes enormous disruption.

A Matsés woman said, 'Oil will destroy the place where our rivers are born. What will happen to the fish? What will the animals drink?'

The Indians are now campaigning for the oil concession to be cancelled, and to stop the Peruvian authorities awarding a new contract to a different oil company.

Pacific E&P still plans to press ahead with exploration nearby in an area where uncontested Matsés Indians are known to live.

All uncontested tribal peoples face catastrophe unless their land is protected. Whole populations are being wiped out by genocidal violence from outsiders who steal their land and resources, and by diseases like flu and measles to which they have no resistance.

Any oil exploration will devastate the tribe and Survival is campaigning to stop it."

"UN expert raises alarm as Brazilian Indians fight 'genocide,'” Survival International, September 27, 2016, http://www.survivalinternational.org/news/11427, reported,

"A UN expert has warned that the Brazilian government is failing to recognize the rights of the country’s indigenous peoples after seeing first hand their shocking conditions. Many tribes around the country are subjected to genocidal violence by outsiders intent on stealing their lands and resources.

Victoria Tauli-Corpuz, the UN expert on indigenous peoples, highlighted the 'regression in the protection of indigenous peoples’ rights' in Brazil, noting: 'Despite the hardships [Brazilian Indians] have endured, they remain unwavering in their resolution to preserve their lands... and to determine their own futures.'

Many tribes suffer from disease and malnutrition, communities are attacked and leaders are killed. According to a new report by the Brazilian NGO CIMI, 137 Brazilian Indians were killed in 2015.

Several indigenous leaders traveled to Geneva last week, to participate in a meeting at which Tauli-Corpuz presented her findings.

Eliseu Lopes, a Guaraní leader, told the UN: 'We have no water or proper food. We are human beings, but they spray pesticides as if we were pests... Despite the killing of our leaders and the massacre of our people, we will keep fighting for our ‘tekoha’ (ancestral land).'

The Guarani are forced to live in appalling conditions on roadsides and in overcrowded camps following the theft of their land for large scale plantations. The Guarani and dozens of other tribes are campaigning against ‘PEC 215,’ a proposed change to the constitution which would drastically weaken their land rights, making a return to their land almost impossible.

The indigenous delegation called for their lands to be protected as a matter of urgency. Their futures are at stake as anti-indigenous politicians are gaining ground in
Congress. President Temer has threatened further cuts to the budget of Brazil’s indigenous affairs department, FUNAI, to levels which would prevent it from doing its job and leave indigenous territories at the mercy of invaders.

Survival and its supporters around the globe are calling for PEC 215 to be scrapped and for indigenous land rights to be upheld. Without their land, tribal peoples face catastrophe.

In her report, Tauli-Corpuz also emphasized that indigenous peoples are the best conservationists and guardians of the natural world. But in many cases they are being illegally evicted from their ancestral homelands in the name of conservation.

Tauli-Corpuz noted that conservation attempts have been “associated with human rights violations against indigenous peoples in many parts of the world” and called for 'States and conservation organizations to actively promote the rights of indigenous peoples.'”

"Xukuru-Kariri indigenous leader assassinated in Brazil," Survival International, October 18, 2016, http://www.survivalinternational.org/news/11472, reported, "A Brazilian Indian leader at the forefront of his people’s struggle to reclaim their ancestral land has been assassinated.

João Natalício Xukuru-Kariri was reportedly stabbed to death outside his home. Reports suggest that two men killed João, but their identities have not been confirmed. Seu João, as he was known, was heavily involved in the Xukuru-Kariri tribe’s campaign to live on their ancestral land, a right enshrined in Brazilian and international law.

Another Xukuru-Kariri leader told the Brazilian support group CIMI: 'The region has a history of violence resulting from the land struggle. Seu João was a respected leader of our people.'

Land theft is the biggest problem the Xukuru-Kariri and other tribal peoples face. Around the world, industrialized society is stealing tribal lands in the pursuit of profit. But for tribal peoples, land is life. It fulfills all their material and spiritual needs.

Brazil’s Congress is currently debating a proposal to drastically weaken indigenous peoples’ land rights, which, if implemented, would be catastrophic for tribes nationwide and would further worsen their plight.

The key to indigenous peoples’ prosperity is to ensure their land remains under their control. The Xukuru-Kariri, alongside dozens of other tribes and their allies, are calling for the proposal to be scrapped.

Survival’s global call against the proposal, known as “PEC 215,” has so far generated over 13,000 protest emails to Brazil’s Congress."


Waves of loggers are invading the territory of one of the most vulnerable peoples on the planet. The Indians, known as the Last of the Kawahiva, are the survivors of a larger tribe who have been killed or died of disease.

One group of loggers was recently caught by agents from FUNAI, Brazil’s Indigenous Affairs department. However, as the loggers have local political support, and FUNAI agents do not have the power to arrest suspects, the men were released. Further waves of loggers have since entered the territory.

The crisis has raised concerns among campaigners that the tribe and their rainforest home could be destroyed entirely.

In April 2016, the Brazilian Minister of Justice signed a decree to create a protected indigenous territory on the tribe’s land to keep loggers and other intruders out. This was a big step forward for the Kawahiva’s lands and lives, and followed pressure from Survival’s supporters around the world. However, the decree has yet to be properly enacted and now the small team who are working to protect the land are facing severe budget cuts.
Jair Candor, an experienced FUNAI agent, said: 'The Kawahiva are trapped. If any contact happens, it will be devastating for them. The only way to ensure their survival is to map out the land and put in place a permanent land protection team. Otherwise, they will be relegated to the history books, just like so many other tribal peoples of this region.'

Oscar-winning actor Mark Rylance has narrated a film to highlight the tribe’s plight [available at: http://www.survivalinternational.org/news/10930].

Survival’s Director Stephen Corry said: 'Brazil committed to protecting the Kawahiva’s land in April, but with the government dragging its heels an urgent and horrific humanitarian crisis is unfolding. The Kawahiva’s land is still being invaded and their forest is still being destroyed. It’s time for Brazil to take action as it promised, before the genocide of an entire people is complete.'

"Brazil: Amazon fires threaten to wipe out uncontested Indians," Survival International, August 18, 2016, http://www.survivalinternational.org/news/11391, reported, "Forest fires are raging in an indigenous territory on the edge of the Brazilian Amazon, threatening to wipe out uncontested members of the Awá tribe. Small groups of neighboring Guajajara Indians were forced to spend days attempting to contain the blaze in the absence of government agents, until an Environment Ministry-led fire-fighting operation began last week.

Forest fires started by loggers destroyed over 50% of the forest cover in the territory in late 2015. The Environment Ministry has stated that the situation is ‘even worse this year.’

Zezico Guajajara warned the NGO CIMI that the flames are approaching the uncontested Awá, and said: 'We’re in a real battle here and we need help.' Campaigners are concerned that the current wave of fires could wipe out the tribe and are calling for urgent action.

Uncontacted tribes are the most vulnerable peoples on the planet. Tribes like the Awá are being wiped out by violence from outsiders, and by diseases like flu and measles to which they have no resistance. Unless their land is protected, they face catastrophe.

Among those fighting the fires are members of the 'Guajajara Guardians,' who live in and frequently patrol the area in an attempt to crack down on illegal logging, and protect their uncontested neighbors who are living on the run.

Olimpio Guajajara, the leader of the group, said: 'We are defending our territory, so that the uncontested Awá can survive. We have managed to reduce the number of loggers on our land and we hope to force all of them out. Otherwise, the Awá could be wiped out. We just want them to be able to live in peace.' The Guajajara Guardians are receiving very little support from the Brazilian government, despite promises of assistance. Unless they have the resources they require to conduct their expeditions, the territory remains open to invasion.

Tribal peoples like the Guajajara and Awá have been dependent on and managed their environment for millennia. Evidence proves that tribal peoples are better at looking after their environment than anyone else. They are the best conservationists and guardians of the natural world.

If properly protected, tribal territories are the best barrier against deforestation.

Survival’s Director Stephen Corry said: 'This is an urgent and horrific humanitarian crisis. The Brazilian authorities know that fires are going to break out in the dry season, and that they could decimate uncontested peoples. Brazil needs to take its eyes off the Olympics and focus proper attention on stopping the annihilation of its tribal peoples.'"

"Brazil: “Harpy Eagle” tribe and uncontested neighbors in Amazon face annihilation,"
Survival International, October 26, 2016, http://www.survivalinternational.org/news/11476, reported, "Waves of ranchers and other settlers are overrunning the territory of a recently-contacted Brazilian tribe with the support of local politicians. It is being described in the region as ‘the worst land invasion in decades’ and could wipe out nearby uncontested people.

The Uru Eu Wau Wau Indians are known as the ‘Harpy Eagle’ people, as they use the bird’s huge feathers to make hunting arrows and headdresses. They call their uncontested neighbors the Jururei, meaning ‘brave ones.’

We know very little about uncontested peoples, but we do know that whole populations are being wiped out by genocidal violence from outsiders who steal their land and resources, and by diseases like flu and measles to which they have no resistance. The Uru Eu Wau Wau were decimated following first contact in the 1980s.

The Rôndonia state government operates a long-standing colonization scheme next to the tribe’s territory. Settlers are now entering the territory, despite the fact part of it is a national park, and three groups of uncontested Indians live inside it. Local landowners and politicians are now promoting a new wave of invasion.

Aerial photos show large areas of the tribe’s territory being burned down by settlers clearing the land. As well as several tribal peoples, the region is also home to unique Amazonian pine trees as well as a distinctive landscape of waterfalls, cave formations and plateaus. Endangered species like the black shouldered opossum, giant armadillo, and razor billed curassow depend on these environments for their survival.

Members of the tribe wrote to federal police on August 8, but the authorities have yet to act. In the letter, the Indians said: 'We are very worried because the invasions are close to our villages and putting the lives of women, old people, children and men at risk…. The situation is extremely serious and the invaders must be removed quickly before Indians and invaders die in confrontations inside the indigenous territory.'

The Uru Eu Wau Wau tribe was contacted by Brazilian government agents in 1981. Official policy at the time was to forcibly contact uncontested tribal peoples. This led to them being exposed to infectious diseases.

Although the tribe’s land rights were officially recognized in 1991, campaigners are concerned that not enough is being done to protect their hugely biodiverse homeland. Uncontacted tribes are the most vulnerable peoples on the planet, and face catastrophe unless their land rights are respected.

Survival’s Director Stephen Corry said: 'Land theft is the biggest problem tribal peoples face. Around the world, industrialized society is stealing tribal lands in the pursuit of profit. What’s happening in Brazil is simply a continuation of the invasion and genocide which characterized the European colonization of the Americas and it’s time this land theft was recognized for the serious and deadly crime it is. Uncontacted peoples’ right to their land is protected in Brazilian and international law and government should respect this.'"

"Brazilian experts blast US academics’ call for uncontested tribes to be forcibly contacted, “Cultural Survival, July 7, 2016, http://www.survivalinternational.org/news/11347, reported, "The Brazilian government’s Indigenous Affairs Department (FUNAI) has severely criticized the authors of a controversial editorial in Science magazine who called for forced contact with uncontested tribes.

In an open letter criticizing controversial anthropologists Kim Hill and Robert Walker, uncontested tribes experts at FUNAI stress the threats facing uncontested peoples. These include violence from outsiders who steal their land and resources, and diseases like flu and measles to which they have no resistance. They reject what Hill and Walker call ‘controlled contact’ as 'a severe violation of these peoples’ right to determine their own lives.'

They added: ‘We feel compelled to express our disagreement with the ideas of some anthropologists… that ‘controlled contact’ is the only possible strategy for protecting these
peoples.

There is never absolute control in contact situations, even in cases when the teams have all the resources they need to operate efficiently.”

In the editorial Hill and Walker acknowledged the devastating impact first contact can have, but claimed that “controlled contact” is “a better option than a no-contact policy” and should be initiated after “conceiving a well-organized plan.”

FUNAI has joined the international call, led by tribal peoples, to protect uncontested tribes’ land rights and to give them the chance to determine their own futures. Several Brazilian NGOs, including CIMI, ISA and CTI, as well as Survival International, are campaigning for this right to be upheld.

Speaking as part of Survival’s Tribal Voice project, Olimpio Guajajara, an indigenous man from the eastern Amazon, rejected forced contact, saying: ‘We are aware that some anthropologists have been calling for ‘controlled contact’ with the uncontested Indians… We will not allow this to happen because it will be another genocide of a people… of an indigenous group which doesn’t want contact.’

Earlier this year, Survival’s global campaign for the Kawahiva, an uncontested tribe in Mato Grosso state, helped secure a protected territory for the tribe. Campaigners are now hoping that this statement from FUNAI will keep pressure on the interim Brazilian government to effectively protect uncontested peoples.

Survival’s Director Stephen Corry said: ‘Claiming that missions to forcibly contact uncontested tribes, even when “well-planned”, can save lives is naive, and flies in the face of history: first contacts across South America have almost always resulted in death, disease or destruction for the tribe involved. Why should it be any different in the future? The short answer is that it won’t be. Let’s be clear, forced contact is likely to be a death sentence for uncontested tribes. Uncontacted tribal peoples face catastrophe unless their land is protected and we’re doing everything we can to secure it for them’"


The São Luiz dam, planned for the Tapajós river, threatened to flood the Munduruku Indians’ forest and force many off their land.

The Munduruku, like all indigenous peoples, depend on their land for their survival, but industrialized society is trying to steal it and plunder its resources in the name of 'progress' and 'civilization.' The Munduruku have been firmly opposing the São Luiz dam, and dozens of others planned for the region.

The dam’s environmental license was shelved this week following the Munduruku’s resistance, pressure from public prosecutors and experts on the ground, and reports by Brazil’s Indigenous Affairs Department and Environment Ministry.

Alongside their struggle to stop the dams, the Munduruku have embarked on a landmark mission to map out their ancestral territory and protect it from illegal miners and loggers. The Brazilian government has failed to uphold its constitutional duty to do this, leaving the land open to destruction.

Munduruku leader Suberanino Saw said, 'Our struggle is dangerous, but we know we will win' 

Tribal peoples are the best conservationists and guardians of the natural world. Together with tribes across Brazil, the Munduruku are also protesting plans to change the law and drastically weaken indigenous peoples’ land rights. One of these plans, known as “PEC 215”, would give anti-Indian landowners and others the chance to block the recognition of new indigenous territories – and it might even enable them to break up existing ones.
Survival's 'Stop Brazil’s Genocide' campaign, launched in April 2016 for the run-up to the Olympics, is galvanizing global support for the Indians’ resistance against PEC 215, and calling for the protection of the land of uncontested tribes, the most vulnerable peoples on the planet."

"Olympics: Tribe facing “genocide” defies ranchers after baby’s death,” Survival International, August 4, 2016, http://www.survivalinternational.org/news/11371, reported, "On the eve of the Olympics, a tribe in Brazil has made a powerful statement to the ranchers who are destroying their land and subjecting them to genocidal violence and racism.

This follows a recent wave of violence and evictions, and the death of a seven-month-old baby in Apy Ka’y community in July.

Aty Guasu, the organization of Brazil’s Guarani tribe, said: 'You are killers and you continue to attack our tekohá [ancestral lands]. But we won’t retreat from the fight for our lands which were stolen from us. Every time you kill one of us, we will be stronger in our struggle. Every time you shoot at us, we will take a step forward. And for every grave, we will reoccupy more land. We guarantee this.'

Aty Guasu has also produced a video compiling footage of recent instances of brutality against the Guarani and featuring graphic footage.

Many Guarani Indians have been forced to live on roadsides and are attacked by gunmen or forcibly evicted if they try to reoccupy their ancestral land. In July, Guarani families were evicted from their ancestral land by almost 100 heavily-armed police officers. A baby subsequently died of malnutrition and exposure, as Guarani houses were bulldozed and the community was forced back into makeshift encampments on the roadside.

Earlier in 2016, several other Guarani communities were attacked by ranchers’ gunmen. One attack in Tey’i Jusu community led to one Guarani man being killed and several others – including a twelve year old boy – being hospitalized.

Over the past few decades, most of the Guarani’s land has been stolen by destructive agribusiness, and they live by the side of the road and in overcrowded reservations. Guarani children starve and many of their leaders have been assassinated. Hundreds of Guarani men, women and children have killed themselves, and the Guarani Kaiowá suffer the highest suicide rate in the world.

In a video made with equipment provided through Survival’s Tribal Voice project, Eliseu Guarani, a Guarani leader, said: 'Brazil will host the Olympic games this year, the government will be on the world stage and is trying to hide the situation we indigenous people face...We Guarani are being attacked, our leaders are being killed... and our land is not being returned to us, but these Olympic Games won’t show any of that. People around the world will watch these games and cheer and they’ll also be cheering our suffering.'

In April Survival International launched its “Stop Brazil’s Genocide” campaign for the run-up to the Rio 2016 Olympics, to draw attention to the situation facing tribes like the Guarani. Their lands, resources and labor are being stolen in the name of 'progress' and 'civilization.'

On July 31st Survival supporters demonstrated outside the Brazilian embassy in London.

The campaign is calling for the Brazilian government to uphold the law by protecting the Guarani, demarcating their land, prosecuting murderers and providing food for starving communities until they get back their ancestral land. It is also concerned with uncontested tribes – the most vulnerable peoples on the planet – and PEC 215, a proposed change to Brazilian law which would undermine tribal land rights and lead to the break up and exploitation of existing indigenous territories.

Watch: Guarani leader says no to PEC 215

Survival’s Stephen Corry said: 'An urgent and horrific humanitarian crisis is
unfolding across Brazil while the media’s eyes are diverted by the Olympic Games. The Guarani’s situation is not an anomaly, it’s the continuation of a centuries-old process of land theft, genocidal violence, slavery and racism. Scores of indigenous people are dying and being killed, tribes across the country are being annihilated. It’s difficult to exaggerate the severity of this crisis which will only end when tribal peoples are respected as contemporary societies and their human rights protected. Brazil needs to act now, before more tribes are destroyed.”


The company has moved to expand the railroad, but the Awá say the expansion will increase the number and size of trains which transport iron ore from the Carajás mine to the port of São Luis – and that this will make it harder for them to hunt for food. Carajás is the world’s largest open pit iron ore mine. To transport the iron ore, trains that are over 3 kilometers in length regularly hurtle through close to Awá territory.

The tribe are calling for a meeting with the company and FUNAI, the Brazilian government’s indigenous affairs department, so that their wishes can be heard and their rights respected.

On June 11 a large group of Awá families occupied a section of the railroad which runs alongside their land.

Following a meeting with Vale representatives last week (June 15), the Awá agreed to suspend the blockade on condition that the company upholds its agreement to mitigate the impacts on the Indians’ forest.

This is the first time that the Awá have blockaded the railroad on their own initiative and reflects their determination to hold Vale to account.

In April 2014 Survival’s international campaign succeeded in pushing the Brazilian government to evict illegal loggers and settlers who had destroyed over 30% of their central territory.

However, the Awá are still one of the most vulnerable peoples on the planet. Around 100 remain uncontested and are very vulnerable to diseases brought in by outsiders, to which they have no resistance.

Last year fires, possibly started by loggers, ravaged one Awá territory, home to the largest group of uncontested members of the tribe."
pregnant woman in a “situation of risk.” The law applies to everyone, including expectant fathers and other family members. All those who fail to report the pregnancy, whether real or merely suspected, commit a crime for which they can be prosecuted.

The mother and father are apparently to have few rights in this process. The proposed law does not allow them to challenge in court the potential decision to offer their child for adoption, once it has been taken away from them. It gives them no right to be told where their child has been taken, or to be provided with any other information about it, or even to maintain any relationship with it.

At a conference on the issue arranged by UNICEF in 2009, a Brazilian Indian said: “The draft law is racist because it does not consider or even mention that non-Indians kill their children much more. If the white people commit this crime more frequently than the Indians, why is a law just against Indians being pushed forward? The white people kill us and they are not detained. We face a racist law: our assassins are not incriminated by a specific law, but we are.”

Exaggerated reports of infanticide and other practices have long been used to undermine tribal peoples’ rights, even though they occur at least as frequently in industrial societies.

Survival’s Director Stephen Corry said: “The Rio 2016 organizers have made Indians out to be cruel and inhuman monsters, in the spirit of 19th century colonialist scorn for ‘brutal savages.’ In reality, tribal peoples are portrayed like this simply because their communal ways are different. Of course, some tribal individuals are sometimes guilty of acts of horrific brutality, but this is, of course, no more the case than for non-tribal individuals. Muwaji’s law represents a concerted attempt by fundamentalist missionaries to slander Indians as child-murderers, thereby making it easier to steal their children.”

On August 31, Brazilian President Dilma Rousseff was removed from office as President by a vote of the Brazilian Congress. Rousseff said she and her followers would continue to fight against what they considered a political coup (Simon Romero, "Dilma Rousseff Is Ousted as Brazil’s President in Impeachment Vote," The New York Times, August 31, 2016, http://www.nytimes.com/2016/09/01/world/americas/brazil-dilma-rousseff-impeached-removed-president.html?ref=todayspaper&_r=0).

"Paraguay: Government defies order to protect uncontested tribe," Survival International, September 13, 2016, reported, "The Paraguayan government has failed to act to protect a group of uncontested tribal people, despite having been ordered to do so in February of this year.

Six months ago the Inter-American Commission on Human Rights demanded that the government stop the deforestation of the Chaco, which suffers the highest rate of deforestation in the world, and protect the vulnerable uncontested Ayoreo Indians who live there.

However, the government has failed to stop the continuing clearance of the area’s forest, raising concerns that the uncontested Ayoreo Indians face annihilation. Several major ranching corporations are clearing forest to raise cattle in the Chaco, which is losing an average of 14 million trees per month. Deforestation continues and bulldozers have recently been heard on Ayoreo land.

Local organizations GAT and OPIT have been trying to persuade the government to act on the Commission’s demands but the government has so far done very little. One Ayoreo told Survival: ‘We don’t want to lose our land. It’s where our fathers and grandparents lived and where our relatives live now. We want our children and grandchildren to grow up in the land of our ancestors. We are claiming this land.’

Companies destroying the Chaco include Carlos Casado S.A. (a subsidiary of Spanish construction company Grupo San José), River Plate S.A, and Yaguarete Porá S.A, a Brazilian
Yaguarete previously received Survival International’s “Greenwashing of the year” award for trying to brand an area it had heavily deforested as a “nature reserve.”

Evidence proves that tribal territories are the best barrier to deforestation and therefore the best way to protect the Chaco is to uphold the Ayoreo’s land rights. Uncontacted tribes are also the best guardians of their environment. Their knowledge is irreplaceable and has been developed over thousands of years.

In August 2016, the UN examined Paraguay’s performance on racial discrimination. Survival International submitted a report on Paraguay’s human rights violations against the Ayoreo, which was considered in the session.

Survival’s Director Stephen Corry said: 'Unless Paraguay takes rapid action, the Ayoreo will become another statistic in the ongoing genocide of South America’s uncontested peoples. The situation couldn’t be more serious: the Ayoreo face catastrophe unless their land and forest is protected from these rapacious foreign companies.”

Ranquel communities in Argentina have been making progress that other Indigenous peoples in the country have yet to experience. The Ranquel communities have won a series of land rights settlements, transcribed their unwritten language phonetically into publications, and with their successes, made Ranquel heritage something to be proud about, and no longer hidden (Jonathan Gilbert, "After Centuries, Seeds of Hope for Indigenous Argentinians," The New York Times, September 12, 2016).


During German rule in Namibia, called South-West Africa back then, colonial officers studying eugenics developed ideas on racial purity, and their forces tried to exterminate two rebellious ethnic groups, the Herero and Nama, some of them in concentration camps."

As Nigeria manages to move against Boko Haram, in its North, other crisis come to the fore, presenting serious difficulties in themselves, and weakening the governments ability to act against Boko Haram. To begin with, the drop in oil prices has seriously injured the Nigerian economy, and the government's financing, 70% of which comes from oil. This has been exacerbated by a 25% drop in oil production in the delta following the rise of the Niger Delta Avengers, who have been attacking oil production and distribution facilities, stating that their aim is to free the Delta - which receives little financial benefit from its oil extraction, which causes considerable environmental and hence human harm - from oppression. The Avengers have been encouraging rebellion elsewhere in Nigeria.

In the center of Nigeria, there have been increasing battles between farmers and Fulani herdsman seeking grazing land for their cattle, as climate change and increased population make their own lands unable to provide sufficient grazing.

In the southeast, a new Biafran independence movement has been on the rise, rekindling the passions that led to a failed war of independence in the 1970s, that killed three million people in three years (Dionne Searcey, "Nigeria Finds a National Crisis in Every Direction ItTurns," The New York Times, July 17, 2016, http://www.nytimes.com/2016/07/18/world/africa/nigeria-niger-delta-buhari-oil-militants.html?ref=todayspaper).

"Billionaire's elephant-hunting safaris implicated in "Pygmy” abuses," Survival
International, November 2, 2016, http://www.survivalinternational.org/news/11487, reported, "Survival International has learned that an elephant-hunting safari operation jointly owned by a French billionaire has been implicated in human rights abuses against local Baka 'Pygmies' and their neighbors, including illegal evictions and torture.

The operation is based in two 'protected areas' in Cameroon, leased by Benjamin de Rothschild. It offers tourists the chance to pay €55,000 to shoot a forest elephant. Baka were evicted from their ancestral land to create the trophy hunting operation, contrary to international law. It is patrolled by soldiers, police and armed guards, and Baka have now been told they will be shot on sight if they cross it to hunt to feed their families, gather plants, or visit religious sites.

The Baka report that three of their forest camps have been burnt by wildlife guards and safari camp employees in the last year alone. Baka men hunting for food in this forest have been beaten by local police, soldiers and wildlife guards. A Baka man told Survival: 'They told me to carry my father on my back. I started walking, [the guard] beat me, he beat my father. For three hours, every time I cried out they would beat me, until I fainted and fell to the ground with my father.'

Another Baka man said: 'When the trophy-hunting company finds us here they burn the camps. They beat us, they search for us, they set their dogs on you, their guns on you.'

A third Baka said: 'The trophy-hunting company said that if they see anyone [in the forest] bullets will fly. Now those who have family there have gone to get them out. How will we live now?'

Survival contacted Mr. de Rothschild informing him of reports of serious human rights abuses having been committed to maintain the trophy-hunting operation, but has received no reply.

The Worldwide Fund for Nature (WWF) is very active in Cameroon, and the trophy-hunting 'protected areas' form part of one of their key 'conservation landscapes.' WWF has yet to comment on the allegations, or say whether it proposes to take any action.

One booking operator told Survival that: 'All our luxurious fully equipped forest camps are solid construction, air conditioned with private chalets with full bathrooms and dressing parlors. Delicious multi-course cuisine is served with top shelf European wines and beverages... Our newest forest camp has a large screened in swimming pool.'

This is not an isolated incident. Across Africa, tribal people are accused of 'poaching' because they hunt to feed their families. And they face arrest and beatings, torture and death, while big game trophy hunters are encouraged. Survival International is leading the fight against these abuses.

Across the region, Baka 'Pygmies' and their neighbors are being evicted from their ancestral homelands and face arrest and beatings, torture and even death while big game trophy-hunting is encouraged. WWF trustee Peter Flack has also hunted elephants in the region.

Survival’s Director Stephen Corry said: 'Across Africa, rich trophy hunters are welcomed into the same areas where tribal hunters are illegally evicted from their ancestral homelands and brutalized for hunting to feed their families. This has to stop. Conservation in the Congo Basin is land theft, a continuation of colonialism. It leads to widespread and horrific human rights violations, including extrajudicial killing. Why are so few people speaking out? Survival is leading the fight against these abuses. Conservationists must respect human rights like everyone else is supposed to.'

Note: 'Pygmy' is an umbrella term commonly used to refer to the hunter-gatherer peoples of the Congo Basin and elsewhere in Central Africa. The word is considered pejorative and avoided by some tribespeople, but used by others as a convenient and easily recognized way of describing themselves."

Kenya’s Secretary for Internal Security and Coordination of National Government, Joseph Kasaine Ole Nkaissery, issued an ultimatum on November 25, 2016 for the eviction of Samburu from Laikipia cattle grazers on November 28. His statements come amidst high tensions after recent clashes between Samburu and Turkana communities over grazing lands and upcoming Kenyan elections.

The Samburu believe the evictions are related to purposeful disenfranchisement of the population to allow for the current political party to regain votes in 2017 elections. The district of Laikipia North is currently the only constituency with a Maa speaking Member of Parliament, the language spoken by the Maasai and Samburu of Kenya.

Military were deployed into the area on November 26, after a rally was organized in Laikipia with Samburu and Maasai traveling from across Kenya to show their solidarity with local communities. When they arrived, however, they met a huge police deployment and were told the community meeting was banned. The community members agreed to postpone their meeting to avoid violence from police.

Militarized police have now been deployed across the Laikipia district. Over the weekend Samburu communities locally and in diaspora organized rapidly to raise funds to rush a court order to stop the armed operations planning to evict thousands.

On November 28, the community's lawyer Dr. Khaminwa successfully argued for a court order to stop eviction operations until a court hearing on December 20. Nkaissery will appear in court to defend the legality of the planned evictions.

The Samburu, a semi-nomadic pastoralist community, have frequently been attacked by state police forces and evicted from their homes and grazing lands, despite national and international laws guaranteeing their right to their lands and livelihoods. In 2010. Cultural Survival produced an investigative report entitled, 'When the Police are the Perpetrators' which revealed the extent of police brutality against the Samburu.

The Maa speaking community in diaspora have issued a statement condemning the proposed evictions, directed to Kenyan president Uhuru Kenyatta.

Based on Cultural Survival’s investigative report conducted in 2009 and 2010 regarding police violence against Samburu people in Samburu East and Isiolo Districts, Cultural Survival, with the support of the Maa Speaking Community in Diaspora, issues the following recommendations to Kenyan authorities:

Disarmament for the reduction of inter-ethnic violence is ineffective without the guidance of the pastoralist communities traditional elders, government appointed chiefs, district peace committees, and human rights organizations all working together.

Ensure police forces receive proper training and supervision. When this is lacking, police have historically committed extra-judicial killings, rapes, beatings, theft, arson, and intimidation.

A community-based process for resolving disputes should be implemented. Investigate and arrest individuals suspected of cattle theft and cease to conduct punitive assaults on entire communities or individuals at random.

Recognize the rights of citizens to monitor human rights violations in their communities, guarantee their safety, and take immediate action to address any reports of human rights violations.

Under no circumstances should Indigenous communities, including the Samburu who self-identify as such, be removed from their homes and traditional grazing grounds without their free, prior, informed consent, as established in the UN Declaration on the Rights of Indigenous Peoples."
'On August 21st, in Brazil, Ethiopian runner Feyisa Lilesa was awarded the silver medal for the Men’s Marathon in the 2016 Rio Olympics. Although this was perhaps one of the greatest sporting achievements of his life, this day will forever be remembered for the political protest he made just before the finish line. While in the global spotlight, Lilesa raised his hands above his head in an ‘X’ formation to stand in solidarity with the Oromo people of Ethiopia, who have suffered a crackdown at the hands of the Ethiopian government.

Lilesa is one of the thousands fighting for the rights of the Oromo people. In August 2016, the United Nations High Commissioner for Human Rights, Zeid Raad Al Hussein, called on Ethiopia to allow UN international observers to investigate the excessive use of force by the government’s security forces against peaceful protesters in the Oromo and Amhara regions of the country. There is a strong need for organized international pressure on the Ethiopian government. A credible and independent investigation into this country’s Human Rights offences is long overdue. This will be a huge and very welcome step for the people and the country as a whole.

Human rights abuses have been prevalent throughout Ethiopia’s history, but for the last nine months, protests have erupted in Oromiya, the homeland of Ethiopia’s largest but historically marginalized ethnic group, the Oromo, of which Feyisa Lilesa belongs. The protests are have now spread north, to a second region, the Amhara.

Although these protesters from Oromo and Amhara have different backgrounds, cultures, and complaints, they share a growing fear and frustration with the rule of a third, minority ethnic group — the Tigrayans. As NPR reported, the Tigrayan elite has a ‘cartel-like grip on the government, military and the fast-growing economy.’ The Tigrayan Peoples Liberation Front (TPLF) forcefully rose to power after the fall of the Soviet Union. Since then, there have been numerous human rights violations, with examples like the 2001 killing of forty Addis Ababa university students for simply demanding the academic freedom to publish a student newspaper, to the Killing of 200 Oromo in 2014, according to the Solidarity Movement for a New Ethiopia (SMNE).

The right of peaceful assembly is protected in Ethiopian and International law. Ethiopia’s Constitution states ‘everyone shall have the freedom, in association with others, to peaceably assemble without arms, engage in public demonstration and the right to petition.’ But, after Human Rights Watch interviewed more than 125 witnesses, victims, and government officials, a significant pattern of human rights violations during peaceful Oromo protests was revealed. Examples from late 2015 when the decision of authorities in Ginchi to clear a forest for an investment project triggered protests in at least 400 different locations across all the 17 zones in Oromia, until May 2016, and even into current times, prove there have been massive human rights violations. Numerous reports exposed that in many locations security forces have gone at night, arresting innocent and unsuspecting members of the community such as students and those accommodating students in their homes. Security forces also strategically target those seen as ‘influential members of the Oromo community, such as musicians, teachers, opposition members and others thought to have the ability to mobilize the community for further protests.’ Even more shocking, is that many of those arrested and detained by the security forces were children of eighteen years and younger. Security forces have also been reported to open fire on, and kill peaceful protesters, as well as torture or beat many of the detained Oromo. Many of the females detained have reportedly been raped by security force personnel, while almost none of the detainees have had access to legal counsel, adequate food, or their family members.

An unnamed student said in an interview with HRW on January of 2016, said his friend “was shot in the stomach [at the protest], his intestines were coming out, he said, ‘Please brother,
tie my [wound] with your clothes.’ I was scared, I froze and then tried to do that but I was grabbed and arrested by the federal police. Jamal died. They arrested me and took me to Bedeno police station.”

With ongoing events such as these, the people of Ethiopia have appeared to have reached their limit; the brutal force being used by the regime to deter an uprising is starting to backfire, creating new alliances between previously divided groups of Ethiopians such as the Oromo and the Amhara. The regime, struggling to find ways to retain domination, resorts to solutions like the exploitation of Ethiopian resources, land, and opportunities; but this too, is becoming a regime failure.

A press release from The Solidarity Movement for a New Ethiopia (SMNE) notes, this is a regime, accustomed to using tools like manipulation to divide the people by ethnicity or other differences, furthering ethnic hatred, alienation and isolation, leaving a niche for the regime to squeeze into. It has allowed them to repeatedly commit fatal human rights atrocities against these groups with no fear of a united retaliation; but this is suddenly changing. These methods of turning selected ethnic groups against one another, is being scrutinized by Ethiopians; and previously rival groups are now unifying to challenge it. As SMNE said, “more killing, wounding and use of violence against unarmed civilians on the part of the regime’s security forces are strengthening, not weakening, the movement of the people,” but the movement is just beginning.

Ethiopia’s government has rejected the call for UN intervention and promised to launch its own investigation according to Al Jazeera. With the TPLF now facing a crack in the current power structure of the country, the government’s resistance to UN intervention was to be expected. The fearful reality is, however, that the TPLF, power hungry, and corrupt, will continue to use illegal force in an attempt to maintain control. But this lack of legal and transparent investigation of human rights violations in Ethiopia strongly implies that the Ethiopian government’s investigation of the ongoing human rights crisis will not be independent, impartial and transparent, and according to Sarah Jackson, Amnesty International’s Deputy Regional Director for East Africa, the Horn and the Great Lakes. “It is time to step up efforts for an international and independent investigation in Ethiopia.”

For years the government has worked to project a “forward thinking, democratic, and economically progressive image” of Ethiopia to outsiders, while on the inside, achieving the total opposite. For example, laws such as the Charities and Societies Proclamation law (CSO) which is meant to appear as an advocacy network, actually has criminalized human rights and other kinds of advocacy work in Ethiopia, making an equal and civil society impossible to maintain in Ethiopia. This makes the presence of an independent organization like the UN crucial for the protection of the Oromo people, who are practically inhibited from seeking protection themselves.

According to the Press Release from SMNE, 'meaningful democratic reforms, restorative justice, and reconciliation for all the people of Ethiopia, including the current ruling party,' are the essential measures which need to be enacted if Ethiopia is to find peace and avoid total disaster. History shows that the government will not cooperate without pressure from key donor nations such as the United States, the United Kingdom, the European Union, Canada, Norway, Sweden etc., as well as from major international human rights organizations, to provide leverage critical in obtaining substantial changes for the rights of the Oromo people and governmental structure of Ethiopia as a whole.”

"Botswana: Helicopter crashes after shooting at Bushmen," Survival International, August 11, 2016, http://www.survivalinternational.org/news/11385, reported, "A group of Bushmen who were hunting antelope to feed their families have been shot at from a police helicopter – which later crashed injuring six officers – while it was enforcing Botswana’s
hunting ban. Nine Bushmen were arrested and subsequently stripped naked and beaten while in custody.

The Bushmen’s right to live and hunt for food on their ancestral land in the Central Kalahari Game Reserve has been recognized by Botswana’s high court.

Despite this, the government continues to label them as ‘poachers’ and is now using advanced military technology to persecute them and their way of life. This militarization of conservation efforts reflects a global trend which has concerned many human rights campaigners.

It has led to a situation in which Bushmen are accused of ‘poaching’ because they hunt to feed their families and face arrest and beatings, torture and death, while big game trophy hunters are encouraged.

As well as helicopters, Botswana has also used planes, equipped with advanced heat sensors, communicating with armed guards on the ground. They claim this is all intended to crack down on poachers. But the Bushmen’s lands are not wilderness and there are no elephants or rhinos living in the reserve, which was originally set up to allow the Bushmen to continue to hunt.

According to conservation expert Phil Marshall: ‘There is no wildlife of special rarity or particular value in the southern [part of the reserve].’ Nevertheless, the government insists on introducing heavy-handed conservation tactics to ‘protect’ lands that the Bushmen have been dependent on and managed for millennia.

Botswana announced a ‘nationwide hunting ban’ in 2014, but while it has clamped down on Bushman subsistence hunting, wealthy tourists are still allowed to shoot big game.

Jumanda Gakelebone, a Bushman spokesman, said: 'Now they are using planes it’s difficult for anyone to survive.'

Another Bushman, who wanted to remain anonymous, said: 'People are very angry at the government. People have decided they will do everything now to go to court. We don’t trust the government… We strongly condemn this latest incident and call on the international community to intervene. The government is still fighting the Bushmen despite its claims.'

The new tactics are similar to those seen in Kaziranga National Park in India, where 62 people have been extrajudicially killed in nine years, and a seven-year-old boy was recently shot by park guards.

Survival has documented dozens of human rights abuses against Bushmen by wildlife officials in the Kalahari. Research has suggested that targeting tribal hunters diverts action away from tackling the true poachers – criminals conspiring with corrupt officials.

Earlier in 2016, Survival launched its “Bot50” campaign calling for the Bushmen to be allowed to return to their lands in time for the country’s fiftieth anniversary in September, rather than continuing to deny them access to it in the name of wildlife conservation. Evidence proves that tribal peoples are better at looking after their environment than anyone else. They are the best conservationists and guardians of the natural world.

Prominent figures including Dominic West, Gillian Anderson, Sophie Okonedo, Mark Rylance, Julian Lennon and Quentin Blake have joined the campaign.

Survival’s Stephen Corry said: “As if the Bushmen haven’t already suffered enough, now they face the prospect of police in helicopters shooting them on sight. Botswana’s president General Khama and his government should be ashamed of themselves for implementing this sort of above-the-law brutality, and so should the big conservation organizations who have failed to speak out against these tactics. ‘Shoot on sight’ is immoral, it’s a con, and it’s harming conservation. Targeting tribal hunters harms conservation. How many more people have to die needlessly before conservationists realize this?”

Gunfire erupted outside the palace of Charles Wesley Mumbere, the king of the Bakonzo people, when the Ugandan troops tried to disarm Mr. Mumbere's guards and arrest him. The security forces overwhelmed the guards, broke into the palace and took Mr. Mumbere to a police post for questioning."


The company, under the guise of sustainable forestry, planned to convert 73,000 hectares of ancient rainforest in Cameroon into a palm oil plantation in southwest Cameroon. Beginning in 2012, communities, along with local and international organizations including Cultural Survival, exposed Herakles for violating local laws as well as international human rights standards, including the communities' right to Free, Prior and Informed Consent before any development takes place on their traditional lands. Local communities who relied on their lands for subsistence farming and small scale palm oil harvesting were pressured, bribed, and intimidated into selling their land, and now remain disenfranchised. New reports from Greenpeace and the Oakland Institute show that despite knowing that SG Sustainable Oils Cameroon (SGSOC) was aware that representatives may have violated the Foreign Corrupt Practices Act, high-ranking State Department officials lobbied the Cameroonian government to re-issue a land lease after the company's project was suspended for illegality of its contract.


'It was shocking that President Biya signed the decrees despite the mountain of evidence exposing the vast social, economic, and environmental consequences of the project,' commented Frederic Mousseau, Policy Director at the Oakland Institute. 'We now know that behind the scenes, US government officials were applying serious pressure to the Cameroonian government to grant Herakles Farms the land.' Using information obtained through a Freedom of Information Act request the report reveals the bullying tactics of the US government. It also exposes the blatant contradictions between the US government’s support to Herakles Farms and US-funded projects to protect the environment, the wildlife, the forest, and to fight illegal logging in Cameroon; and that the Cameroonian government was sympathetic to and concerned about local opposition to the project, suggesting that US pressure may have been a critical factor in the decision.

Beginning in 2013, Herakles has harassed environmental defenders organizing against the project, pressing outlandish charges of defamation and unlawful assembly against Nasako Besingi, director of SEFE, a local environmental organization.

Now, many communities in the area whose lands were taken without Free, Prior and Informed Consent are demanding their lands be ceded back to them. Greenpeace Cameroon's new report shared the story of Adolf Ngbe Ebong, a 62-year-old retired policeman living in Babensi II, who owned a four hectares farm, that was cleared between 2013-2014. 'SGSOC came in Nguti, they said they wanted to open a palm plantation, and we all vehemently refused. One day, I came in my farm and I found out that everything has been felled down, they
bulldozed everything, and my four hectares were gone. It was my forest that was supposed to help me on my retirement to take care of my family but today, I have no place. We are all crying here, and we don’t know how we can be rescued. We tried to meet the SGSOC people, and they said that our neighboring village gave them this land. Are they not supposed to try to find out whom this land belongs to? Everybody here knows the boundaries… I feel like dying, I have nothing else but this land.'

'This coming November 2016, the company's three-year trial lease will be expiring and the government of Cameroon must decide whether or not to renew the lease, this time for another 99 years. 'By exposing the dubious tactics of the US government, we hope that Cameroonian officials will side with the people and bring an end to this project that remains unfavorable to the people and the economy of Cameroon,' explained Mousseau.'

Tony Coolidge, "President of Taiwan Offers Historic Apology to Indigenous Peoples for 400 Years of Abuse," Cultural Survival, August 10, 2016, https://www.culturalsurvival.org/news/president-taiwan-offers-historic-apology-indigenous-peoples-400-years-abuse, reported, "Tsai Ing-wen (蔡英文) won the Presidential election of Taiwan on January 16, 2016 by a large margin, earning 56.1% of the votes versus 31.0% for the runner up, Eric Chu (朱立倫). The election results signaled a turning point in Taiwan’s democracy, with the Democratic Progressive Party winning a majority of the seats in the Legislative Yuan (the lawmaking body) as well. Tsai accepted the "will of the Taiwanese people" as a sign that citizens wanted a significant change from former failed policies and unfulfilled promises.

Soon after her inauguration on May 20, 2016, the President’s administration quickly declared a commitment to transitional justice. Their plan included setting up a transitional justice commission for abuses against citizens during the Martial Law era and a commission for abuses against Taiwan’s Indigenous citizens.

When the President announced she would make a formal apology to Indigenous Peoples on behalf of the government, some were surprised and hopeful, but many were apprehensive and doubtful that it would lead to much change. Doubters referenced the Indigenous Peoples Basic Law, established on February 5, 2005 during the Chen Shui-bian administration, claiming that it did not adequately protect their rights, especially when their traditional practices conflicted with Taiwan’s laws. Pessimism among Indigenous people also came from promises made by former President Chen, which did not materialize.

Leading up to the formal apology, Indigenous leaders and protestors expressed their hopes to see improvements in a variety of issues, such as land rights, hunting rights, and tribal autonomy. There was concern that various Indigenous groups would fight over limited resources offered for reconciliation, especially if the government includes the Pingpu (lowland) tribes, which are not officially-recognized. There was concern that the new policies would be made without direct consultation with Indigenous Peoples and communities. Most took a wait-and-see approach, and wanted to see policies that would be meaningful and enforceable. They wanted to commission to be able to have the legal power to investigate past abuses. A professor at National Dong Hwa University reminded indigenous people that the seeking of truth and justice would be complicated, as this was “a crime with no perpetrators, and no beneficiaries - but only victims.”

The formal apology to Taiwan’s Indigenous Peoples took place on the hot, sunny morning of August 1, 2016, which the President’s Cabinet officially declared as the national Indigenous People’s Day. Indigenous leaders from every recognized Taiwanese tribe dressed in traditional outfits and regalia entered the front entrance, greeted by the President. After the doors closed, protesters, consisting of activists who had walked for hundreds of kilometers from their home villages, and had been occupying the street in front of the presidential palace since the previous night, rushed towards the entrance, wanting to be heard. They were held at bay by a police with riot shields, and no one was hurt.
The president’s speech surprised many for being both substantial and specific. The acknowledgment of responsibility was clear and direct.

1) Apologized for “four centuries of pain and mistreatment” the Indigenous people had endured.

2) Admitted that during the past 400 years, every regime “brutally violated the rights of Indigenous people through armed invasion and land seizure,” including the Dutch, Koxinga Kingdom, Qing Empire, Colonial Japan and the Kuomingtang (KMT) governments.

3) Acknowledged the “erasing” of thousands of years of Taiwanese history by dominating governments.

4) Expressed remorse for the erosion of languages and cultural identities, because of governments’ assimilation policies, especially those of the Pingpu (lowland) tribes.

5) Apologized for the negative consequences suffered by the Yami tribe after the government decided to store nuclear waste on Orchid Island.

6) Admitted that the Indigenous Peoples Basic Law of Taiwan had not been given sufficient weight by government agencies.

It was a politically risky move for Tsai to make a formal apology to Indigenous Peoples, and it went against the Asian cultural convention of avoiding apologies and confrontation in order to “save face.” In offering a formal apology, Taiwan’s President did what no other Asian government leader had ever done, and Taiwan’s was only the 4th government in the world to offer an apology to its Indigenous Peoples.

Tsai Ing-wen expressed her motivations for an apology to all Taiwanese people in her speech. She stated, “…there are some among us who see no need to apologize. But that is the most important reason why I am representing the government to issue this apology today. To see what was unfair in the past as a matter of course, or to treat the pain of other ethnic peoples as an unavoidable part of human development, this is the first mindset that we, standing here today, resolve to change and overturn.”

Further championing her cause for change, Tsai added, “Unless we deny that we are a country of justice, we must face up to this history. We must tell the truth. And then, most importantly, the government must genuinely reflect on this past.”

Just as many Indigenous leaders and protestors acknowledged that the apology was meaningless without meaningful action and Indigenous representation, the President shared her agreement in segments of her speech that:

1) Discussed the setting up of the Indigenous Historical Justice and Transitional Justice Commission under the Presidential Office.

2) Promised that the commission would “place the greatest importance on equality between the country and the Indigenous Peoples.’

3) Declared that the commission serve as a “mechanism for collective decision-making by Indigenous Peoples, and will ensure that the voices of tribal members find true expression.’

4) Committed to examining relevant laws to begin the formal process of giving the status and rights to the Pingpu tribes.

5) Directed relevant agencies to investigate the decision-making process of storing nuclear waste on Orchid Island and finding a permanent solution for nuclear waste storage.

6) Offered appropriate compensation to the Yami tribe on Orchid Island.

Uncertain if the President would bring up the politically-sensitive issue of nuclear waste storage on Orchid Island, Tsai surprised many people when she shared the stage with Capen Nganaen, a representative of the Yami Tribe. After the moving apology, Capen stated, 'Taiwan has had many presidents during its history, but never before has one been
willing to offer an apology to the Indigenous Peoples,' seeming to express genuine appreciation for the opportunity.

President Tsai demonstrated that her apology was more than just talk, by inviting Indigenous leaders to 'stand witness' and 'keep pressure on the government and right its course where necessary, so that it will realize its commitments and right historical wrongs.' Immediately after the speech on Monday, Indigenous leaders, academics, and government workers began the complicated task of putting together policy to fulfill on the President’s promises. Just a few hours after the apology, Tsai addressed the Council of Indigenous Peoples and Indigenous leaders during a working session on Indigenous policy.

Meanwhile, activists camped out in front of the Office of the President, demanding that President Tsai Ing-wen recognize their presence and their call for 'nation-to-nation' dialogue. On Wednesday, August 3, Tsai surprised the demonstrators by making an impromptu visit on the street, speaking directly with the leaders of the demonstration. President Tsai demonstrated her sympathy to many people who witnessed her conversation with well-known Indigenous singer and activist Panai Kusu. Tsai listened quietly to Panai’s complaints, and when she asked the President where she places the nation’s Indigenous Peoples, Tsai placed Panai’s hand to her heart and responded, 'You are here.' The President added that her feelings for Indigenous people were from the 'deepest, softest part of her heart.' The meeting concluded with Tsai inviting Panai Kusu to join the transitional justice team that was being organized.

Taiwan’s official apology to Indigenous people gained widespread attention throughout international media, being covered by news sources throughout the world. As a news story, it gained considerable interest, not only for its stand for Indigenous rights, human rights, and transitional justice. From it, international readers, especially Indigenous people around the world, can learn from the apology and resulting developments. Indigenous communities can teach their leaders what is possible when a government accepts responsibility to establish a stronger foundation built on truth and justice, and they can take heart in knowing that it is possible for Indigenous people and governments to work together towards reconciliation and mutual respect.


A proposed new forests policy in India has been hastily withdrawn after an outcry that it made no mention of tribal peoples’ existing rights to live in their forests, and would have led to more tribes being evicted from their homes.

On June 16th the Indian environment ministry published what it announced was the 'draft national forest policy 2016’’, along with a call for comments. However, a few days days later the 'policy' was removed, and a statement was issued claiming that the document was merely a study by the Indian Institute of Forest Management (IIFM), which had been 'inadvertently uploaded.' Indian news website Live Mint quoted an anonymous ministry official: 'The U-turn came after intense criticism of the draft policy from civil society.'

The draft policy proposed that: 'Voluntary and attractive relocation packages of villages from within national parks, other wildlife rich areas and corridors should be developed.' The proposal to evict people from the vaguely described 'other wildlife rich areas' as well as National Parks and Tiger Reserves would cover a huge area affecting millions of tribal people who have have been dependent on and managed their environments for millennia.

Across India tribal peoples are being illegally evicted from their ancestral homelands in the name of conservation. Most so-called 'voluntary relocations' are far from voluntary, with tribal people often given no choice – they face arrest and beatings, harassment, threats and trickery and feel forced to 'agree' to leave their forest homes.

Evidence proves that tribal peoples are better at looking after their environment than anyone else. In BRT Tiger reserve in southern India where tribal people have been allowed to
stay, tiger numbers have increased at above the national average. There is no reason to believe that evicting tribes helps tigers. In fact, it’s harming conservation.

The speedy withdrawal of this 'draft policy' has been welcomed, but huge concern remains at what lies ahead for the tens of millions of India’s tribal people who live in forests, and other forest dwellers."


In May this year India’s Supreme Court threw out the latest attempt by the Odisha state government to start large-scale mining in the Niyamgiri hills. In 2013 the Dongria unanimously rejected plans by British mining company Vedanta Resources to mine their hills for bauxite. They took part in a historic referendum in which all consulted villages voted against the mine.

To celebrate their victory, the Dongria organized a series of marches that passed through 54 villages, culminating in a huge rally in Lanjigarh, home to Vedanta’s controversial bauxite refinery. Guests included lawyer Sanjay Parikh, who had represented the Dongria in the Supreme Court and social activist Medha Patkar.

The mood of the meeting was clear. Speaking at the rally one Dongria Kondh said: “We will continue our struggle for the protection of Niyam Raja [the Dongria’s mountain god]. We would rather sacrifice our lives than allow mining in Niyamgiri. We will continue our struggle till Vedanta moves out from here,” while others chanted: "Even if death comes, let Niyamgiri live."

The Dongria are the best conservationists of their hills, which they have been dependent on and managed for generations. Dongria spokesperson Lodu Sikaka explained that during the marches in each village they had discussed the need to protect the environment at any cost. He also warned of the violence the Dongria will continue to face for resisting the government’s mining plans.

Sikaka said: 'The government wants the tribals to vacate their land by instilling fear…Our colleagues are being tortured by police without any reason. Police pick up innocent men from marketplace and their homes. They are often branded as Maoists [armed-insurgents] and tortured in the name of interrogation.'

A 20- year old student, Manda Kadraka, was shot dead by police during an anti-insurgent operation in the Niyamgiri hills in February. A three member team from India’s Supreme Court is currently investigating allegations that the killing was a fake encounter’ designed to intimidate the Dongria Kondh into accepting mining in their hills."


The state-owned Global New Light of Myanmar newspaper said security forces in Hpakant in Kachin State had been unable to control the attackers as they set fire to the mosque on Friday. The attackers were armed with sticks, knives and other weapons, the newspaper said. It said the mosque’s leaders had failed to meet a June 30 deadline set by the local authorities to tear down the structure to make way for construction of a bridge.

On June 23, a mob demolished a mosque and a Muslim cemetery in a village in Bago Region, about 36 miles northeast of Yangon, reportedly as a consequence of a personal dispute.
Sporadic but fierce violence against Muslims in Myanmar, which is predominantly Buddhist, has been reported since rioting in 2012 forced more than 100,000 members of the Muslim Rohingya minority to flee their homes in western Rakhine State.

Discrimination against the Rohingya is widespread, and the government refuses to recognize most of them as citizens, treating even long-term residents as illegal immigrants.

The United Nations’ special human rights envoy to Myanmar, Yanghee Lee, who ended a 12-day tour of the country on Friday, urged the recently seated government led by Daw Aung San Suu Kyi to clamp down on such attacks.

Wai Moe, "Dozens Believed Killed as Violence Erupts in Myanmar," The New York Times, October 10, 2016, http://www.nytimes.com/2016/10/11/world/asia/myanmar-attack-rakhine.html?ref=todayspaper&_r=0, reported, "At least 24 people were believed on Monday to have died in western Myanmar after unknown assailants attacked police outposts on Sunday near the border with Bangladesh.

In Maungdaw, a township in Rakhine State close to the border, seven villagers, all members of the Rohingya Muslim minority, were said to have been shot to death when joint army and police forces began a counteroperation on Monday.

About a million Rohingya live in the area and are officially stateless, having been denied citizenship by the Myanmar authorities who refuse to even use the term Rohingya, saying the people are actually Bengalis from Bangladesh."

Mike Ives, "Myanmar Holds Officers After Video Purports to Show Police Beating Rohingya," The New York Times, January 3, 2017, http://www.nytimes.com/2017/01/03/world/asia/myanmar-video-police-brutality.html?ref=todayspaper, reported, "Myanmar has detained four border police officers after a video surfaced online that appears to show two of them beating unarmed men in the restive border state of Rakhine, putting more pressure on the government to address tensions there between the authorities and the Rohingya, a persecuted Muslim minority."


What’s new in the Rakhine State attacks?

At least 250 assailants, and perhaps as many as 500-800, launched simultaneous early morning attacks on 9 October on three border police posts in Maungdaw and Rathedaung townships near Myanmar’s north-western border with Bangladesh, according to information released by the government. They were armed mostly with knives and slingshots, as well as about 30 firearms. Nine police officers were killed and the attackers fled with at least 50 guns and 10,000 rounds of ammunition. In subsequent days there have been further deadly clashes between this group and the security forces.

The attacks were carried out by Muslims, according to both government statements and local sources. An unverified video of the attackers, filmed in the wake of the attacks, has been circulating on social networks and seems legitimate. In it, one of the group calls on “all Rohingya around the world to prepare for jihad and join them”. This, the need for local
knowledge to carry out the assaults, and the difficulty of moving large numbers of people around this area are all suggestive of local Muslim involvement – possibly organized with some outside support. However, many details of who exactly organized this and how remain unclear.

The attacks mark a major escalation of violence in Rakhine. The number of attackers and their sophisticated tactics – they used a diversionary attack to draw the defenders out of one of the posts before the main assault began – display an unprecedented level of planning in a conflict that has to date seen little sign of organized violent resistance from the oppressed Muslim population.

Who do you think was behind the attacks? Are Rohingya forces to blame?

There is clear evidence that many of the attackers were from the Rohingya community, who make up over 90 per cent of the population in this area of Rakhine State. But it is not clear how they were organized.

Rakhine’s 1.3 million Muslims, most of whom identify as Rohingya, are effectively stateless in Buddhist-majority Myanmar. Years of intercommunal tensions exploded into violence in 2012, leaving some 200 people dead and driving 150,000 into squalid camps where most still languish. There has been a sense of creeping despair among the Rohingya that nothing is going to change, although Aung San Suu Kyi, the de facto leader of Myanmar, recently announced that an advisory commission led by former UN Secretary General Kofi Annan would look at possible solutions for the stand-off in Rakhine.

The Rohingya have not had any organized armed force for many years. Some local government officials are suggesting that an armed group called the Rohingya Solidarity Organization (RSO) is responsible, but this group is not known to have been active since the 1990s. Rakhine nationalists and state officials, and sometimes Bangladesh, have blamed this group in the past for such security incidents, usually without detailed evidence being provided.

There was a series of deadly attacks on Myanmar Border Guard Police patrols in northern Maungdaw in February and May 2014, including one on 17 May that left four officers dead. In the tense period that followed, there were firefights between Myanmar and Bangladesh border forces, including one in which a Bangladeshi soldier was killed. In mid-July 2014, a senior humanitarian official told Crisis Group that the authorities restricted humanitarian access to parts of northern Rakhine State on the grounds of unspecified “RSO activity” in that area.

In May 2016, some 35 armed attackers stormed a security post at a camp for Rohingya refugees in southern Bangladesh just across the border from Maungdaw, killing one camp commander and capturing eleven weapons. The attackers were allegedly led by a Pakistani national, along with others from Myanmar and Bangladesh, with the RSO being implicated, according to the Bangladeshi police.

Given the lack of clear evidence in all these cases, new claims as to the identity of any organization behind the recent attacks should be treated with caution until further information becomes available.

Does the Rohingya Solidarity Organization really exist?

The RSO is considered by most regional security analysts to have been long defunct as an armed organization. The question is whether it has been reconstituted, or whether a new grouping with similar aims has now emerged. The RSO was established in 1982, along the lines of Myanmar’s many other ethnic insurgent organisations engaging in conventional attacks on military and strategic targets. The RSO never gained much traction and did not pose a serious military threat. In the 1980s and 1990s it had some small bases in remote parts of Bangladesh near the border with Myanmar; at least in recent decades it had none on Myanmar soil.

There may have been efforts, in the wake of the 2012 violence, to rehabilitate the RSO as an armed organization, driven by a new generation of local-level leaders. According to a local Rohingya leader who claimed to be one of the leaders of this effort, whom Crisis Group met with in 2014, their aim was not separatist, anti-Buddhist or jihadi in nature; rather, it was for their community to live as citizens of Myanmar with their
rights respected by the state. The objective was to reconstitute the RSO as an insurgent force focused on attacking the state security apparatus (police, border police and military). Crisis Group interviews at the time suggested there was a modicum of support for this among some members of the population, who saw it as the only path left open to them. But most of the population was and still is opposed to violent resistance.

At the same time, security forces and political actors in both Myanmar and Bangladesh may have their own reasons for invoking the RSO, including to raise the specter of an organized radical Islamic group to justify crackdowns or restrictions on the Rohingya population.

It is not yet clear whether the RSO has been reactivated, or a new mujahidin group has emerged with similar aims, or the recent attacks are a local uprising without a permanent institutional structure. However, what is extremely worrying is that a new threshold of violence has been passed.

**Is Myanmar about to see new levels of violence related to the Rohingya issue?**

The fact that influential individuals have considered violence as a strategy for regaining Rohingya rights and citizenship does not mean that such a strategy can successfully take root. There remain serious obstacles to establishing and sustaining a militant Rohingya organization capable of targeting the security forces, including the extremely restrictive environment in northern Rakhine State and a longstanding sense among much of the Rohingya population and many religious leaders that violence would be counterproductive.

The environment in Bangladesh is also not very conducive to cross-border operations of the kind the RSO used to mount in decades past, sometimes with the support of Bangladeshi militant groups. Bangladesh is cracking down on its own extremist organisations as part of a broader perceived terrorist threat against the country.

As for transnational terrorist networks, these have often expressed concern for and solidarity with the Rohingya, and made some general threats – including Tehreek-e-Taliban Pakistan, Islamic State, and al-Qaeda in the Indian subcontinent. However, there have so far been no indications that Myanmar has been an operational priority for these networks.

**How will these attacks change the situation in Rakhine State?**

Regardless of who was behind the recent attacks, they are likely to have a serious impact on the political, human rights and humanitarian situation in Rakhine State. These impacts will be both short-term and longer-term.

A major security operation was launched following the attacks, to lock down the area in an effort to capture the attackers and recover the looted weapons and ammunition. There are already reports of multiple casualties over the past 48 hours as a result of that operation.

For the foreseeable future, increased security operations in northern Rakhine will attempt to prevent any further incident of this kind. Given the security forces’ history of bad treatment of the local Muslim population, this risks creating further tension, abuses and negative impact on livelihoods.

Violent incidents – or the possibility of them – have been used to temporarily restrict humanitarian access to parts of Rakhine State in the past, and temporary movement restrictions on international agencies have been imposed by the authorities in response to the 9 October incident; it remains to be seen how long these will remain in effect.

Security fears are part of the reason for the continued imposition of a curfew in Maungdaw and Buthidaung townships under section 144 of the Myanmar Code of Criminal Procedure. The 11pm to 4am curfew order was most recently renewed on 8 August 2016 for two months and includes restrictions on gatherings of five or more people in public areas or at mosques. As a result of the latest incident, the curfew has been extended, and now runs from
7pm to 6am. This impacts people’s livelihoods and means that in practice attending Friday prayers is prohibited – a much-resented religious and social restriction.

Government worries about security are among justifications for tightened checkpoints and severe restrictions on the movement of Muslims in northern Rakhine State. These are a major source of vulnerability, limiting access to health and education services, jobs and livelihoods. Any possibility that these restrictions might be eased has now receded.

Overall, efforts to find solutions to the situation in Rakhine state, including the work of the Annan Commission, will now be very much more difficult.

Will there be any broader impacts on Myanmar?

The 9 October incident will have major ramifications across Myanmar.

It will amplify the general sense of insecurity about Islam and about an Islamic extremist threat in Myanmar; the radical nationalist monk U Wirathu has already taken to social media calling for the security forces to take all necessary steps to “protect the sovereignty of the nation and its citizens”. These events risk strengthening radical Buddhist nationalist groups that had been on the back foot since the elections. They can exacerbate intercommunal tensions across the country, and make it harder for moderate voices to be heard – with a potential spillover effect to other parts of Myanmar with a large Muslim presence.

This all represents a significant new challenge for Aung San Suu Kyi’s attempts to steer Myanmar in a more tolerant direction.”

ICG, "Myanmar’s New Government: Finding Its Feet?" Asia Report 282, July 29, 2016, https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-new-government-finding-its-feet?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=d5e8d72ecd-Weekly_Update_22_29_July_2016&utm_medium=email&utm_term=0_1dab8c11ea-d5e8d72ecd-359871089 , commented, "Four months into the new government’s five-year term is too early to come to definitive judgments about its performance. Nevertheless, its priorities and approach are becoming clearer, and there are some initial indications of how national politics is adjusting to changed realities. These provide the basis for an initial assessment as Myanmar’s transition enters a new phase under a democratically-elected government that has set a positive initial tone and taken important steps to address the authoritarian legacy. Some of the remaining political detainees were quickly released, and several oppressive and outdated laws have been repealed or are being amended.

Perhaps the most important observation, however, is that Myanmar has passed through a year of considerable uncertainty and change with no major political turmoil. Aung San Suu Kyi’s National League for Democracy won a landslide victory in a broadly credible election with almost no violence; there was an orderly handover of power from the military-backed government, and the new administration has now entered an awkward cohabitation with the military, as dictated by the 2008 constitution, without significantly compromising key principles or prompting any fundamental rift with the soldiers. Navigating these difficult waters has been a key early success for all concerned.

The difficulty and uncertainty of that task has left its mark. Suu Kyi, the leader of a long-repressed grassroots change movement, has only partial executive authority under the constitution – both because she is formally barred from the presidency, and because of the military’s significant constitutional power. This appears to have amplified longstanding tendencies, leading her to concentrate power in her own hands and delegate little. She is state counsellor, foreign minister, president office minister and in personal charge of the peace process and addressing the situation in Rakhine state.

While there have been no major failures, there have been missteps, including on the peace process and Rakhine state, both of which relate to a failure to appreciate the complex details and a lack of consultation in advance of announcing important decisions or
initiatives. Relations with the military have not always been sensitively handled. Though there appears to be good cooperation and a convergence of views on the peace process – even to the extent that armed group leaders are worried they may have to negotiate with a formidable united front of Suu Kyi and the military – relations in other areas have been strained, particularly around Suu Kyi’s appointment as state counsellor and the manner in which that bill was pushed through the legislature in April. It is essential for the success and stability of the transition that cooperative relations with the military are maintained, and more broadly that the military sees some benefits from the substantial concessions it feels it has made.

The government faces daunting tasks. After decades of authoritarian rule and civil war, many key challenges are structural problems – some dating back to independence in 1948 and the incomplete process of state-building – that cannot be fixed simply by adopting more enlightened policies. The government must find ways of moving the peace process forward, addressing the situation in Rakhine state and continuing the delicate process of rebalancing external relations, particularly vis-à-vis China. As state counsellor, foreign minister and chair of the high-level committees in charge of the peace process and Rakhine state, leadership on all these fronts falls on Suu Kyi’s shoulders, a huge responsibility and potentially overwhelming workload. Success depends on twin policy and personal challenges: developing not only considered and consultative approaches, but also her ability to delegate.

The international community can help in several ways. Western countries are rightly giving the government strong political backing, but should not shy away from offering frank and honest advice. Financial and technical support are much needed, though there is significant risk of uncoordinated aid projects and overlapping and inconsistent technical assistance overwhelming government capacity and potentially doing harm. Donors also need to keep in mind that projects should be carefully designed and closely monitored to reflect that the state and government remain absent or contested in many conflict-affected areas. For two reasons, it is also vital that the West in particular explores appropriate avenues of military-to-military cooperation. It is essential for sustainability of the transition that the military sees institutional benefits from its decision to give up significant power; and socialization of a generation of military officers with their peers in democratic countries can make an important contribution to reform of the institution.

I. Introduction

This report, Crisis Group’s first on Myanmar since the transfer of power at the end of March 2016, provides an initial assessment of the new democratic government’s record after four months in office. While this is a very short period to make any definitive judgment, there is now sufficient information available to give initial indications of the tone and general approach of the administration. Future reporting will examine in more detail some of the key challenges that the country faces – the peace process, the volatile situation in Rakhine state, and the rebalancing of relations with neighboring China – and the success of the government in addressing them.

The report is based on extensive research, including interviews conducted over the course of 2016 in Yangon, Mandalay, Naypyitaw and Rakhine state with current and former ministers and government officials, legislative representatives, ethnic armed group and political party leaders, local analysts, civil society organisations and diplomats, among others.

II. Transition to a Democratic Government

A. Formation of the New Administration

The new administration took power at a formal handover ceremony on 30 March 2016. This marked the end of a transitional period of nearly five months following the 8 November 2015 elections, in line with constitutional provisions.

The elected legislators, who had already taken their seats on 1 February, convened as an electoral college from 10-15 March to select the president. Aung San Suu Kyi is constitutionally
barred from that office due to her sons and a daughter-in-law being foreign (UK) citizens, but the National League for Democracy (NLD) has a large majority, and its candidates were easily nominated in both houses. Pursuant to the constitution, the military selected a third candidate, and the electoral college then chose a president from among the three candidates, in a single vote, with the unsuccessful candidates becoming vice presidents. The NLD’s large majority was able to determine the president, Htin Kyaw, a long-time confidant of Suu Kyi; retired Lt.-General Myint Swe, the chief minister of Yangon region under the former government, became vice president 1, and Henry Van Thio, a little-known Chin legislator with no prior links to ethnic politics became vice president 2. President Htin Kyaw is a low-profile but widely respected individual with long NLD links and the son of a famous poet.

Suu Kyi had made clear before the election that she would be the key decision-maker in the new government, with Htin Kyaw, the first elected civilian head of state since 1962, serving as a proxy – thereby circumventing the constitutional bar. Vice President Myint Swe is considered a hard-line officer who, though retired, is likely to continue representing the interests of the military and old political elite. The vice presidents mainly carry out ceremonial and diplomatic functions, though the constitution does assign them positions on key bodies such as the National Defense and Security Council and the Financial Commission (see Section II.C below).

On 17 March, the president-elect submitted to the legislature a list of the 21 ministries that would make up his administration, and on 22 March a list of eighteen nominated ministers. It is within the president’s constitutional power to decide the number and scope of ministries and appointment of ministers, except for defense, home and border affairs, whom the commander-in-chief nominates. There is a formal confirmation process for designated ministries and ministers, but the legislature has little authority to reject the proposals. The cabinet is a mix of senior NLD members and independent technocrats, but with a strong focus on loyalty to Suu Kyi and the party.

The legislature approved the proposals, which reduced the number of ministries by about one third from the previous government. The president highlighted efficiency and cost-savings as the main reasons for the reduction. The reorganization mainly involves a merger of ministries rather than a significant cut in the number of departments or functions; the government has pledged that no civil servants will lose their jobs. The current cabinet line-up (changed slightly since the initial appointments) is at Appendix B below.

The president also appoints the chief ministers of the fourteen state and region governments. This means that the leadership and composition of these regional executives do not necessarily reflect the results of the elections in those areas and the corresponding make-up of the state/region legislatures. Indeed, the president appointed NLD legislative representatives to all positions, even in Shan and Rakhine states, where the NLD did not win the most seats.

B. Transfer of Power

The NLD’s election victory set the stage for the first orderly handover of power to an elected government since independence in 1948. The process went surprisingly smoothly. President Thein Sein and Aung San Suu Kyi agreed on 2 December to set up transition teams to ensure smooth and efficient handover of responsibilities. The government team was headed by President’s Office Minister Hla Tun and the NLD team by senior party member Win Htein. They met on a number of occasions between December and March. Thein Sein also instructed each ministry to prepare a detailed document setting out its main priorities and achievements over the previous five years, key ongoing activities and goals.

During this period, Suu Kyi met three times with Commander-in-Chief Min Aung Hlaing, who retains considerable autonomous powers under the constitution. Both have a strong interest in building a constructive working relationship. On 2 December, they held their first ever one-on-one session, without aides, and appeared to go quite far to make sure the optics were positive; Min Aung Hlaing greeted Suu Kyi at her car and waved her off at the end, a strong
public signal in a country very conscious of status and protocol. They also posed for photographs after the meeting, smiling and making positive comments to the media, without disclosing any content. Subsequent meetings followed, with aides present, on 25 January and 17 February. According to the NLD, there were “friendly, open discussions about the formation of a new government, the transition, post-election peace and stability, the parliament and peace process”.

A more surprising meeting was between Suu Kyi and former strongman Than Shwe, on 4 December, arranged through the latter’s grandson. While content has not been revealed, the grandson reported that Than Shwe had endorsed Suu Kyi as the “future leader of the country”. But it was not so much the substance as the symbolism that was important. While he no longer wields significant day-to-day power, Than Shwe is at the apex of a powerful patronage network, and many perceive him to be still very influential. His endorsement means his network and others who feel loyal to him are much less likely to be obstructive to Suu Kyi’s administration, which can be very important for stability and progress. The formal handover of power took place at a ceremony on 30 March at the legislature, followed by a dinner attended by the outgoing and incoming administrations at the Presidential Palace.

C. Initial Steps

Following the transfer of power, Suu Kyi quickly set about implementing her pre-election pledge that she would take a position “above the president” and “make all the political decisions”. The president-elect had already named her to be foreign minister and president’s office minister. The first is important not only in giving her direct authority over external relations, but also because it includes a seat on the National Defense and Security Council, the peak decision-making body on security matters, whose membership is constitutionally defined. (She initially also took on two additional portfolios, energy and education, but other ministers were appointed to these positions on 5 April.)

In its first law-making action after the transfer of power, the legislature on 5 April approved a bill creating a new position of “state counsellor” for Suu Kyi by name. Its responsibilities are vaguely defined, but it provides legal authority for her to advise both executive and legislative branches, sidestepping the strict separation of powers enshrined in the constitution – a point strongly criticized by military and some opposition lawmakers. On 10 May, a new ministry was created to support Suu Kyi in her state counsellor role, and a veteran diplomat was appointed to head it. The ministry was approved by default, after no lawmakers registered to discuss the request. Opposition and military representatives reportedly declined to do so as they believed the result of any vote was a foregone conclusion, and any views they gave would not be considered.

Her twin roles as state counsellor – de facto head of state – and foreign minister, in addition to several thematic committees that she chairs, amount to an enormous workload. She has appointed an experienced retired diplomat, Kyaw Tin, as deputy foreign minister and designated him “minister of state”, which is intended to elevate his rank and authority to that of a minister, so he can carry out many of the functions of foreign minister. Suu Kyi herself continues to perform many of the more high-profile functions, however, including attending the Association of South East Asian Nations meeting of foreign ministers and dialogue partners in July.

The new administration has given some broad brushstrokes, but few details, about policies and priorities. In her Myanmar New Year speech on 18 April – her first detailed address to the nation – Suu Kyi indicated five broad priorities: national reconciliation, internal peace, rule of law, constitutional amendment and further democratic development, among which, she stated, national reconciliation was most important. By this, she appears to mean healing past deep divisions, particularly between the military and the civilian population and between supporters and opponents of the NLD.

The government has made efforts to show it is different in tone and substance from its predecessor. In terms of substance, on 8 April it dropped charges, mostly of unlawful
demonstration, against 199 people and released them from pre-trial detention, on Suu Kyi’s initiative. On 16 April, the president pardoned 83 imprisoned for political activities. The legislature repealed a number of measures long used to target political activists, including the Law to Safeguard the State against the Dangers of Those Desiring to Cause Subversive Acts. A proposal to remove the requirement to register all overnight guests from the Ward or Village Tract Administration Law is being debated and was approved by one chamber on 3 June.

As regards tone, the administration is projecting a sense of austerity and discipline. For example, a main reason the president gave for reducing the ministries was savings in ministerial salaries and benefits; a similar reason was given for eliminating nearly all deputy minister positions. The NLD requires all its legislative representatives to stay at the spartan government guest house in Naypyitaw when the legislature is in session, even if they have their own houses or means to rent better accommodations; the rooms are small, concrete cubicles with low-quality beds and blankets, described by a 72-year-old ex-political prisoner as “just like a cell, except now my family are with me”. No alcohol was served at the president’s inauguration dinner, and receptions for visiting dignitaries have been notably frugal.

Again, this is partly to demonstrate that it is different from the last administration. The main concern does not appear to be fiscal; rather, it should be seen in the light of where the NLD has come from and where it now finds itself. For more than two decades, it was a grassroots movement for change, with limited resources and under huge political and socio-economic pressure from the military regime. It now finds itself occupying the grandiose halls of power in Naypyitaw constructed by that regime at huge cost. Austerity is a way of demonstrating to the country – and perhaps reaffirming to itself – that it will remain uncorrupted and true to its origins and its election pledge to work on behalf of the ordinary people of the country. This has also given rise to a refreshing sense of approachability and humility.

III. The State of Elite Relations

A. An Uncomfortable Cohabitation

The NLD’s landslide victory in 2015 transformed the political landscape. Though barred from the presidency, Suu Kyi is the country’s undisputed political leader, formalized through her state counsellor role. The constitution’s separation of powers means she has automatically resigned her seat in the legislature and may not take part in party activities while in office (the same applies to other legislators and party members appointed to executive positions). Nevertheless, she continues to wield huge authority over the NLD and thus over law-making.

That authority is not unchecked. The constitution gives the military considerable powers, including control of the three key security ministries (defense, home affairs, border affairs), a 25 per cent bloc of unelected legislators (thus a veto over constitutional change) and control of its own affairs, including military justice. Suu Kyi’s administration thus is in an uncomfortable cohabitation with the military. The quality of that relationship will be a key determinant of its success.

B. Relations with the Military

Relations with the military have been decidedly mixed. The optics of Suu Kyi’s transition meetings with the commander-in-chief were positive, though little is known about the content. Suu Kyi cannot govern effectively without support, or at least acquiescence, of the military. Conversely, the military is reliant on her to achieve such key objectives as a better domestic and international reputation and improved military-to-military ties with the West. More fundamentally, the military is invested in the transition’s success: if the government fails, it will be a failure for the country and of the transition process that the military itself initiated.

Yet, shared interests do not automatically translate into positive relations. There have been a number of points of tension. The military was particularly upset with the State Counsellor Bill, which was introduced only a few days after the transfer of power. On substance, it was concerned that the bill unconstitutionally created a position that undermined the president’s authority and was accountable to both the executive and the legislature, a view shared by some
opposition representatives. The military is particularly sensitive on constitutional matters, as the prerogatives that charter grants it were essential in creating confidence to hand over many powers. On form, it was aggrieved at how the bill was rammed through quickly, without due consideration of its objections.

Unable to prevent passage, the military bloc in the lower house staged a symbolic protest on 5 April, with one of its legislators stating: “As the Hluttaw [legislature] did not consider our proposed amendments, we refused to vote” on the bill. At the end of the session, the bloc stood in silent protest, and subsequently denounced passage as “democratic bullying” by the majority. Since the NLD appointed all members of the Constitutional Tribunal, the military likely felt a formal legal challenge would be unsuccessful and risked further demonstrating its legislative impotence.

There have been a number of other contentious points in the legislature, but also examples of military concerns being accommodated. An Arakan National Party (ANP) legislator introduced an urgent motion in the upper house calling for an end to fighting in Rakhine state between the military and the Arakan Army (AA), and for the armed group to be included in the peace process. During the 3-4 May discussion, the defense minister and military legislators rejected both points, saying the AA was the aggressor and should “end its armed struggle and cooperate with the government elected by the people”. The military strongly opposed the motion, whose passage could have soured government-military relations in the peace process; if the NLD had blocked it, this would have defied opinion in Rakhine and many other ethnic areas. The speaker’s compromise, to put the motion and discussion on record rather than having a vote, was agreed, 195 to six, defusing the situation.

The military and the government also seem to be collaborating effectively on the peace process with ethnic armed groups. The process provides a forum where senior government and military officials meet on a regular basis and discuss concrete issues, so is a potential trust-building venue. As it proceeds, however, there are several issues on which views could strongly diverge (see Section IV.A below).

There has been speculation for more than a year whether the commander-in-chief’s tenure might be a point of contention between him and Suu Kyi, since he reached the normal retirement age of 60 in 2016. However, in a meeting with the media on 13 May, he asserted that the constitution allows him to decide on his retirement; that military rules specify mandatory ages for different ranks, but not for his rank of senior general; and that he intended to continue in service “as long as I am still fit for the post”. This has important implications for the peace process, where relations with the military will be critical.

C. Ethnic Politics

The NLD’s election sweep sidelined parties representing ethnic minorities. Collectively, they have only 9 per cent of seats in the national legislature, and only two parties, the ANP and Shan Nationalities League for Democracy (SNLD), achieved any real success; the rest won just a few seats or none at all.

Relations between the NLD and these two parties got off to a rocky start. Neither Suu Kyi nor the NLD reached out to them or other ethnic parties during the long period between the elections and the transfer of power; nor were there attempts to negotiate power sharing in these states or who would be appointed as chief ministers. The ANP was upset with the NLD for announcing in January without consultations the nomination of ANP Vice Chair Aye Thar Aung as deputy speaker of the lower house. Relations became more strained once it was confirmed that the NLD would use a much-criticized provision of the constitution to appoint its members to all fourteen chief-minister posts. Both the ANP and SNLD then refused to take any position in the national or regional governments.

The rift culminated in a strong public statement from one of Myanmar’s most respected politicians, SNLD leader Khun Tun Oo. Addressing a meeting of the United Nationalities Alliance – a grouping of ethnic minority parties that has always staunchly backed the NLD – he
said they now had to rely on their own strength, as “ethnic people can no longer rely on the NLD”.

**Distrust between ethnic leaders and the new government has extended to the peace process.** Suu Kyi’s 27 April announcement of a vaguely defined new “Panglong-21” peace conference within two months, with no advance consultation with ethnic armed group or political leaders, raised concerns both about what the substance of the new proposal would be and how it was announced. A month on from the announcement, the leader of the Shan State Army-South – one of the largest armed groups that signed the Nationwide Ceasefire Agreement (NCA) – said:

I do not know in detail how this conference will be…. I have no idea which points [Suu Kyi] will work on and how she will deal with it…. I am also worried that she might misunderstand and do it in a wrong way. If this conference is wrong, it will affect the future of the union.

The commander of the AA, currently fighting the military in Rakhine state and elsewhere, expressed a lack of trust in the Panglong-21 initiative. His concerns were related to both the government’s handling of consultations and a perception it was acting unilaterally in Rakhine state: “currently the central government is not managing the states in a federal manner…. So, we are not fully confident that a peace deal could be signed during the term of this government”. Senior Kachin Independence Organization representatives, while cautiously welcoming the initiative, have also expressed doubts and concerns that Suu Kyi has not spoken out about escalating fighting in Shan and Kachin states.

Part of the underlying worry among armed group leaders is a perceived convergence of views between Suu Kyi and the military on the peace process, despite tensions between them on other issues. This should not automatically be a problem – indeed, a lack of cooperation or any significant divergence of views could be fatal to the process. The fear among armed group leaders, however, is that it would be impossible to negotiate with a united front of Suu Kyi and the military, with their combination of popular legitimacy and power. This has not, however, prevented generally positive momentum on the process. The Panglong-21 conference is slated for late August, though dates have not yet been fixed, and the timing could slip further.

**D. Other Elite Relations**

**Relations between the new government and the old political elite have also been mixed.** The previous government’s Union Solidarity and Development Party (USDP) was routed in the elections, securing only 6 per cent of seats in the national legislature.

The USDP had already ousted its chair, the then-speaker Shwe Mann, in a midnight putsch in August 2015, though he remained a party member and electoral candidate. This was the result of longstanding tensions between its main factions headed by Shwe Mann and President Thein Sein, respectively – mirroring legislative-executive tensions. The situation had come to a head when Shwe Mann rejected many applications from Thein Sein allies, as well as retiring military officers seen as supportive of the president, to stand in the election. Many USDP members had been uncomfortable with the close relationship Shwe Mann had built with Suu Kyi, which they saw as intended to further his ambition to be her presidential nominee, at the USDP’s expense. The military was also angered when he pushed proposals for constitutional change Suu Kyi championed, knowing they would not pass, but embarrassing the military by forcing it to veto.

Suu Kyi and Shwe Mann maintained their alliance after the elections. While his presidential ambitions were not realized, the lower house speaker on 5 February appointed him to head the Legal Affairs and Special Issues Assessment Commission, a powerful legislative advisory body. Given his personal authority and the loosely-worded mandate of the commission, there was concern in the USDP and military about how much power over legislation this gave him, and how much influence he had over Suu Kyi. These concerns were heightened when President Htin Kyaw included two of Shwe Mann’s close USDP allies in the cabinet. came to a head on 22 April, when Thein Sein – who resumed his position as USDP chair shortly after his
presidential term ended – expelled Shwe Mann and sixteen others from the party, including both USDP cabinet ministers (see Appendix B below) and all USDP members of Shwe Mann’s special commission. In addition to previous concerns, the immediate trigger appeared to be worries that Shwe Mann was building support to retake the party leadership.

There is a risk that the animosity between Shwe Mann and the opposing USDP faction could further complicate Suu Kyi’s relations with the old elite. It is important she avoids this: though the USDP is now legislatively impotent, it retains considerable spoiler power. More crucially, Suu Kyi’s support for Shwe Mann could possibly damage her relations with the commander-in-chief. This risk currently appears to have eased, with indications that she has put slightly more distance between herself and the former speaker. This has been particularly so on the peace process, where Shwe Mann was unsuccessful in pushing for allies to be appointed to key committees, which would have angered the military.

IV. Key Challenges

The government must urgently address a number of key challenges. After decades of authoritarian rule and civil war, some are long-term structural problems that cannot be fixed by merely adopting more enlightened policies. These include moving the peace process forward, addressing the situation in Rakhine state and continuing the delicate process of rebalancing relations with China.

A. Peace Process

The previous administration took significant strides toward ending the six-decade civil war, signing bilateral ceasefires and initiating joint negotiations on a national agreement. However, a lack of trust, exclusion of some armed groups from the process and pre-election political dynamics complicated the process. The text of a Nationwide Ceasefire Agreement (NCA) was agreed between all groups, but only eight signed in October 2015. This lack of inclusivity resulted in intra- and inter-armed group divisions, making it at best a partial success.

The new government has a number of advantages that could allow it to overcome previous obstacles. It has a powerful electoral mandate, including in many ethnic areas, and strong domestic and international legitimacy. Suu Kyi enjoys considerable public trust and confidence. The government also has the possibility to learn from its predecessor’s experience and refine its approach accordingly. It is at the beginning of its term, giving it some room for maneuver. Yet, it faces huge challenges. It has inherited a process that is part-way through and with which its leaders have had only limited involvement; the learning curve is steep. The process is also fragile and has been languishing for several months without direction, because the signing of the NCA was followed quickly by the elections and subsequent long lame-duck period. Meanwhile, there has been serious fighting in Shan and Kachin states and significant armed conflict returning to Rakhine state for the first time in decades.

Decisions the government takes in these first months – its policy direction, consultations with stakeholders and practical implementation – will shape the peace process for the next five years. It is critical to get these right.

There have been some initial missteps, particularly around Suu Kyi’s announcement of the Panglong-21 conference, that have worried armed group leaders (see above). In a 26-28 May meeting of the political committee established by the NCA, the Union Peace Dialogue Joint Committee (UPDJC), Suu Kyi had partial success in allaying some of these concerns. She confirmed she would continue to follow the NCA framework and that Panglong-21 was merely a different name for the peace conferences envisaged in that framework. However, she also indicated that the scope of discussions would be narrowed considerably, from the five thematic areas agreed previously in the UPDJC, to two: political issues (specifically, constitutional questions relating to federalism) and security matters (including demobilization, disarmament and security sector reform).

The other three thematic areas have been relegated to a new “Civil Society Organization Forum” that is to feed into the main conference in a way yet to be determined. This decision should be
The areas the main conference no longer covers are social issues (including culture, language, gender, resettlement, human rights, drugs), economic issues (including foreign investment, tax and revenue distribution and regional development) and issues around land and natural resources (including resource management and sharing of revenues). Some are key matters for ethnic communities and their leaders, and there is concern they are now considered secondary. Some, such as language policy, could be relatively easy concessions for the government that could build confidence for addressing more challenging topics in the negotiations.

There is suspicion among some ethnic leaders that the priority on constitutional issues reflects Suu Kyi’s broader objectives rather than peace process exigencies. Parties that did not win national seats in the 2015 elections have also been relegated to the Civil Society Organization Forum, limiting the range of ethnic political participation in the main negotiations, though there are recent indications that this may be reconsidered.

Suu Kyi’s stated intention to make Panglong-21 inclusive has been positively received. This has long been a demand of the armed groups that did not sign the NCA. As a first step, the new chief peace negotiator, Dr. Tin Myo Win, met the United Nationalities Federal Council (UNFC), the main umbrella organization of non-sig-na-to-ries, and invited them to participate in a preparatory meeting with the NCA signatories; a similar invitation has been made to non-signatory groups not in the UNFC. However, the attendance conditions for Panglong-21 do not appear to differ much from the previous government’s: to be full participants, groups will still have to sign the NCA first; if not, they can only be observers. This reflects the military’s longstanding position, which the commander-in-chief reiterated in his 13 May press briefing. The old government invited non-signatories to the first Union Peace Conference in January on the same observer basis, but they declined. Some may now be more inclined to sign the NCA, and others may agree to attend as observers, but may attach conditions.

The possibility for the three previously excluded armed groups (Myanmar National Democratic Alliance Army in Kokang, Ta’ang National Liberation Army and AA) to participate in Panglong-21 remains unclear. Who can attend Panglong-21 and under what conditions has potential to become contentious between Suu Kyi and the military, which would greatly complicate the process.

The government and NCA signatories have agreed Panglong-21 is to be held before 31 August, but this is very ambitious given the difficulty of the endeavor and the many armed groups involved. Pushing ahead with the conference before the necessary consultations have been held and trust built would be risky.

B. Rakhine State and Buddhist Nationalism

The situation in Rakhine state remains volatile. Politics has become more polarized as a result of the perceived sidelining of the ANP, which has led the party to adopt a more radical position and put it in opposition, or confrontation, with the NLD-led Rakhine state government. This has coincided with an upswing in radical Buddhist nationalist activity nationally, after several months of relative quiet. During the campaign, there were repeated efforts to use Buddhist nationalist narratives for party-political ends, but parties and candidates standing on a Buddhist nationalist platform won no seats or significant numbers of votes. Once the new administration was in power, nationalists began to reassert themselves, though they have started to face more push-back from government than they did under its predecessor.

In Rakhine state, this assertiveness took the form of demonstrations by Rakhine nationalists outside Aung Mingalar, the last Muslim enclave in urban Sittwe. Protesters demanded a headcount of residents, amid implausible claims that its population had tripled; Aung Mingalar residents were concerned about possible attacks. In an effort to defuse the situation, the chief minister agreed to the proposal, carried out by immigration officials with observers from both communities, on 22 May; it showed the population unchanged. However, calls to verify the Aung Mingalar population are linked to broader political objectives of their
advocates, related to segregation and moving Muslim populations out of urban areas. Further tests of the authority and resolve of the new state government by Rakhine nationalists are likely to follow.

At the national level, the first significant test of the new government was an unauthorized street protest outside the U.S. embassy in Yangon on 28 April against use of “Rohingya” in an earlier embassy statement. This prompted a request from the foreign ministry to the embassy not to use the word, a subsequent instruction from Suu Kyi to her own officials to avoid both the terms “Rohingya” and “Bengali” and discussion with visiting U.S. Secretary of State John Kerry on eschewing “emotive terms”.

Suu Kyi had signaled on several occasions that she did not consider the Rakhine state situation the biggest or most difficult facing the country and had urged the international community, and UN agencies in Myanmar specifically, not to “exaggerate” it. But her position has shifted in light of political realities in Rakhine state, and as nationalist groups across the country have come to focus on the “Rohingya issue”. On 31 May, a “Central Committee on Implementation of Peace, Stability and Development of Rakhine state” was formed, chaired by her – signalling that the situation will be one of her top priorities, along with the peace process. The committee includes all cabinet members plus the Rakhine chief minister and the state secretary. Sub-com-mittees were also formed, on security, citizenship, development and relations with aid agencies.

It signals that the center of gravity on Rakhine policy formulation and implementation has shifted from Sittwe to Naypyitaw, something the ANP has objected to, as well as its non-inclusion on the committee. This lack of representation of the two communities on the committee will present challenges but was probably unavoidable given the extremely polarized politics. An early focus of the Rakhine committee has been citizenship verification of Muslims in the state, one of the most difficult and contentious issues to be addressed. The first steps – including roll-out of temporary identification documents for Muslim residents and attempts to find a compromise term between “Rohingya” and “Bengali” – have raised objections from both sides. In particular, there has been strong reaction by Rakhine nationalists to the government’s preferred phrase, “the Muslim community in Rakhine state”, which may make it much harder to compromise on nomenclature. Success in addressing the complex situation in Rakhine state requires a solid understanding of the nuances – including deep distrust of government by both Buddhist Rakhine and Muslims – together with a willingness to consult broadly to obtain buy-in (or at least reduce opposition) of hardliners in both communities.

On the broader question of anti-Muslim sentiment, Suu Kyi met on 14 May with the chief monk of the Buddhist regulatory body, the State Sangha Maha Nayaka Committee. She committed her government to fulfilling “the rational wishes and ambitions of the people of all different races and faiths” and “highlighted the need to establish trust and understanding to ensure peaceful coexistence among different ethnic groups and faith groups residing in the country”.

The implementation challenges were demonstrated by the first incident of anti-Muslim violence to occur under the new government’s watch – an attack on a Muslim shop in Bago region on 23 June, followed by destruction of a nearby mosque and madrasa. However, steps are being taken to translate the vision into action. The Yangon chief minister, who is close to Suu Kyi, has publicly criticized the Buddhist nationalist “Association for the Protection of Race and Religion” (MaBaTha). It called off plans to demonstrate against him once it was clear he had the backing not only of the government, but also of the Sangha Maha Nayaka Committee, which issued a statement, reported in state media, saying that MaBaTha had no official Buddhist status. Also, prominent MaBaTha monk Wirathu faces possible prosecution for insulting comments in 2015 against the UN Special Rapporteur for human rights in Myanmar. These are developments that would have been hard to imagine under the previous government.
C. Rebalancing Relations with China

As the transition continues, the government faces the task of reshaping and rebalancing international political and economic relationships. The challenge that looms largest is how to craft a new relationship with China, its largest trading partner by far and a key source of foreign direct investment.

The importance of the relationship was underscored by the fact that Suu Kyi’s first official engagement as foreign minister was to host Chinese Foreign Minister Wang Yi on a two-day visit, 5-6 April. China had pushed hard to ensure he would be the first foreign dignitary to meet Suu Kyi. However, this was largely symbolic; no major outcomes were announced, including on the controversial Myitsone dam project, suspended by former President Thein Sein and which Suu Kyi said she had not yet been able to study in detail. Suu Kyi’s likely visit to the U.S. in September, possibly before any visit to China – and only her second major foreign trip, after Thailand in June – will no doubt be scrutinized closely in Beijing, especially given longstanding concerns over her closeness to the West. Her only prior visit to China was in June 2015, as NLD leader.

Thein Sein’s 2011 suspension of the Myitsone dam construction, one of China’s flagship projects in the country, shocked Beijing and marked the start of concerted re-engagement between Myanmar and the West. Though China is keen to restart construction, it understands that negative public opinion on the project in Myanmar may make that unfeasible. Nevertheless, it is keen to protect its other major projects, in particular, development of a large deep-sea port and special economic zone on the Indian Ocean coast at Kyaukpyu – and extract a quid pro quo for any cancellation of Myitsone. China is also using its considerable leverage over armed groups on the border to show Naypyitaw that it has in effect a veto on the peace process and to register concerns about the involvement of some other countries in the process. Resolving these issues will require more than project-specific guarantees and peace process reassurances; it will necessitate developing a broad, mutually-acceptable vision of bilateral relations.

A specially delicate aspect is enhanced military-to-military cooperation between Myanmar and the West, something of significant interest to the Myanmar military as it seeks to broaden defense cooperation. It is of great importance that Western militaries in particular explore appropriate avenues. First, it is essential for sustainability of the transition that the military sees institutional benefits from its decision to give up significant power. A driver of change has been its desire for Myanmar to build strategic relationships with the West, particularly the U.S., and access high-quality training. Secondly, socialization of a new generation of officers with peers in democratic countries can make an important contribution to reform of the institution. The West will have to be careful what kinds of training it provides, since Myanmar’s military is still engaged in domestic armed conflict and has a grim human rights record. Myanmar will need to ensure it is cognizant of possible Chinese concerns as it builds a broader framework of constructive relations with Beijing.

V. Assessing the Record So Far

Though it is too early for definitive judgments about performance, the government’s priorities and approach are becoming clearer, and there are some preliminary indications of how national politics is adjusting. These provide the basis for an initial assessment. Overall, the government has set a positive initial tone and taken some important steps to address the authoritarian legacy. Many political detainees were quickly released, and some oppressive laws have been repealed or are being amended, though there is much more to do in this regard. Constitutional reform, a stated government priority, appears to be on the back-burner for the moment, probably wisely given its difficulty and the range of other urgent problems that must be addressed. There is little clarity on policy priorities in most areas, but the government instructed all ministries and state/region governments to formulate and begin implementing “100-day plans” as of 1 May, consisting of quick-win actions and projects that would benefit the people.

Perhaps most importantly, Myanmar has passed through a year of much uncertainty and
change without major political turmoil. Following the landslide victory of Suu Kyi’s NLD in a broadly credible election with almost no violence, there was an orderly handover from the military-backed government; and her administration has entered an awkward cohabitation with the military, as dictated by the 2008 constitution, without significantly compromising on key principles or prompting a fundamental rift with the military. Navigating these difficult waters has been a key early success for government, military and country.

The enormity of the challenges and the uncertain limits of the new government’s power have had an impact. Suu Kyi has only partial executive authority under the constitution. This seems to have amplified longstanding tendencies, leading her to concentrate as much power as possible in her own hands. Many commentators have noted that the president and two vice presidents have largely disappeared from view. The cabinet also reflects this tendency, with clear priority given to loyalty; even a fake-degree scandal failed to unseat ministers in the two key economic portfolios. A notable lack of transparency and sometimes difficult initial relations with the media may be partially explained on the same basis. So too may prima facie curious positions, such as not objecting to the renewal of U.S. sanctions on Myanmar, which Suu Kyi may feel provide her with some leverage against the military and businessmen from the old elite, even at some cost to the economy.

The government has also made some initial missteps, including on the peace process and on Rakhine state, both of which can be seen as stemming from a failure to appreciate the complex details and a lack of consultation in advance of important decisions or initiatives. This has to be put in perspective: it is not unexpected that a new, inexperienced government inheriting the legacy of decades of divisive authoritarian rule would make missteps. Importantly, there have been no major failures. The key question is whether the missteps can be attributed to the settling-in period, or reflect a deeper culture of impulsive, non-consultative decision-making. If the latter, this would be a significant concern, but it is too early to judge.

Relations with the military have not always been sensitively handled. While there appears to be good cooperation and a convergence of views on the peace process, they have been strained in other areas, particularly around Suu Kyi’s appointment as state counsellor and how that bill was pushed through the legislature. The president has avoided calling meetings of the National Defense and Security Council, constitutionally-mandated as the highest security body, likely because Suu Kyi does not accept its democratic legitimacy, and the commander-in-chief has a slim majority in it that would give him control of decisions. While Suu Kyi may consider these unavoidable issues of principle, it is critical for maintaining cooperative relations that decisions the military sees as affecting its interests or the constitutional order are handled sensitively. More broadly, success hinges in part on whether the military sees benefits from the substantial concessions it feels it has made in the transition.

VI. Conclusion

Though there have been some teething problems, the outlook is encouraging. The transfer of power has been remarkably smooth, the government has taken some early steps toward further political liberalization, and there has been no fundamental rift with the military. There have been some early missteps on the peace process and Rakhine state, caused by announcing decisions without a full grasp of nuances or necessary consultations. These may reflect an inexperienced team finding its feet and can be overcome – as can residual distrust in the military – with some adjustment in the way government takes and implements decisions.

The government’s task is daunting. After decades of authoritarian rule and civil war, many key challenges are structural. The government must find ways of moving the peace process forward, addressing the situation in Rakhine state and continuing the delicate process of rebalancing China relations. As state counsellor, foreign minister and chair of the high-level committees in charge of the peace process and Ra-khine state, leadership on all these fronts falls on Suu Kyi’s shoulders, a huge, potentially
overwhelming burden. Success, therefore, depends not only on developing considered and consultative approaches, but also on ability to delegate. The international community can help by providing appropriate support and wise counsel and should not shy away from giving tough advice whenever necessary."


More than 750 delegates, many wearing checkered longyi or saffron-colored attire, attended the opening ceremony. The conference was the first time in seven decades that so many factions — the government, Parliament, the military and political parties, and ethnic armed groups — had gathered to address the country’s armed struggles.

The conference picked up on the previous government’s partial success in securing a national cease-fire last year. But despite the gathering’s symbolism, expectations for progress were low. No formal negotiations were scheduled to take place during the five-day meeting."

"National Human Rights Education Initiative Forthcoming in Burma," Global Campaign for Peace Education, July 23, 2016, http://www.peace-ed-campaign.org/category/categories/news/, reported, Burma’s national human rights commission will join the Ministry of Education in integrating human rights education into the national curriculum, a move likely to be implemented in the following academic year, the commission has announced."

As of June, 2016, refugees from Myanmar and Bangladesh who by boat reached Thailand, Malaysia, and Indonesia in 2015, had remained in limbo, or worse. A great many had been sent home, were being detained, or were living in camps. Only 46 had been relocated to third countries (Joe Cochrane, "Migrants Still in Limbo Across Southeast Asia One Year After Crisis," *The New York Times*, June 19, 2016).


"Indonesia: Tribe attacked in palm oil plantation," Survival International, June 24, 2016, http://www.survivalinternational.org/news/11340, reported, "Members of the nomadic Orang Rimba tribe in Indonesia have been attacked and their possessions burned as part of an eviction from a palm oil plantation on their ancestral land.

The Orang Rimba are a nomadic hunter-gatherer tribe who have been dependent on and managed their forest home in Sumatra for generations. Although a national park was created to protect local wildlife and – unprecedented in Indonesia – the tribe, the Indonesian government has signed over most of their ancestral lands to palm oil, timber and other plantation companies.

As a result many Orang Rimba are forced to live in plantations, collecting palm oil
seeds and hunting wild boar. For collecting the seeds, the tribe have been accused of theft by the company operating in the area, even though the oil palm is on Orang Rimba ancestral land and the tribe do not regard such foraging as theft.

One Orang Rimba man said: 'That is our ancestral land. Our life and death are in that land. How can it be that we are forbidden? It’s forbidden for children to take the seeds which have fallen from the palm oil trees. How can it be forbidden? They planted palm oil trees all over our land.'

The palm oil company PT Bahana Karya Semestra (BKS), which is owned by Sinar Mas, has recently ordered the Orang Rimba to leave. Members of the tribe have reported that they were already preparing to go when they were attacked, beaten and stabbed by security staff from BKS.

Security staff then set fire to their shelters, vehicles and hundreds of loin cloths. According to custom, these are regarded as the tribespeople’s most precious possessions. They represent wealth and prestige and are used to pay fines in Orang Rimba customary law.

The Orang Rimba’s land and resources are being stolen, and they are being subjected to violence in the name of 'progress.' Survival International, the global movement for tribal peoples rights, is calling for the Orang Rimba’s right to their ancestral lands to be recognized.


For a majority of the island’s 18 indigenous groups, pre-natal checks involved rituals of smoke, fire and prayer to ward off evil spirits, and with most babies being born at home without trained midwives on hand, mothers would hope and pray for no complications.

'Giving birth was scary,' recounts Gillian Albios, 25, from the Dibabawon indigenous group in the mountain village of Camansi, who is now five months pregnant with her second child.

'I did want to get to a clinic, but I had to bounce along the road for over two hours on the back of a motorbike. That’s not what you need when you’re in labor.'

Just three years ago, Albios’ municipality of Montevista had one of the highest rates of maternal deaths in the Compostela Valley Province.

Yet with support from the Philippines’ Department of Health, the European Union and the United Nations Population Fund (UNFPA), a new health and birthing facility was established in Camansi in early 2015.

After they set up here, I took up using birth control and started helping my husband earn money for my son’s school,' Albios says, as a nurse listens to the tiny heartbeat in her belly.

With a midwife, nurses and community health workers based permanently on site, Albios plans to give birth at the facility this time around.

'From a community of over 1500, we’ve had 16 births at the health station this year,' explains Nurse Sherwin Magbanua.

"Our health workers go door to door to check on people, teach them about healthy practices related to family planning, pregnancy and childbirth and refer them on if needed.'

With two new health and birthing facilities now fully staffed and equipped, Eutropio Jayectin, Montevista's Mayor, says maternal deaths have fallen dramatically.

'With zero maternal deaths for nearly two years, we’ve moved from last to first in the province,' he says.

Maricel Nalangan, 34, is a leader, campaigner and traditional medicine maker from the Dibabawon indigenous group in Montevista.

Working with indigenous people’s organisations, she lobbies the local government for a fair allocation of resources, whilst making a small profit from selling traditional herbal remedies.
'I've been fighting discrimination all my life,' Nalangan says. 'Not long ago, the tribes were seen as the lowest of the low, but thankfully, we have more respect now.'

Over 60 per cent of the 14 - 17 million indigenous people in the Philippines live in Mindanao, and when health, education and infrastructure investments were planned they were often the lowest priority.

Remote locations, mountainous terrain and years of conflict also made it hard to reach them with lifesaving services.

Yet the European Union and UNFPA funded Indigenous People’s Maternal Child Health and Nutrition project, actioned by the National Commission on Indigenous People and co-managed by UNFPA, makes the tribes a top priority.

'Thousands of indigenous people didn’t even have birth certificates before this project got going,' notes Cemellie Sabay, UNFPA's project manager, 'so they couldn’t access national health insurance, free healthcare, or get enrolled in schools – let alone get bank accounts and good jobs.'

'Yet over the past three years, we’ve helped over 10,000 get registered.'

According to Sabay, the project team also educates indigenous leaders on reproductive health and gives out micro-loans for sustainable, culturally sensitive and money-making mini-businesses, like Nalangan’s herbal medicines.

'In everything we do, cultural sensitivity is our mantra and our battle cry,' she says.

Detmer Yens Kremer, "Indigenous Protesters Injured as Police Vehicle Rams into Demonstration in Manila October 20, 2016, https://www.culturalsurvival.org/news/indigenous-protesters-injured-police-vehicle-rams-demonstration-manila, reported, "On the morning of October 19, 2016, a police vehicle rammed into a crowd of largely Indigenous protesters outside of the United States Embassy in Manila, the capital of the Philippines. Over 50 people were injured. After the violent disruption of the protest, the police proceeded to arrest approximately 31 protesters, which since have been released, as well as to use teargas to further disperse the crowd.

The protesters, which consisted of a coalition of Indigenous Peoples including Moro, Lumod and Ilongot, were objecting to the presence of the United States military in the country, particularly in Moro ancestral lands, as well as the strong economic ties between the two countries. Indigenous Peoples, and particularly Moro peoples, have resisted American militarization of Indigenous lands for a long time, especially as it introduces or exacerbates environmental degradation, displacement, and prostitution. The protesters specifically endorsed newly elected President Rodrigo Duterte’s foreign policy, which seeks to remove the dependency of the Philippines onto the American economy.

'I was ran over by a police van,' Indigenous protester Piya Macliing Malayao shares after the incident, 'we were about to end our program and disperse our ranks. We were just waiting for the last speaker to end. But the police advanced, and one of their vans even drove back and forth. This is why I’m injured. And now that the medical team is about to provide me with first aid, the police are attempting to arrest them. They say that they are charging all of us! For what? For protecting the sovereignty of the Philippines?' In response to the violent incident, the police claimed that the vehicle was only trying to exit the growing crowd which was protesting without permit.

The violent response raised many questions among Philippine Indigenous groups and coalitions about the commitment of Duterte to new foreign policies and the different ways such policies would translate into increased sovereignty for Indigenous Peoples. Jerome Succor Aba, Suara Bangsamoro national spokesperson said 'is this how the government treats its national minorities? Is this the answer to our plea to stand up for national sovereignty and protect the interests of national minorities from the claws of Washington?' Similar concerns were raised by
other Indigenous protesters, especially as the incident came on the heels of a similar less violent response to an Indigenous rights protest in Quezon City. As President Duterte is still on a diplomatic visit to strengthen the relation of the Philippines with China, many are awaiting his return and anticipate how he will address this incident and the situation of Indigenous Peoples in general."

Detmer Yens Kremer "Clinton Pryor Walks across Australia to Protest Forced Closures of Aboriginal Communities," Cultural Survival, September 18, 2016, https://www.culturalsurvival.org/news/clinton-pryor-walks-across-australia-protest-forced-closures-aboriginal-communities, reported, "In 2015, the Australian government passed legislation intending to drastically cut funding for remote Indigenous communities. This effectively means the closure of approximately 150 communities. This decision is rooted in anti-Indigenous prejudices encoded in language of “treating everyone equally” and the idea that being a member of these communities is a “lifestyle choice.” Currently, the enactment of this legislation is looming over hundreds of Indigenous communities and threatening a variety of Aboriginal cultures. Many activists have been protesting these developments. One of these protesters is Clinton Pryor (Noongar), who since September 8, 2016 has been walking from Matagarup, near Perth, to Canberra to raise awareness of the increased injustice Aboriginal communities are facing."

'The thing I cherish most in my life,' Pryor explains when he is talking about his protest, 'was living in community out on country with my mother and my people. My mum was very happy and lovely lady. She was a person who believed in happiness. When my mum was alive, before she passed on, she was teaching me about bush medicines and how to live off the land, like our old people. She wanted me to understand the ways of our people and never be ashamed of being a part of the Dreamtime. I’m doing this walk for our people, for myself and also for my mum. I do not want to see communities closed down and see my people lose their home because the government has decided not fund service for them. It is not right and this why I am doing the walk to save my people from losing their home and being forced to live homeless.' Pryor puts his protest in a historical continuum. It is an act of reclamation of spaces that the non-Indigenous government is attempting to redefine as empty and lifeless. Pryor’s walk brings attention to how full the land is, particularly in two ways. Firstly he does so literally, by bringing attention to the Indigenous communities that call this land home and have done so for centuries. Pryor challenges the very notion that being far from urban centers equates unviability. Secondly, he explicitly fills the land with Indigenous spirituality by talking to elders, going to spaces like Uluru, and invoking Dreamtime. He is invoking Indigenous definitions of the land, and demanding respect and equitable treatment for Aboriginal Peoples.

This walk is a powerful one. It challenges the intentional dislodging of Indigenous communities as well as the paternalistic attitudes in regards to how the Australian government is treating Indigenous sovereignty. Clinton Pryor’s walk is currently happening, and has recently been endorsed by former Australian prime-minister Kevin Rudd. Pryor posts regularly on his Facebook and website to ensure a continuous stream of updates and information. Additionally Noongar Radio will provide daily updates and other additional resources.
The Standing Rock Sioux opposition to the Dakota Access Pipeline and the Mohawk opposition to the Energy East Pipeline raise important questions about North American oil pipeline infrastructure because of Indigenous Peoples’ concern for water and land. As one commentator put it:

“Oil pipelines are inherently dangerous, and threaten our communities and environment with spills and explosions. They boost corporate profits and increase our dependence on fossil fuels, while bringing only risks and harms to those who live along the pipelines’ paths.”

By most accounts the Standing Rock Sioux Tribe’s opposition to the Dakota Access Pipeline, which threatens their water and land in North Dakota and the central plains, has led to the largest historic gathering of Indigenous Tribes and nations in over 100 years.

The Sacred Stone Camp on the Standing Rock reservation has greatly surpassed the 1973 American Indian Movement (AIM) occupation of Wounded Knee on the Pine Ridge reservation, which I hitchhiked to for a time when I was a teenager and where I learned what getting shot at by U.S. Marshalls with 50 calibre machine guns with tracer bullets in the dark looks like, while flares are also shot in the air.

Unlike the 1973 Wounded Knee armed standoff the Sacred Stone Camp on the Standing Rock Sioux reservation is weapons-free and peaceful strategies are employed to block the Dakota Access Pipeline; “protectors not protesters” is the mantra of those camped at the site.

The only violence has come from the company itself who on Saturday September 3, employed private security who used attack dogs on the land protectors when they tried to stop bulldozers from digging up and destroying sacred cultural sites the Sioux had identified as needing protection.

The Tribes on the Great Plains had a practice run over the last few years in their opposition to the now failed XL Pipeline, which no doubt prepared them for the current conflict with the powerful oil and gas industry, the corporate and financial interests from Wall Street, not to mention the US government departments and agencies.

The company Dakota Access LLC and the Energy Transfer family of companies has reportedly, “$10.25 billion in loans and credit facilities from 38 banks directly supporting the companies building the pipeline.”

Last Friday September 9, a US Federal Court judge denied a temporary injunction application from the Standing Rock Sioux Tribe to stop the construction of the pipeline.
Immediately after the federal judge’s decision was handed down an unusual joint statement was issued by the US Department of Justice, Department of the Army and the Department of the Interior, halting construction of the pipeline under the Missouri River near the Standing Rock reservation and requesting that the company voluntarily stop construction of the pipeline “within 20 miles east or west of [the Missouri River],” while the U.S. government consults with the Tribes about the original approval of the pipeline.

However, even before the Federal Court decision was handed down, North Dakota governor Jack Dalrymple militarized the situation by replacing the state police and sheriffs with armed National Guardsmen to man a check point on a highway leading to the reservation.

For the Great Sioux Nation its allies and supporters – despite the court loss - the fight is far from over as they prepare to winterize the camps and continue their legal and political strategies to stop the Dakota Access Pipeline, or as they call it the “Black Snake” from destroying their water and land!

Meanwhile in Canada, after 10 years of the Harper government, the newly elected Trudeau government has inherited the thorny issues of trying to balance environmental protection with developing Canada’s national economy.

One of the young prime minister’s first actions after being elected into power was to lead a Canadian delegation into the Paris Climate Change Conference negotiations last November and ultimately endorse the Paris Agreement on Climate change.

The “Paris Agreement” is a global agreement for countries to try and limit global warming to less than two degrees Celsius compared to pre-industrial levels, by setting voluntary national goals to limit greenhouse gas emissions and review their progress globally every five years.

To reach this global target zero emissions from humans will have to be reached by the second half of the 21st century, according to some scientists.

Scientists have pointed out any rise over two degrees Celsius means dangerous climate change.

Many scientists say impacts due to climate change become catastrophic if temperatures are allowed to rise anywhere near three degrees Celsius (5.4 degrees Fahrenheit).

Despite signing onto the Paris Agreement, a main federal goal under the Trudeau government remains getting Tar Sands crude to tidewater through pipelines, but it appears the federal regulatory process headed up by the National Energy Board (NEB) is imploding with three of the Commissioners assigned to review the Energy East Pipeline Project resigning amid charges of conflict-of-interest for a secret meeting with former Quebec premier, Jean Charest, while he was employed as a lobbyist for TransCanada the Energy East Pipeline company.

Also in BC there is widespread opposition from Indigenous and non-Indigenous peoples to the Northern Gateway and Kinder-Morgan Pipelines from Alberta, as well as the associated oil tanker traffic off the BC coast.
Let’s be clear, all of these pipelines are to transport crude oil to storage refineries at ports on the saltwater coasts to ship the crude oil overseas for corporate profits, not for the benefit of Indigenous Peoples.

Oil from the Tar Sands is one of the dirtiest sources of energy produced and a big contributor to carbon pollution and climate change. This is why US president Obama rejected the XL Pipeline as not being in the US national interest.

As Indigenous Peoples with our history of witnessing environmental destruction, our traditional knowledge and the original instructions given to us by the Creator, we should be leading the debate in North America and globally about moving away from dependency on fossil fuels and developing low carbon or zero carbon renewable energy sources.

It’s not enough to oppose pipelines, a low carbon footprint starts with the habits and choices of the individual, the family and the community. This includes Standing Rock and Kahnawake!

For Indigenous Peoples on the north side of the Canada/US border the Trudeau government is using Assembly of First Nations national chief Perry Bellegarde and the AFN Executive Committee as the main consultation body for First Nations’ input into Canada’s climate change strategy.

Using the AFN is a façade to give the public appearance of Indigenous Peoples’ consent to Canada’s climate change strategy and national targets developed by the federal, provincial and territorial governments in keeping with the Paris Agreement.

In Niagara Falls this past July the AFN Annual General Assembly adopted a resolution creating an AFN Advisory Committee on Climate Action and the Environment (ACCAE) whose mandate is to:

“Engage meaningfully with federal, provincial, and territorial governments in the development and implementation of the Pan-Canadian Framework on Clean Growth and Climate Change to ensure that First Nations are meaningfully included in all aspects of this process.”

Unless Indigenous Peoples mobilize more like what is happening in Standing Rock, the colonial constitutional framework of Canada means that Indigenous Peoples will have no meaningful say or inclusion in climate change strategy or policy measures, and since AFN is being used to bypass Indigenous communities and Nations, the media and Canadian public will continue to be misled by the prime minister and premiers about Indigenous involvement in Canada’s climate change strategy of targets to meet the goals of the Paris Agreement.

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ENDING A CENTURY OF ECOCIDE AND GENOCIDE, SEEDING EARTH DEMOCRACY: PUTTING MONSANTO ON TRIAL IS ONLY THE BEGINNING OF WHAT THE WORLD’S PEOPLE MUST DO TO REGAIN CONTROL OF THEIR FOOD SYSTEMS

Vandana Shiva*


For more than a century, a poison cartel has experimented with and developed chemicals to kill people, first in Hitler's concentration camps and the war, later by selling these chemicals as inputs for industrial agriculture.

In a little over half a century, small farmers have been uprooted everywhere, by design, further expanding the toxic fields of the industrial agriculture.

In India, a country of small farmers, the assault of the poison cartel has driven millions off the land and pushed 300,000 farmers to suicide due to debt for costly seeds and chemicals. The GMO seeds have failed to control pests and weeds. Instead they are creating super-pests and super-weeds, trapping farmers deeper in debt.

And it is not just farmers who are dying. Our soil organisms and pollinators are dying. Our soils are dying. Our societies are dying. Our children are dying—because of diseases caused by food loaded with toxics.

The introduction of GMOs, by the Poison Cartel, has accelerated the crisis of disease and death. The only reason GMOs are forcibly introduced is to claim patents on seeds - to collect royalties from every farmer, every season, every year. In India more than Rs 50 Billion has illegally been collected by Monsanto, from the cotton farmers of India. Within a few years of illegally entering India, Monsanto started to control 95% of the cotton seed supply. Most of the 300,000 farmers suicides are in the

A patent of life and on seeds is a crime against farmers—who are trapped in debt for costly patented seed.

It is also a crime against nature. The claim, that by adding a gene Monsanto is "making" life, violates the self organising, self-renewing capacity of seed. The crime is further aggravating by pushing out bio-diversity, and spreading genetic pollution through the introduction of GMOs.

These issues are in courts everywhere.

We are now organizing a Monsanto Tribunal, and People’s Assemblies across the world, to put the Poison Cartel on trial at the Hague (14th to 16th October). Alongside the Tribunal People’s Assemblies are being self organised by local communities everywhere.

The Tribunal will both synthesize the existing crimes and violations for which Monsanto+Bayer is in courts across the world— in India, Europe, US, Mexico, Argentina, as well as expand the scope of criminal activity to include the crime of ecocide, the violation of the
rights of nature. Crimes against nature are connected to crimes against humanity.

Corporate crimes have become visible everywhere, the corporations become bigger, claiming absolute power, absolute rights, absolute immunity, deploying more violent tools against nature and people. The People’s Assembly will not just take stock of the past and present crimes. It will look at future crimes with the aim of preventing them. Monsanto is now becoming Monsanto Bayer. Syngenta is merging with Chem China. Dow has merged with Dupont. Movements from India, China, Germany, Switzerland challenging these mergers will be addressing the People’s Assembly and planning future actions.

The process of holding the Poison Cartel accountable is the culmination of 30 years of scientific, legal, social, political work by movements, and concerned citizens and scientists. This is the coalition that has got together to organize the Monsanto Tribunal and People’s Assembly. The chemical corporations had expected to take over all seed by the year 2000, through GMOs, patents, mergers and acquisitions. But most seed is not genetically modified, most countries do not recognize seeds and plants as corporate inventions, hence patentable. Monsanto’s crimes have become so well known that it now wants to disappear itself through the Bayer acquisition. The Movements against Monsanto have already won. Now we need to shut down the poison cartel.

While GMOs fail, a new generation of genetic engineering based on CRISPR, gene editing, gene drives is being promoted to grab more patents and wreck the planet faster for the benefit of a few toxic billionaires.

And because we built movements to stop "free trade" through WTO—such as the mobilizations in Bangalore, Seattle, Cancun and Hong Kong—corporations are now pushing new free trade agreements, such as TTIP and TPP. The Investor State Dispute Settlement (ISDS) systems in the new agreements are aimed at dismantling our constitutions, our rights, and our democracies.

Corporate rule over the past two decades has led to an economy where 1% of the rich control as much wealth as 99% of humanity. More accumulation of wealth through corporations will lead to the extermination of most people, as their lands and livelihoods, their resources and democracies, are grabbed for profits and control.

The Monsanto Tribunal and People’s Assemblies organised in the Hague are already having repercussions in the International Criminal Court. Since 2002 when the court was set up by the United Nations, it has largely investigated war crimes and genocide linked to conflicts. The court has jurisdiction over the 124 countries which have ratified the Rome statute. It is now widening its remit, to look at destruction of the environment and violation of people’s rights to their resources. The court will also prioritize crimes that result in the "destruction of the environment," "exploitation of natural resources," and the "illegal dispossession" of land. It also included an explicit reference to land-grabbing.

The ICC's policy paper on case selection and prioritization declares: "The office [of the prosecutor] will give particular consideration to prosecuting Rome statute crimes that are committed by means of, or that result in, inter alia, the destruction of the environment, the illegal exploitation of natural resources or the illegal dispossession of land." Patents on seeds are an illegal exploitation of natural resources which have pushes hundreds of thousands of Indian farmers to suicide. This is a crime worth investigating, and ending.
While courts can investigate crimes of the poison cartel, and this is important for justice, people have the power to change the way we grow our food. That is why hundreds of People’s Assemblies, being organized everywhere, will make commitments to create a healthy future of food and of the planet. From the People’s Assemblies we will launch a boycott campaign, to liberate our seeds and soils, our communities and societies, our planet and ourselves, from poisons and the rule of the poison cartel.

*Dr. Vandana Shiva is a philosopher, environmental activist and eco feminist. She is the founder/director of Navdanya Research Foundation for Science, Technology, and Ecology. She is author of numerous books including, Soil Not Oil: Environmental Justice in an Age of Climate Crisis; Stolen Harvest: The Hijacking of the Global Food Supply; Earth Democracy: Justice, Sustainability, and Peace; and Staying Alive: Women, Ecology, and Development. Shiva has also served as an adviser to governments in India and abroad as well as NGOs, including the International Forum on Globalization, the Women’s Environment and Development Organization and the Third World Network. She has received numerous awards, including 1993 Right Livelihood Award (Alternative Nobel Prize) and the 2010 Sydney Peace Prize.

THE U.S. ELECTION AND THE RIGHTS OF INDIGENOUS PEOPLES


Today is a day of sober reckoning for Indigenous Peoples, human rights and earth defenders, and allies in the United States and around the world. As a multi-regional Indigenous organization representing Nations, Peoples and governments which pre-date current nation-States and their electoral systems, IITC does not usually make statements about such outcomes.

However, yesterday’s election will have wide-reaching impacts in and outside of the US for Indigenous Peoples who are working internationally and in their communities to protect their sacred sites, ecosystems, cultures and Treaty rights from imposed development. US president-elect Donald Trump has committed to withdraw the US from the UN Climate Change talks and the Paris Agreement and to push for expanded fossil fuel extraction. As an investor in that corporation, he has called for the DAPL pipeline construction to push ahead despite the opposition of the Standing Rock Sioux Tribe. He has said he will reinstate torture, impose religious criteria for immigration, build a border wall dividing our traditional homelands, and carry out mass deportations. We can only imagine the potential impacts on US’ obligations to uphold the UN Declaration on the Rights of Indigenous Peoples, Nation-to-Nation Treaties and International human rights Conventions.

The press as well as Donald Trump’s supporters have compared him to former US President Andrew Jackson and his so-called “populist” appeal. However, many Indian Nations remember Andrew Jackson as one of the most infamous “ethnic cleansers” the US has ever produced. Jackson was responsible for the Indian Removal Act of 1830 which produced the “Trail of Tears”, and the forced removal of the Cherokee, Seminole, Muscogee, Chickasaw and Choctaw from their traditional homelands. The resulting deaths and suffering is well remembered, and the scars persist to this day. Trump himself has praised Jackson’s role in US history.
Of course, Indigenous Peoples, along with many others in the US and around the world, have profound concerns about what has happened. It is clearly time for increased vigilance and renewed commitment to defend what is important and sacred to us. It is also time to recall that the Rights of Indigenous Peoples, and human rights are inherent and inalienable. They were given to us by the Creator. Our rights can either be violated or upheld; but they can’t be given or taken away by any election, politician or law.

In the upcoming years, we will no doubt be under great pressure to defend our rights, sacred lands and waters, Treaty rights, ways of life. We will need to be unified and prepared to stand in solidarity with one another with the clarity and positivity that only our spiritual teachings and practices can provide. Our ancestors withstood far more with great courage, wisdom and integrity, always keeping true to who they were. Now is not the time for us to be discouraged, depressed or fearful. There is far too much at stake for that.

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DECLARATION OF THE INDIGENOUS FOOD SOVEREIGNTY AND TRADITIONAL KNOWLEDGE FOR CLIMATE CHANGE RESILIENCY GATHERING

“nihimá nahasdzáán nihee iiná dóó nihi sihasin at’é” SHIPROCK, SW DINÉ NATION – 13 August 2016

from the east we are blessed with the dawn
we are given the divine gift of nitsáhákees-thinking
we are made to be holy surface peoples of the Earth our souls are one with the souls of living beings of all time we were placed here with the four sacred plants to guide us

our original instructions teach us that corn is a root of our lifeways our songs and prayers resonant with the heartbeat of our Earth Mother

with the south we are given the teachings to make our life plan
we are given reasoning to set our path of life with nahát’á-planning
in our early times we were happy living the Original Intent of the Creator
with the great intrusion of the invader our world became a life of hardship
our original instructions gave us resilience to make our way through difficult times
we are told we don’t own the land, but we belong to the Earth and she belongs to us
no earthly power or law has the authority to deny us our relationship with our Earth Mother

by the west we journey with the sacredness of living
we have been given the precious opportunity for iiná-living
we have profound and troubling concern for the state of the world
where powers of government and business compete to destroy the Earth
where we continue to suffer the consequences of the Doctrine of Discovery
where our life struggle is to rise above the conditions of colonization and dependency where we must decolonize our policies and practices of food, water and land to live to survive

from the north we seek wisdom through our reflections
in humbleness we pray for blessings of unyielding sihasin-hope
our struggle to live is one of resistance, resilience and determination

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in our wisdom we know we have the roots, songs and courage to survive our strength and power is in our Indigenous identity, history, culture and politic

in healing from our intergenerational, historic unresolved trauma we also heal the Earth we accept our life responsibility to remain Warriors uncompromising, to defend the sacred

we touch our sweet Earth Mother as we honor her life 
we thank her for her life and beg her to have courage for our life 
we feel and live her pain, we stand against unrelenting exploitation of her

we demand our Tribal Nations that our home lands be GMO and pesticides free 
we stand strong to fight climate change and rally the cry of “Leave it in the Ground”
as Defenders of the Earth we stand together for Indigenous unity to defend our ground
it is of utmost urgency to protect the life of the Earth Mother as it is the future of the children

we pray the heavens to bless us with impeccable principles
as we walk strong to live our chosen lifeways the Creator set for us
as children of the Great Creator and the Earth Mother we demand justice
for our human rights to life, food, water, culture, health and clean environment

we challenge our Tribal leaders to protect our sacred medicines and our natural foods
it is an absolute that to be sovereign and self-determined, we must have food sovereignty we call out our Tribal leaders and Warriors to defend our Indigenous lifeways, our Earth, our life

the Shiprock Chapter and International Indian Treaty Council were honored to host the Gathering to provide this opportunity where relatives from the SW Diné Nation and other Indigenous Nations could come together to share our traditional food knowledge and our leadership thoughts about how we can work to restore and protect our traditional knowledge and lifeways
to preserve our seeds, foods and to defend our lands and waters that sustain all life
to grow our grandchildren to be strong in the future to face myriad challenges
our life work is to assure their wellness in spirit, culture and physical health
we commit to one another to continue learning and sharing in these ways

we commit to pass this knowledge on to our children for their survival as our prophecies teach that future times will not be kind to all life

we were blessed with our traditional ways of planting, gathering, and caring for our animals blessings which were passed to us through our songs, stories, prayers and ceremonies these lifeways contain answers that are to help the world address climate change
to restore healthy foods and help institute green sustainable energy production
we fight land theft, deforestation and other threats to our food sovereignty
we are committed to protect and defend our remaining Indigenous lands
to educate and preserve our lands for Indigenous Food Sovereignty

our lands must be free from genetically modified seeds and plants and all forms of chemical contamination and toxic pesticides
so that our natural world is protected, nurtured and shared

we proclaim our Indigenous human rights and our right to self-determination as sovereign free Peoples we affirm our inherent rights recognized in the UN Declaration on the Rights of Indigenous Peoples we honor the life sacrifices of our ancestors as we carry on the sacred responsibilities
to our Peoples, our future generations and to our sweet sacred Earth Mother, we thank the land, water, our relations with the plant and animal worlds who give their beings and souls to give us all we need for our lives we affirm our commitment to the Creator and to one another to protect our Earth Mother, so that life can continue it is urgent that we rise and sing the drum the life of our Earth Mother is our life

adopted on 13 August 2016 Shiprock, SW Diné Nation

“Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.”

--- Article 25, United Nations Declaration on the Rights of Indigenous Peoples

Further Endorsed and Adopted by Consensus of the 42nd Anniversary IITC Conference September 11th 2016, Waimanalo, Hawaii.

#NATIVEVOTE16 – OVERDUE NATIONAL DEBATE ABOUT PIPELINES AND ‘SOUND SCIENCE’

Mark Trahant*


The federal government’s 2014 climate change assessment puts the Standing Rock dispute in context with this paragraph about the Great Plains. “Rising temperatures are leading to increased demand for water and energy. In parts of the region, this will constrain development, stress natural resources, and increase competition for water among communities, agriculture, energy production, and ecological needs.” (Trahant photo)

Mark Trahant / TrahantReports

On Friday I tweeted: “What an extraordinary day, the federal government has a pulse.” The United States finally weighed in on what many of us believe is the most important issue in the country right now: The question of how this nation will address climate change. And pulse or not this remains an unsettled question. But at least last week the federal government took one small step toward the right answer.

Let’s back up. The Standing Rock Tribe filed suit against the U.S. Army Corps of Engineers because the agency did not adequately consult with the tribe as required law. On Friday U.S. District Judge James Boasberg disagreed, saying that the Tribe had not demonstrated that an injunction was warranted to stop construction of the Dakota Access Pipeline.

The most remarkable section of the ruling, however, was the background of the case. “A
project of this magnitude often necessitates an extensive federal appraisal and permitting process. Not so here. Domestic oil pipelines, unlike natural-gas pipelines, require no general approval from the federal government. In fact, DAPL needs almost no federal permitting of any kind because 99% of its route traverses private land.”

The only regulatory role for the federal government in this case “concerns construction activities in federally regulated waters at hundreds of discrete places along the pipeline route. The Corps needed to permit this activity under the Clean Water Act or the Rivers and Harbors Act – and sometimes both. For DAPL, accordingly, it permitted these activities under a general permit known as Nationwide Permit 12.”

In other words — as a public policy — there is no public debate about this pipeline except in the context of water.

Several minutes after the court ruling three federal agencies issued their own statement. “We appreciate the District Court’s opinion on the U.S. Army Corps of Engineers’ compliance with the National Historic Preservation Act. However, important issues raised by the Standing Rock Sioux Tribe and other tribal nations and their members regarding the Dakota Access pipeline specifically, and pipeline-related decision-making generally, remain.”

So the Department of the Army, the Department of Justice, and the Department of the Interior acted to “reconsider” previous decisions regarding the Lake Oahe site and its approval. “The Army will move expeditiously to make this determination, as everyone involved — including the pipeline company and its workers — deserves a clear and timely resolution,” the statement said. “In the interim, we request that the pipeline company voluntarily pause all construction activity within 20 miles east or west of Lake Oahe.”
The statement also called for a serious discussion on tribal consultation about such projects. (More about that later.)

So what does this all mean? It means there will be a quick review (who knows what quick means in Fed-speak) about the underground water crossing of the Missouri River near the Standing Rock Reservation.

And, if the federal government has a pulse, it also has the ability to keep a secret. There is no way this was a rushed decision. This had to be debated at the White House level because so many multiple federal agencies were involved (it’s interesting that the Environmental Protection Agency and the Department of Energy did not join in on this statement.)

The idea that the water crossing needs a second look is a entry point into a larger question, how important are water resources in the era of climate change?

I suspect the oil and pipeline industry already knows the answer. A news release from the National Association of Manufacturers said “President Obama has crossed the line.” This decision “sets a bad precedent that could threaten future infrastructure projects.” The Midwest Alliance for Infrastructure Now was even gloomier in its assessment. “Should the Administration ultimately stop this construction, it would set a horrific precedent. No sane American company would dare expend years of effort and billions of dollars weaving through an onerous regulatory process receiving all necessary permits and agreements, only to be faced with additional regulatory impediments and be shutdown halfway through completion of its project.”

This is too rich. A federal judge (in a ruling the industry liked) said the process was not
onerous. In fact it’s the opposite because domestic oil pipelines require no general approval from the federal government.

The Midwest Alliance went on to say: “We hope and trust that the government will base its final decision on sound science and engineering, not political winds or pressure.”

And that is exactly where the country ought to start the conversation, using sound science.

The federal government’s best science comes from the U.S. Global Research Program. In its most recent report, it says “climate change does not occur in isolation. Rather, it is superimposed on other stresses, which combine to create new challenges.”

The Dakota Access Pipeline is such a challenge. The industry’s own promotions say this pipeline will move more oil to markets faster, eventually moving 570,000 barrels a day. Instead of reducing consumption, it makes it easier and cheaper for Americans to have more.

Yet at the same time the United States has promised the rest of the world that we will use slow down our use of oil and reduce our carbon impact. The official goal is to limit the increase (not reverse) global warming to “well below” 2 degrees centigrade. That will not happen with more, cheaper oil.

Again, consider the Federal Government’s best science. It says: “Climate change challenges the idea of hydrologic stationarity, which assumes that the statistical characteristics of hydrologic data are constant over time—in other words, that water dynamics of the future can be expected to be similar to those of the past. Climate change means that this assumption may not hold for all cases, undermining fundamental paradigms of water resource management and infrastructure design.” My translation: We need to protect water as the most important resource on the planet.

That same report says in order to protect basic human needs there needs to be “a safeguarding of natural assets, promoting resilience in urban and rural areas, decoupling carbon emissions from economic growth, and encouraging sustainable production and consumption patterns.”

The sound science is clear. We need to make sure that water is treated as the nation’s most important natural resource. Water is life. That’s not politics. It’s science.

*Mark Trahant is the Charles R. Johnson Endowed Professor of Journalism at the University of North Dakota. He is an independent journalist and a member of The Shoshone-Bannock Tribes. On Twitter @TrahantReports.

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#NATIVEVOTE16 – ESSENCE OF POLITICAL ORGANIZING IS FOUND AT STANDING ROCK

Mark Trahant*

My Facebook feed is rolling with new feeds from those headed to North Dakota to join those protecting the drinking water for the people of Standing Rock and Cheyenne River. Other folks are fundraising using a variety of social media tools. And, still other people are gathering food and supplies for the many people camped near the river site. Plus dozens of tribes, organizations, and individuals are sending letters of support.

That combined is the essence of political organizing.

There is a problem, seemingly intractable, because the Dakota Access Project has opted for a route crossing the Missouri River in a location that threatens the drinking water for the Standing Rock Sioux Tribe (and eventually the Cheyenne River Tribe). So the tribes and supporters are organizing on multiple fronts. Litigation, set to begin next week, will challenge the role (or lack thereof) by federal regulators that have a trust responsibility to protect the tribes’ interests. And in the court of public opinion, hundreds of people are bringing the dispute into the new living room of America (that’s Facebook) where the story is often trending for all to see. (This shows how social media really is the new media for most people … but that’s another post.)

The magnitude of the organization is impressive. All it takes is a phone call, a Facebook post, or a picture on Instagram and there is somebody ready to act. Even letters of support are identical to “endorsements” of candidates or ballot measures. This is pure political organizing, 101. It’s the exact sort of passion that wins elections. What’s interesting about this debate, this moment in time, is that so many #NativeVote16 candidates are on the ballot statewide in North Dakota and South Dakota. The same organizational tools that bring food must also be configured to win an election. This election.

Imagine Chase Iron Eyes in Congress who is selling t-shirts to fund his campaign instead of Kevin Cramer who has more than a million dollars in contributions, some $652,000 from political action committees and corporations.

Or specifically on this issue: Marlo Hunte-Beaubrun, Standing Rock Sioux, is running for North Dakota’s Public Service Commission and Henry Red Cloud, Oglala Lakota, is a candidate for South Dakota’s Public Utilities Commission. These are the state regulatory bodies that determine approval process for pipeline companies. One vote in each state might not be enough to change the outcome, but one voice on each of those commissions could raise tribal concerns every single time the issue comes up.

The statements from the current North Dakota Public Service Commission make that very point. Commissioner Brian Kalk told The Bismarck Tribune: “These groups didn’t come to our hearings.”

But over a 13-month hearing schedule, the commission could have been the one to get out and talk to the people. That would have happened with Hunte-Beaubrun and Red Cloud on the two bodies. They would have made certain to include community voices. The chairman of North Dakota’s body, Julie Fedorchak, said the permitting process is over because the company’s plans have already been approved.

Then again never say never. The strategy for the Dakota Access Pipeline has been all about getting a quick approval process. The original plan calls for completing construction this year. But if the protests and litigation slow that down, that might cause the company to rethink its route. Especially if they are looking at delays measured in years not months. I am not a lawyer
but it sure looks to me like there is a lot of evidence that the Army Corps of Engineers failed the consultation protocol — a point that other federal agencies are making. And when local newspapers report that the route was shifted south to protect an urban water source, well, that no longer passes the smell test to say that same pipeline is safe for tribal communities. As the Bismarck Tribune put it: “The U.S. Army Corps of Engineers evaluated the Bismarck route and concluded it was not a viable option for many reasons. One reason mentioned in the agency’s environmental assessment is the proximity to wellhead source water protection areas that are avoided to protect municipal water supply wells.”

And when there is an oil spill a river cleanup is difficult, if not impossible. (An irony: Some of the best data about the potential for oil spills comes for the Pacific Northwest, a region that is impacted by the alternative to pipelines, rail transportation of oil.)

Last year a nearly 40,000 gallon pipeline leak on the Yellowstone River resulted in toxic drinking water for the communities near Glendive, Montana.

What makes this spill worth considering is two-fold: First, the volume of oil was only a fraction of what the Dakota Access Pipeline will carry; Second, a harsh winter made it impossible for the pipeline company to stop the leak. The Environmental Protection Agency’s Paul Peronard told The National Geographic: “None of us anticipated the drinking water problem.”

This time the problem is anticipated. And, like Montana, it’s certain that icy conditions will make any real time reaction to an emergency spill nearly impossible.

Back to politics: How many votes are needed to elect Hunte-Beaubrun? She would need to find 70,000 more votes than the last Democrat who ran for that office. And Red Cloud would need about 100,000 more votes.

Tall orders? Sure. But it’s no different than organizing food, transportation, and lodging for hundreds of last-minute guests. Or protectors, if you prefer.

*Mark Trahant is the Charles R. Johnson Endowed Professor of Journalism at the University of North Dakota. He is an independent journalist and a member of The Shoshone-Bannock Tribes. On Twitter @TrahantReports.

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THE BILLION DOLLAR DILEMMA: FUNDING INDIAN HEALTH IN THE TRUMP ERA

Mark Trahant*


A few years ago I had a chance to ask President George Bush what he thought about tribal sovereignty in the 21st century. His answer went viral: “Tribal sovereignty means that. It’s sovereign. You’re a … you’re a … you’ve been given sovereignty and you’re viewed as a sovereign entity.”

Think about that question today; we would be lucky to get a similar answer. Bush (except
for the “given” part) was correct: tribal sovereign means that, you’re sovereign.

This idea is relevant now because during the campaign Donald Trump was dismissive of any sovereignty except his perception of what America’s sovereignty is all about.

So a treaty with Mexico and Canada? Junk it, day one. A United States pledge to reduce global warming? Out. Perhaps even historic military alliances will disappear into lost budgets.

And when it comes to the federal relationship with American Indian and Alaska Native governments as sovereigns we will likely see ideas pop up that were long ago discarded as impractical, expensive, or out-and-out wrong.

At the top of that list: Shifting power from the federal government to state capitals. That was Ronald Reagan’s plan when he came to Washington. In 1981 he proposed rolling dozens of federal programs into block grants for states. Then the budget was cut by 25 percent, the argument being states could deliver the services more efficiently. But a Republican Senate didn’t buy the whole plan. In the end most of the programs were managed by states, but under federal oversight. According to Congressional Quarterly, Sen. Orrin Hatch, R-Utah, then chairman of the Senate Labor Committee said at the time, it was the best deal possible. “We’ve come 70 to 80 percent of the way to block grants,” Hatch said. “The administration is committed to pure block grants, and so am I. But there was no way we could do that.”

Expect Hatch, and House Speaker Paul Ryan, to take another shot at substantial block grants to states, representing a fundamental shift for programs that serve American Indians and Alaska Natives.

Ryan’s agenda, “A Better Way,” proposes to do this with Medicaid. It says: “Instead of shackling states with more mandates, our plan empowers states to design Medicaid programs that best meet their needs, which will help reduce costs and improve care for our most vulnerable citizens.”

This is a significant issue for the Indian health system. Under current law, Medicaid is a partnership between the federal and state governments. But states get a 100 percent federal match for patients within the Indian health system. Four-in-ten Native Americans are eligible for Medicaid funding, and, according to Kaiser Family Foundation, at least 65,000 Native Americans don’t get coverage because they live in states that did not expand Medicaid.

The Affordable Care Act, which is priority one for repeal and replacement, used third-party billing as a funding source for Indian health programs because it could grow without congressional appropriations. The idea is that when a person is eligible, the money is there. The Indian Health Service budget in fy 2017 includes $1.19 billion in third-party billing, $807 million from Medicaid programs. This funding source is especially important because by law third-party billing remains at the local clinic or other unit. And, most important, when the Indian Health Service runs short of appropriated dollars it rations health care. That’s not the case with Medicaid funding.

One problem with the Affordable Care Act (after a Supreme Court decision) is that not every state participates in Medicaid expansion. So an IHS clinic in South Dakota would have less local resources than in North Dakota or Montana. This especially important for health care that is purchased outside of the Indian health system.
The most important gain from the Affordable Care Act has been insuring Native children. According to the Kaiser Family Foundation: “Medicaid plays a more expansive role for American Indian and Alaska Native children than adults, covering more than half of American Indian and Alaska Native children (51%), but their uninsured rate is still nearly twice as high as the national rate for children (11% vs. 6%).”

Ryan’s House plan would convert Medicaid spending to a per capita entitlement or a block grant depending on the state’s choice. There is no indication yet how the Indian health system would get funded through such a mechanism.

During the campaign Trump promised to repeal the Affordable Care Act, including Medicaid expansion, but said there would be a replacement insurance program of some kind.

Earlier this year Sen. John Barrasso, R-Wyoming, chairman of the Senate Indian Affairs Committee, and Sen. John Thune, R-South Dakota, introduced legislation to “improve accountability and transparency at the IHS.”

Barrasso is a physician. “A patient-centered culture change at the Indian Health Service is long-overdue,” he said. “This bill is an important first step toward ensuring that tribal members receive proper healthcare and that there is transparency and accountability from Washington. We have heard appalling testimonies of the failures at IHS that are unacceptable and will not be tolerated. We must reform IHS to guarantee that all of Indian Country is receiving high quality medical care.”

What will reform look like after the Affordable Care Act goes away?

Last week Rep. Tom Cole, R-Oklahoma, said on CSPAN that the Indian Health Care Improvement Act was one of the good features of the Affordable Care Act and ought to be kept. But nothing has been said by Republican leaders about how to replace the Indian health funding stream from Medicaid, potentially stripping $800 million from the Indian health system that is by all measures underfunded.

Perhaps the most important idea in government, one that had been expanding, is the idea of including the phrase “… and tribes” in legislation and funding. That means tribes get money directly from Washington rather than the round about from DC to state capital to tribal nations. And clearly in this era that’s a hard sell. Just last week the state of North Dakota opted to punish (or so it thinks) tribes by canceling a joint appearance before the legislature because the state is not happy with the Dakota Access Pipeline protests. At a moment where there should be more talk, not less, the state walks away.

That, of course, begs the question, is this how government will work over the next four years?

*Mark Trahant is the Charles R. Johnson Endowed Professor of Journalism at the University of North Dakota. He is an independent journalist and a member of The Shoshone-Bannock Tribes. On Twitter @TrahantReports.*

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Just One Example of Innovation from the Native Health System

In the news business, this would be a man bites dog story. That’s the idea that a narrative framework is the opposite of what’s supposed to be. The usual story is that Indian health programs are a disaster and only getting worse. But in the real world if you want to find innovation, efficiency, and ideas that must be borrowed by state governments, then explore some of the many successes found in the Indian health system.

Of course that’s not what we are reading about lately. Most of the news stories about Native health focus on the serious problems in the Great Plains. That indeed is a crisis — and one worth fixing. But at the same time there are other parts of the Indian health system that are unbelievable success stories.

Consider the data: Just before the Indian Health Care Improvement Act was signed into law in 1976 the average age at death for American Indians and Alaska Natives was 48.3 years. The age at death for White people was 72.3 years. And today? That 20-plus-year difference has been reduced to a gap of less than five years. Today the life expectancy at birth for American Indians and Alaska Natives is 72.3 years, compared to 76.9 for all races.

And that steady progress, imperfect as it is, has been made without the same resources as the general population. Doing more with less is part of the operating framework at tribal health facilities, nonprofits that operate health clinics for a Native community, and, even for the federal Indian Health Service.

The story that still needs to be told is that the U.S. medical system could learn a lot from the Indian health system. The U.S. system is the most expensive in the world, by far, while the Indian health system operates at levels comparable to what other nations spend on health care. Could Indian health use more resources? Absolutely.

That’s the frustrating part of the narrative; it’s the option that Congress never seems to consider.

So with that context let’s celebrate a success story with roots from the Alaska Native medical experience.

Last week Vermont Gov. Peter Shumlin signed into law a bill that licenses dental therapy in Vermont. Therapists are midlevel providers who will provide dental procedures such as fillings and simple extractions. “This is important because there’s a direct connection between oral health and overall health,” the governor said. “Having dental therapists available to work with dentists and hygienists will make it easier for Vermonter to get the care they need, closer to home and no matter what type of insurance they have.”
More than a decade ago the Alaska Native Tribal Health Consortium experimented with a program to train midlevel oral health providers. It was a community-based program to serve a need because too few dentists were practicing in remote Alaska Native villages.

Almost immediately this was an “aha!” moment as other communities saw this as a smart way to expand dental access. Dental therapy students were hired and trained right out of high school and then were put right to work.

But the innovation was followed by a fight. The American Dental Association sued trying to stop this program, saying that the midlevel providers were practicing dentistry without a license. The Alaska Native Tribal Health Consortium fought back and won, using the Indian Self-Determination Act and the Indian Health Care Improvement Act to trump the state’s licensing regulations.

The data today is clear. The program has been spectacularly successful providing routine dental care to some 40,000 patients every year. As the Pew Charitable Trusts wrote: “Evidence is growing that expanding the dental team to include midlevel providers, often called dental therapists, helps dentists build their businesses while increasing access to high-quality, cost-effective care. A 2014 report from the Minnesota Board of Dentistry and Department of Health evaluated the impact of these providers and found that they expand access to care for vulnerable populations and improve the efficiency of clinics and dental offices.”

Across the country, both in Indian Country, and now in states, the idea of a midlevel dental practice is expanding.

Last summer at the National Congress of American Indians, Brian Cladosby, Chairman of the Swinomish Indian Tribal Community, and president of NCAI, said the tribe would expand dental health therapy using its own sovereign regulatory structure. In recent months tribes in Oregon began their own pilot program to train dental therapists.

This innovation is the future. It expands dental care as well as opportunity for young people who want a career in dental health. It’s important to tell the story and its roots with the Alaska Native Tribal Health Consortium.

Supreme Court Justice Louis Brandeis once called states “the laboratories of democracy.” Tribes, and intertribal organizations, then, might be first test labs.

*Mark Trahant is the Charles R. Johnson Endowed Professor of Journalism at the University of North Dakota. He is an independent journalist and a member of The Shoshone-Bannock Tribes. On Twitter @TrahantReports.

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RETHINKING THE ROLE OF THE NATIVE PRESS

Mark Trahant*


So I am writing my 3 challenges piece (from my latest idea board & I will post that
Sunday morning) … but I am also musing about the role of the media, especially Native media.

Is Facebook and other social media the best platforms to reach Indian Country?

As Facebook & Google crack down on fake news * important as it is * it also has the potential to disrupt independent journalism because we don’t have organizations behind us. What looks real, is often not? What’s serious is sometimes ignored? What gets a lot of clicks may be nutrition-free? How do we make certain that context gets as much attention and discourse as a fad story.

To me the biggest problem with social media (and much of our indigenous media) is that all stories are treated equal. There’s not the visual clues that help readers understand what’s more important and what’s less so. (Or even better, leading a path that helps a reader navigate complexity).

Elias Boudinot wrote in 1832: “I do conscientiously believe it to be the duty of every citizen to reflect upon the dangers with which we are surrounded; to view the darkness which seems to lie before our people — our prospects, and the evils with which we are threatened; to talk over all these matters, and, if possible, come to some definite and satisfactory conclusion.”

More than ever we need a satisfactory conclusion. So, what should indigenous media look like? How should it be funded? And, most important, how do convey a sense of purpose and direction?

*Mark Trahant is the Charles R. Johnson Endowed Professor of Journalism at the University of North Dakota. He is an independent journalist and a member of The Shoshone-Bannock Tribes. On Twitter @TrahantReports.

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A LETTER TO THE PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL

Suzanne Benally, "A Letter to the President of the Economic and Social Council Over 2016 UNPFII Election Process"


His Excellency Oh Joon
President of the Economic and Social Council (ECOSOC)
United Nations
June 30, 2016

His Excellency,

Cultural Survival wishes to express our concern over this year’s election process for the current slate of members of the UN Permanent Forum on Indigenous Issues. More specifically, we are concerned with the non-appointment of Joan Carling as the Indigenous-nominated member from Asia, despite her nomination by Indigenous Peoples organizations in the region.
The principle of selecting the 16 expert members of the UNPFII is that 8 members should be nominated by States and 8 by Indigenous Peoples. This principle was put in place by the ECOSOC, through resolution E/2000/22 to ensure that Indigenous Peoples are sufficiently represented in a forum that was established to promote their economic and social development, cultures and human rights.

The non-appointment of Joan Carling stands in contrast to this resolution, which states that eight of the 16 members of the Permanent Forum must be appointed “following formal consultation with the Bureau and the regional groups through their coordinators, on the basis of broad consultations with indigenous organizations, taking into account the diversity and geographical distribution of the indigenous people of the world as well as the principles of transparency, representativity and equal opportunity for all indigenous people, including internal processes, when appropriate, and local indigenous consultation processes…”

Thus, Cultural Survival respectfully requests that ECOSOC reconsider the current slate and revert to electing 8 of its 16 members in consultation with Indigenous Peoples organizations and traditional and elected authorities. This action would involve reconsidering Joan Carling for the position of member of the Permanent Forum on Indigenous Issues for Asia.

Thank you very much for your attention and consideration and we look forward to your action on this pressing matter.

Respectfully,
Suzanne Benally
Executive Director
Cultural Survival

DEFENDING MOTEHR EARTH IN BOLIVIA

Anna Hernandez


When Bolivia passed the Law for the Defense of Mother Earth in December 2010, those behind the law, Indigenous leaders, conservationists, and the president were looking to the future. The law would be presented in the World People’s Conference on Climate Change and the Rights of Mother Earth in April in Cochabamba, Bolivia and would go on to become the Universal Declaration for the Rights of Mother Earth, which was taken to the United Nations Framework Convention on Climate Change (UNFCCC) meetings in 2011.

The World People’s Conference on Climate Change and the Rights of Mother Earth in Cochabamba took place in the wake of of the summit in Copenhagen, where Bolivian President Evo Morales was one of many to refuse to sign the Copenhagen climate change deal. Instead, he proposed a meeting in his own country of Bolivia, seeking to give a voice to the people and countries he felt were not represented in Copenhagen.

The law giving rights to the Earth was ground-breaking; it was an example given to the rest of world that climate change could be thought and approached in a very different way.
It also paved the way for continuing legislation. The Framework Law on Mother Earth and Integral Development to Live Well was passed on October 15, 2012. The law draws from the country’s and Morales’ dedication to environmental preservation, balancing human life and sustainable living, and putting an emphasis on Indigenous voices.

With both of these laws in place, both being the strongest of their kind, it seems hard to believe that Bolivia might be working against their own legal commitments.

While there is evidence that Bolivia has made strides in working to combat climate change, by establishing risk management laws and funds for these provisions in 2014, there are also more disturbing reports that Bolivia is considering fracking.

According to Amos Batto, in an interview with the Guardian in 2015, if Bolivia’s natural gas deposits run out while they are still committed to supplying Argentina and Brazil in the future, fracking may be a very real option.

The concern is that Bolivia is even considering fracking, an act that is fundamentally not in accordance with the Mother Earth Laws.

Since its conception and passing, people around the world have both lauded the law as an example for the rest of the world in combating climate change. Others doubted if true implementation could be achieved, especially with Bolivia’s reliance on the exportation of natural resources, which makes up a large part of their GDP.

As defined by the London School of Economics and Political Science and the Grantham Research Institute on Climate Change and the Environment, the law is both a great addition to the fight against climate change, but also points out that implementation may be hard to see: “The law incorporates environmental justice and climate justice into the country’s environmental legal framework, creating new authoritative bodies to implement forestry, adaptation and mitigation plans; however, it lacks any hard targets by which to measure implementation of the law.”

The law proposes reducing climate change risks in six ways:

• Incorporating prevention and managed response to natural disaster into the System of Integral Planning.
• Developing agricultural risk prevention to reduce food insecurity and shrinking crop yields.
• Developing disaster risk management, adapting to climate change within state development projects, and developing information networks to issue early warnings for natural crisis; assisting the agricultural industry as well as Indigenous communities in planning in accordance with climate conditions.
• Strengthening the territorial management of sub-national governments by incorporating risk management and adapting climate change perspectives.
• Articulating a difference between public and private scientific research sectors to share knowledge and coordinate climate change research.

(Via the LSE)

Falling Short
But while the law continues to exist, the implementation of it does seem to fall short.

“[President] Evo [Morales] has adopted the Mother Earth discourse and goes all over the world and says these things and that’s why people love him,” says Batto. “But if you look at what has actually been done since 2010... This is the industrial growth most of the rest of the world is saying no to. This is what a lot of people looking at Bolivia don’t understand,” says Batto, via the Guardian.

According to Carwil Bjork-James, a blogger and assistant professor at Vanderbilt University, the draft law approved by the Senate declared to “‘Promote the industrialization of the components of Mother Earth,’ while surrounding this objective with extensive promises about respecting the rights and development of Indigenous nations and peoples, safety monitoring, clean technologies, and so on.”

Indigenous communities have spoken against the Law on Mother Earth and Integral Development to Live Well. In a letter from CONAMAQ, the National Council of Ayllus and Markas of Qollasuyu (a confederation of Indigenous governing bodies) to Rebecca Delgado, the President of the Chamber of Deputies, the draft’s provisions seem to have serious gaps:

“The draft only keeps “Living Well as an alternative civilizational horizon to capitalism” and “Equilibrium with Mother Earth” by way of proclamation (i.e., propaganda). The Draft Law does not propose a change in the structural basis of the capitalist system, nor reconfiguration of the nation-state.”

(Via Carwil Bjork-James)

A Rare Type of Legislation

Before Bolivia, there had only been a few examples of this type of approach, and they definitely didn’t receive as much press as Bolivia gained with help from their national conference in 2011 and the passing of continuing legislation in 2012.

In 2008, Ecuador recognized the legal rights of its mountains, trees, rivers, etc. The country gave rights to these “living things,” similar to the way rights and interests have been given to corporations.

But as groundbreaking as it seems in theory, even this law seemed to incite doubt, and appears to need more provision in order to be completely implemented. Mary Elizabeth Whittlemore in her report in the Pacific Rim Law & Policy Journal states, “…successful execution of the amendments is unlikely. Ecuador’s President has not demonstrated a sincere intention or ability to implement the amendments. Further, plaintiffs who sue under the amendments face significant legal barriers, such as Ecuador’s lack of a standing doctrine and a history of judicial corruption and dysfunction.”

A Hopeful Example in New Zealand

Another law, agreed upon in 2012, took place in New Zealand. The Whanganui River was given rights and interests of a legal person. The difference between this law and the laws of Ecuador and Bolivia, it seems, are the caretakers, and how the river is to be seen.
Cultural Survival found that “the Whanganui River is defined and governed by the Maori view of the river. Whanganui Iwi, the Indigenous people that possess rangatiratanga, or Maori sovereignty, over the Whanganui River… the river itself will be considered a living, integrated whole, or Te Awa Tupua.”

Additionally, an Indigenous representative and a representative from the crown share guardianship, the idea that the river is more than just a resource has a better chance of surviving over time. This law has not faced the test of time just yet, but it has a strong foundation built by both the state and the Indigenous community.

It is no surprise that the local Indigenous communities possess both the experience and the ability to protect the natural environment, much of which has long been interwoven with tradition and a way of life. Consulting and including Indigenous communities will help with climate change, but it they can also be the communities that are affected the most by changing climates and land change. Strong partnerships between Indigenous communities and different states will only help protect the environment further, and as seen with the examples of Ecuador and Bolivia, it may be a way in which laws that provide rights for the Earth may finally succeed.

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ARTICLES

As IPJ is a refereed journal, articles may be posted on a different schedule from the rest of the journal. We will send out an e-mail announcement when the next set of articles are posted when they are not posted with a regular new journal, and they can be downloaded as a pdf file. Current articles are available with list online at: http://www.indigenouspolicy.org/ipjblog/.

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RESEARCH NOTES

HERE’S HOW TO BUILD 100% CLEAN RENEWABLE ENERGY IN THE US BEFORE 2040

Tom Solomon*

Republished with authors permission from CleanTechnica, October 12th, 2016, https://cleantechnica.com/2016/10/12/heres-build-100-clean-renewable-energy-us-2040/.

There really is a feasible way to build our way out of the climate crisis in time to avoid the worst effects of global warming. We do it by rapidly replacing all fossil fuel-based energy with renewable energy built with current technology, installed in a smart grid. We pay for it without damaging the economy and actually save money vs. our current reliance on fossil fuels. The ‘side benefits’ include cleaner air, cleaner water, less disease, more jobs and a livable climate.

The plan builds upon the great work done at www.thesolutionsproject.org led by Stanford University Professor Mark Jacobson. His work describes the end state of a 100% clean renewable energy future by 2050. What we add is a plan to actually build all that clean energy generating capacity, pay for the $6.3T cost over 22 years with the savings as we cease buying fossil fuels, and do it all in time to prevent the worst effects of the climate crisis.
We follow the mandate from the Dec 2015 COP21 Paris climate talks to keep total warming below 1.5°C by replacing all fossil fuels with clean renewable energy, with 50% by 2030 and 100% by 2050. This plan shows how to convert the US to 100% clean renewable energy (CRE). Similar plans could be created to convert the energy use for all other countries using the world-wide visions documented at the Solutions Project.

100% Clean, Renewable US Energy for All Purposes by 2050 (or Sooner)

Professor Jacobson’s May 2015 paper shows a 100% clean renewable energy (CRE) plan for the US with end-use consumption of 1,591GW of renewable power by 2050. This will be renewable power for all purposes (including heating, cooling, transportation & industry), not just electricity. With the conservative capacity factor assumptions from his study, averaging 22% for solar and 33% for wind, this 1,591GW of end-use power scales up to a ‘new-build’ requirement of 6,448 GW of new nameplate generation capacity. The components of this are:

- 3,966 GW PV-solar
- 2,421 GW Wind
- 61 GW of new Hydro+Geo+Wave+Tidal.

To build 100% of this 6,448GW by 2050 and 50% by 2030, the build-out for the 99% that is Wind and Solar would look something like this:

![Wind & Solar for 100% Renewable](image)

Note in Fig. 1 that we reach 100% by 2037, not by 2050. This is an outcome of two factors:

1) The current factory capacity to build and install wind and solar is tiny vs this need. In 2015 the US installed 7.3GW of solar PV and 8.6 GW of Wind. If we kept installing at that rate we’d need 405 years to reach 100% or 6,448 GW. So we need massive new capacity.
2) The mandate to reach 50% by 2030 drives a wind and solar factory building boom of truly enormous scale. We have to build 488 gigafactories, most by 2029.

If we assume that each wind and solar factory is a ‘gigafactory’, ie it builds 1 GW/year of nameplate capacity, and the average solar panel is 300W and average wind turbine is 5MW, we’ll need to build on average 29 of these 1GW factories per year for almost two decades. By 2029 we’ll have all the 295 solar factories built and 113 of the required 193 wind factories. That’s what’s required to reach 50% by 2030. If we then keep building 20 more wind factories per year, all 193 are completed by 2034. These factories will have such huge combined output (488 GW/yr), that it only takes until 2037 to finish the build-out for 100%. See Figure 2.

SolarCity is building a solar panel gigafactory in Buffalo, NY, with production scheduled for 2017.

Fig. 2 Building the factories for 100% CRE, with 50% CRE by 2030

What Will This Cost?

Since 99% of this new CRE build is solar and wind, that’s where we’ll focus, starting with solar.

Solar – per NREL and the SEIA the installed cost of Solar has been dropping by 7% per year since 2009, as the US started installing at gigawatt scale and spending on solar rose to $20B/year. But to build 3,966GW of solar capacity through 2037, we’ll be installing vastly more, or an average of 200-300 GW per year and spending $158B per year. With that kind of market power I assume that this price reduction of 7% per year continues through the buildout. That takes installed costs from $2.15/Watt in 2015 to $0.50 per Watt by 2037. Pressure to compete on price for a share this huge business will drive that trend. Actual price reductions since 2013 have been faster than this 7% model, as the
model forecasted 2015 at $2.51/W, not the $2.15 we actually reached. Using the 7% model and the back-end loaded buildout above, the total cost of installing 3,966 GW of Solar PV through 2037 comes to $3,524B in 2015 dollars or $158B/year. The average installed cost per Watt is $0.89. Installations of 300W panels must average 597M per year. For a vision of how costs could possibly get down to $60 per installed 300W panel, we could consider literally rolling them out like this.

Wind – The IEA published a cost reduction study in May 2012, forecasting a 30% drop in installed wind costs by 2030, followed by <1%/year drops thereafter. I used these assumptions to scale the known 2013 installed cost of $1.63/W, down to $1.07/W by 2037. Thus the cost of installing 2,421GW of new Wind by 2037 ends up at $2,753B in 2015 dollars, averaging $125B per year at an average cost of $1.17/W. Installations of 5MW turbines (both off-shore and on-shore) would average 21,373 per year from 2016-2037.

Total — the cost of installing 99% of the required nameplate capacity for 100% CRE by 2037 is $3,524B+$2,753B = $6.3T. This is similar to the calculated total cost of the Iraq + Afghan wars.

<table>
<thead>
<tr>
<th>Clean Renewable Energy</th>
<th># Units /yr</th>
<th>Cost /yr</th>
<th>Power / unit</th>
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<tr>
<td>Solar Panels</td>
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<tr>
<td><strong>Yearly Total:</strong></td>
<td></td>
<td><strong>$283 B</strong></td>
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Fig. 3. For 22 years, (2016-2037) the US would install this much wind and solar capacity

**How Can the Economy Save Money by Converting to 100% CRE?**

Key to understanding how this $6.3T investment pays for itself is to realize that:

1) an energy system based on 100% renewables is fuel-free, and that

2) the US EIA reported that the US economy spent $875B/year on fossil fuels (including 1% on nuclear) in 2010. So for every additional 10% of renewable, fuel-free power that we install, the economy will save another $87.5B per year in lower fuel spending.
Plotting the savings and costs as we convert, we see:

Costs will peak around 2029 when total investment in wind and solar reaches $387B per year. But that year is also when yearly savings from lower spending on fossil fuels reaches that same level. Further spending will be roughly flat at about $387B/year through the full buildout in 2037, but yearly fuel savings keeps growing, until by 100% at 2037, the US economy is saving ALL of the former $875B we used to spend each year on fossil fuels (w/ 1% on nuclear). Thus fuel savings alone will more than pay for the investment over time.

This is an economy-wide corollary to a homeowner installing solar panels on their roof, which pays off over time due to a lower (or zero) electric bill.

On top of fuel savings, Prof Jacobson estimates that the health care costs savings from lower air pollution would total $600B/year by 2050 (in 2013 $). This is an investment with a great financial return. But it also explains why the oil, gas and coal industries are using their considerable political and economic power to prevent this future. That $875B per year is their revenue stream.

The net costs until the 2029 breakeven average $95B/year (net costs = investment-fuel savings).

What are Possible Ways to Fund the CRE Investment?

Much of this investment will come from the private sector, as there is money to be made. A carbon tax on fossil fuels would spur CRE investment to be made sooner, and the need is urgent. A carbon tax could be revenue-neutral, as proposed by CCL.

For direct government portion of CRE investments, a possible source of revenue could be a gas tax. Though a political anathema to some, a gas tax of $1 per gallon would raise...
$140B/yr, based upon the US 2015 gasoline consumption of 140B gallons.

That exceeds the $95B/year net CRE investment costs and is nearly half of the average $283B/year CRE investment required, before fuel savings.

With Jan-July 2016 gas prices averaging $2.20/gal, adding a $1/gal tax would still leave prices lower than their 2013-2014 levels of $3.50/gal. For fairness to lower income families, it could be paired with an increase in tax credits on earned income and child care.

To put this spending in context, the US federal budget was $3.8T in 2015 with federal revenues totaling $3.2T (the rest was borrowing). The net CRE cost of $95B per year is less than the 2.7% of the budget that we spend on education ($102B).

Of course an increase in income tax rates could be used. The NY Times reported that raising taxes on the top 1% to a 45% rate would bring in $276 billion.

The cost of inaction on climate change could be $44T in losses by 2040: Citibank released a 2015 report showing that taking action now against the growing threat of climate change would save an astonishing $1.8 trillion by the year 2040. Conversely, the report says that if no action is taken, the global economy will lose as much as $44 trillion during that same time period.

What Else Must be Done?

The 100% CRE solution also requires electrified cars, trucks and trains.

RE air & sea transport may take technical breakthroughs to solve. Jacobson assumes compressed cryo-H2. Or it might be from algae-biofuels.

Building heating, cooling and hot water must be converted to renewables.

We must build a smart grid with some storage to handle intermittent renewable energy sources. This will require $24 B/yr for 20 years. Invest in Geothermal, Wave & Hydro for the 1% of CRE that is not wind or solar.

Conclusion

The solutions to converting to a new, renewable energy economy are here now.

The barriers are political, not technical, and the need is urgent. The resistance comes from the economic sectors which will lose business (Oil, Gas & Coal and Utilities).

The US economy will easily handle the costs, which are comparable to the $6T of spending on the Iraq and Afghan wars.

Investments in clean renewable energy will ultimately be paid for by saving the $875B/year of wasted spending on fossil fuels.

The industrial challenge is mighty. But it’s less than the scale of the war-time conversion that the US completed from 1941-43. We did it before. We can do it again.
To See This ?Analysis In presentation form:
Go to: https://www.youtube.com/watch?v=mVSiKBOmMpM
A Plan to Build 100% Clean Renewable Energy by 2040 (in studio)

*The author is a retired electrical engineer active with 350.org in Albuquerque, NM. Tom Solomon had a 34 year career in semiconductor manufacturing at Intel Corp from 1978-2011. During 1999-2002 he was program manager for the planning, construction and production ramp of Intel’s $2B Fab 11X microprocessor plant in Rio Rancho, NM. Fab 11X was named Semiconductor International’s Top Fab of 2003. http://www.geek.com/chips/intels-fab-11x-named-worlds-top-fab-550901/ The insights from that experience were applied to this analysis.

#NATIVEVOTE16 – SOLAR INNOVATOR SAYS PIPELINE DEBATE SHOWS THIS AS THE IDEAL TIME TO TRANSITION TO RENEWABLE ENERGY

Mark Trahant*


Henry Red Cloud added his name to those traveling to Cannon Ball, North Dakota, to show support for the people of Standing Rock and their opposition to the Dakota Access Pipeline.

Red Cloud is a candidate for the South Dakota Public Utilities Commission, an agency that among its duties, regulates pipelines. He is an award-winning alternative energy innovator. What’s particularly interesting about this visit is that he is the second state utilities commission candidate to show up there, the other is Marlo Hunte-Beaubrun, who is running for a similar office in North Dakota. (Previous: Why politicians should visit Standing Rock camps)

So the Native politicians get it and head to the camps to show support. To date Chase Iron Eyes and Ruth Buffalo (my apologies for not including her in the first piece I wrote) have shared their experiences from the camp. Buffalo wrote: “I have been to the spirit camp and the new Red Warrior Camp a few times. I first went as early as August 11 after co-presenting at the injury prevention conference in Bismarck. On the first trip I brought a box of fruit. The second trip, vegetables from my mom’s (an elder’s) … garden.”

And now Red Cloud says he’s taking the “pipeline fight to the PUC.” He will bring food and solar lighting platforms to the camp.

He said in a news release: “People are uniting against the Dakota Access Pipeline because it is dangerous to people, their land and certainly for our irreplaceable water. Farmers, ranchers, tribal members and just regular citizens hear almost every day about another oil spill or pipeline bursting. We hear from their own engineers that the work they are doing is hurried. We can’t allow them to put a pipeline under the Missouri River.”

“What many people do not realize,” says Red Cloud, “is that the Public Utilities Commission has an ongoing and important say in the pipeline’s construction. The Commission is ultimately responsible for approving or rejecting many of the steps needed for pipelines to pass through South Dakota, and for other new energy projects.”

There are two important reasons why regional politicians should travel to Standing Rock. First, to show support, as those Native candidates did. But equally important is for government officials to get a first-hand look. There is no substitute for hearing directly from the people at the camp. That’s what I don’t get. Every candidate for governor, Congress, current office holders, Interior Secretary Sally Jewel, Energy Secretary Ernest Moniz, and even presidential candidates,
should travel and investigate. (I know the folks I have worked for in government would have done that. It’s common sense.)

Across the country there are political waves rolling from Standing Rock. The entire issue is forcing people to think differently about the cost of energy, not in terms of money, but the cost of healthy living. The Missouri and Cannonball Rivers are cleanup projects that never have to happen. If the right decision is made now.

But not everyone is there yet. In Minneapolis a proposed city council resolution of support turned into another version of moving the pipeline to someone else’s water. According to City Pages, Alondra Cano’s resolution called for “Expressing Solidarity With Indigenous Resistance to the Dakota Access Pipeline.” The city council would “stand in support of Indigenous opposition” and support Standing Rock “in any way they can.” But others on the council see the pipeline as a safer alternative to the oil trains that Minneapolis and other cities want stopped.

That’s why this is The Moment. The idea is that we can no longer continue to shove toxic problems from one community to another. As Red Cloud puts it: “We simply have to stop accepting and approving poorly planned and disastrous projects like this.”

And the solution is for a new era. In his election, it’s the call for South Dakota to “become a world class supplier of renewable energy.” But that’s true in North Dakota too. And Minnesota. And across the globe.

“South Dakota has huge solar and wind resources and we can be a world leader in clean energy production,” says Red Cloud. “My vision is for South Dakota to transition away from oil and become the renewable energy state.”

*Mark Trahant is the Charles R. Johnson Endowed Professor of Journalism at the University of North Dakota. He is an independent journalist and a member of The Shoshone-Bannock Tribes. On Twitter @TrahantReports.

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WINNING THE ELECTION OF IDEAS

Mark Trahant*


RETHINKING TRIBAL POLICY AT THE STATE LEVEL

Elections are about ideas. What should our world look like? How do tribal nations, Alaska Native corporations, and communities fit into the American experience?

Elections are about tactics. Who runs? Are there resources? (And, when I say resources, I really mean, cash money.) And, does that make it possible to win?

Elections are about power. Do you have the votes to change the world? To protect a pipeline? Or to sell coal in a world that is shifting away from fossil fuels?

Elections are about people. The people who expect the Indian health clinic to have
enough money to pay for a hospital stay. Or the people that decide how medical care should be funded, and who’s even eligible.

And elections are never forever. There is always another ahead. And that’s true win or lose. If you win, get ready to defend the gains you’ve made. If you lose, pick up the pieces, and start working for the next ballot.

Let’s examine 2016 and what worked, what needed work, and what must be rethought.

At one point more than a hundred candidates were running for Congress, state legislatures, and a variety of state offices. That is fabulous. Yes, the field was narrowed after primary contests, and, of course, the general election. But the point is you gotta run to win. So many talented people from across Indian Country gave elective office a shot. (In fact, for me, the one take away from this election: We have some incredibly talented people out there. And that talent is not disappearing just because voters didn’t discover them.)

There are some extraordinary hurdles. Money is a big one. There has to be at least enough money so that the Native candidates get consideration by voters. Then again. This election was a bit odd. Money played less a role than you would think.

Chase Iron Eyes (Standing Rock Sioux) ran a frugal campaign. At one point he was basically selling t-shirts to finance his enterprise (although he did receive more money toward the end). And the result: His opponent easily won re-election with 69 percent of the vote, while Iron Eyes was stuck at 25 percent. This is not as bad as it looks because the Democrat-NPL candidate for governor only earned 19 percent of the vote. And the party’s Senate candidate: 17 percent.

What this tells me? Iron Eyes has a base of support. It’s his first run and I know he learned a lot. So a next time? Something to think about.

On the other hand, Denise Juneau (Mandan Hidatsa Arikara) broke fundraising records for a Native American running for Congress as a challenger (it’s way easier if you are an incumbent). She raised more than $2 million in an extraordinarily expensive House race. But Juneau demonstrated success. She was competitive. And that will be important in future races, too.

Indeed, the match between a well-funded incumbent and a challenger from Indian Country was true in Washington state, too, where former Colville Chairman Joe Pakootas ran against Cathy McMorris-Rodgers, a member of Republican leadership.

And elections are never forever: It’s entirely possible that one of the Republicans that Iron Eyes, Juneau, or Pakootas, ran against could be recruited to the new Trump administration. And, then, well, opportunity time. North Dakota’s Kevin Cramer could end up serving in the Trump administration as Energy Secretary (or more likely, a Deputy Secretary.)

This election cycle at least 31 Native American candidates ran unopposed. Often these were reservation-based districts where there aren’t as many potential Republicans who would surface as opponents. But Rep.-elect Tanwa Sanchez (Shoshone-Bannock) was also in this group, running in Portland, Oregon, as well as Rep. Ponke-We Victors in Kansas.

Another twist this year: Districts where both candidates are Native American. There were
two such districts in Montana. Sen-elect Frank Smith (Assiniboine Sioux), a Democrat, defeated Rep. G. Bruce Meyers (Chippewa Cree) in the northern part of the state. And Sen-elect Jason Small (Northern Cheyenne), a Republican, defeated incumbent Carolyn Pease Lopez (Crow).

This was also true in New Mexico where Rep. Sharon Clahchischilliage narrowly won with 5,042 to GloJean Todacheene’s 4,246 votes. Both women are Navajo.

Wyoming will have a new member of its legislator, Affie Ellis (Navajo) was elected to the state Senate as a Republican, defeating an incumbent. She posted on Facebook: “I am humbled. And honored. Thank you for all the kind words of support. We knew it would be a tough race and I’m proud of our efforts. In the end, I secured 60% of the vote and am looking forward to serving in the Wyoming State Senate.”

Montana continues to be the state with the largest Native American caucus in the legislature, 8 Democrats and 1 Republican. Rep. Susan Webber (Blackfeet) told The Montana Standard: “We’ve been literally and figuratively the minority’s minority. I know it looks like we have a lot of people in the Indian caucus, a lot of people were elected, but in reality it should be more. But just us getting in there, from my perspective, is a real positive.”

In Minnesota the Native American caucus is also a Native women’s caucus after the re-election of Rep. Susan Allen (Rosebud), Rep. Peggy Flanagan (White Earth Ojibwe), Rep. Mary Kunesh-Podein (Standing Rock Sioux) and Rep.-Elect Jamie Becker Finn (Ojibwe).

And every election sows seeds of what can be. This one is no exception. In Idaho Rep. Paulette Jordan (Coeur d’Alene) showed how to get elected as a Democrat in a largely Republican state. Jordan is the only Democrat elected north of Boise and the legislature will be 84 percent controlled by Republicans, a super-majority. Jordan posted on Facebook: “We worked hard, with great diligence and incredible dignity above all else. However, while we continue moving forward after a shocking outcome, it’ll be up to us, the next generation of millennials to make a more productive change our state and country needs. We have to chalk this up as a valuable lesson learned, while challenging ourselves to be more engaged and begin organizing in all the best ways possible. I remain optimistic for my community, as I have been blessed with your support and tasked to protect our base values for another term!”

Last week’s election will require new thinking and new alliances. And that is already happening in Alaska. A new coalition of Democrats, Republicans and Independents has flipped the state House away from Republicans. The state is facing a multi-billion budget crisis. One of the Republicans who joined what’s being called the Musk Ox Revolt is Gabrielle LeDoux who told The Alaska Dispatch News, “We’re hired to do a job, and the purpose of our job is not to keep our job. It’s to actually do something.”

There are six Alaska Natives in the legislature, five Democrats and one Republican (whose race remains in recount territory).

Elections are about ideas, tactics, and power. Yet the outcomes determine policy. What choices the Congress will make, how a state chooses to implement those policies, and who gets to decide. There will be a lot of action in state houses over the next four years as the Trump administration goes about shedding federal power. This shift could mean a state-based energy policy. Or a new block grant to pay for health care, even for people in the Indian health system.
There will be challenges ahead. But remember: Elections are never final. There is always another one ahead.

*Mark Trahant is the Charles R. Johnson Endowed Professor of Journalism at the University of North Dakota. He is an independent journalist and a member of The Shoshone-Bannock Tribes. On Twitter: @TrahantReports.

#NATIVEVOTE16 – INDIAN COUNTRY WAS LIKE AMERICA … ONLY MORE SO

Mark Trahant*

Republished with author's permission from *Trahant Reports*, November 13, 2016, https://trahantreports.com/2016/11/13/nativevote16-indian-country-was-like-america-only-more-so/.

This election Indian Country was like America. Perhaps only more so.

Most American Indian and Alaska Natives voted for Hillary Clinton. But that support was mild. There were not enough votes to make a difference in red states like Montana, South Dakota and North Dakota. Just enough votes to stay the course in blue states like New Mexico, Washington or Oregon. And, most important, not nearly enough votes in the swing states.

Hillary Clinton earned the most votes, 60,839,922, to Donald J. Trump’s 60,265,858. But that, of course, is not the way we elect the national leader and Trump’s 290 electoral votes were more than enough to win. What’s more: The margins within those states were such that Native American voters could not have made the difference.

There would have had to be a wider coalition of voters, something Barack Obama did so well, and Secretary Clinton did not.

A few examples.

If you look at a color-coded 2012 election map Indian Country pops out. There are bright blue pools of voters in deeply red states. Shannon County (now Oglala Lakota County) voted 93.4 percent for Obama. That’s Pine Ridge. Obama won 3/4s of the vote in Rolette County, North Dakota, which includes the Turtle Mountain Band of Chippewas.

Or next door in Montana, voters from the Fort Peck Reservation came out and led the county with 56.5 percent voting for Obama. But blue faded in the red states this election. Trump picked up 200 more votes than Mitt Romney in 2012, but the real number is that nearly 600 fewer voters went for Hillary Clinton compared to Barack Obama.

Same story in Oglala Lakota Country. Clinton won, and by a large margin, but with 500 fewer votes than Obama.

In Rolette County nearly 1,300 fewer votes for Clinton.

The red states did not change because of that, but it’s a good indication about how tepid the support for Clinton was, even in Indian Country.
This story played out in blue states, too. More than 2,000 voters disappeared in McKinley County on the Navajo Nation in New Mexico.

And, in swing states, such as Arizona, that slight difference, a few hundred people who did not vote here and there, added up into real numbers. In Apache County, where the majority of the voters are Navajo, 17,147 picked Obama four years ago. This election only 12,196 voted for Clinton.

Indian Country will make a difference in future elections. The demographic makeup of the country is changing fast and we are a part of that. What’s most stunning about this election is how little demographics mattered. I wrote in December: “Sure, it’s even possible, that one of the Republican candidates will whip up magic and united a coalition of voters. But that would take words designed to reach consensus with the new majority of voters.” And that would have been true: If enough of us had been motivated to vote.

I think it’s clear that Clinton took Indian Country for granted. There was no attempt to learn and execute what worked from the Bernie Sanders campaign. In June, I suggested the Clinton campaign appoint and promote public Native surrogates because “there ought to be a face from Indian Country.” This could have helped build enthusiasm.

And ignoring Standing Rock was a sure way to turn off Native voters. There was probably a “let’s get past the election” conversation, although eventually Tim Kane did weigh in, but nothing changed the narrative that Clinton represented more corporate power, not less. Supporting Standing Rock would have been the right call morally. But I can see how the politics was more complicated because union voices (and donors) wanted the pipeline to proceed.

Yet that might be the essence of Hillary Clinton and why she lost. Her campaign was a package of powerful interests trying to market itself as the voice of ordinary people. Indian Country’s answer was, yeah, whatever. Meh.

*Mark Trahant is the Charles R. Johnson Endowed Professor of Journalism at the University of North Dakota. He is an independent journalist and a member of The Shoshone-Bannock Tribes. On Twitter: @TrahantReports.

#NATIVEVOTE16 – LESS REPRESENTATION, NOT MORE, BUT A FEW IMPORTANT WINS TOO

Mark Trahant*


Native American representation in Congress was 0.37 percent before the election and today it’s the same, Rep. Tom Cole and Rep. Markwayne Mullin were easily re-elected to the House.

But Denise Juneau, Joe Pakotas and Chase Iron Eyes were all defeated by wide margins in Montana, Washington and North Dakota.
The tally of statewide office holders will drop, though. Denise Juneau will end her term as Montana’s Supt. of Public Instruction in January. Byron Mallot was not on the ballot and he has another two years as Lt. Gov. of Alaska. But Henry Red Cloud, Ruth Buffalo, and Marlo Hunte-Beaubrun lost their bid for offices in South Dakota and North Dakota.

Native Americans running for state legislatures did not fare better, except, I should point out there are some bright spots.

Rep. Paulette Jordan, a Democrat, won re-election in deep red Idaho. She posted on Facebook: “While it is bittersweet to win in such a large loss both local and national, we must remain hopeful and optimistic that our vision of equality and balance will soon be achieved. Until that day comes: onward!”

And Montana Native legislative candidates won 8 seats from both reservation and urban districts. Elected were Shane Morigeau to represent Missoula, Garrett Lankford in Great Falls, and Frank Smith, Carolyn Pease-Lopez, Susan Webber, Rae Peppers, Jonathan Windy Boy and the lone Republican, Jason Smith.

Four Native women won in Minnesota. State Representatives Susan Allen, Peggy Flanagan, Mary Kunesh-Podein were re-elected, and a new voice, Jamie Becker-Finn.


State and Local Races With Native Candidates, Election Night Totals

<table>
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<tr>
<th>State</th>
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*Mark Trahant is the Charles R. Johnson Endowed Professor of Journalism at the University of North Dakota. He is an independent journalist and a member of The Shoshone-Bannock Tribes. On Twitter @TrahantReports.

SOMETIMES THE STARS DO ALIGN: PEGGY FLANAGAN AND A RUN FOR CONGRESS

Mark Trahant, "Sometimes the Stars Do Align: Peggy Flemming and a Run for Congress"


Sometimes the stars do align. The short version: Minnesota Rep. Keith Ellison is campaigning to chair the Democratic National Committee. If he wins, that opens up a congressional seat in a special election. And, state Rep. Peggy Flanagan is thinking about running.

Now, the details. Ellison represents Minneapolis and some of the suburbs, including St. Louis Park and, as he puts it in his biography, is “one of the most vibrant and ethnically diverse districts in Minnesota.” He’s often a leader of the Congressional Progressive Caucus for the 113th Congress and is often a voice for justice on issues ranging from financial services to Standing Rock.
Ellison wrote last week on Facebook:

“After months of protests, I’m inspired by this victory by thousands of indigenous activists and Water Protectors, and millions of Americans who support them. This is a victory for all people who fight for social justice. And it is a victory won by the power of peaceful protest – a reminder of what people can do when they stand up and organize.

We use environmental impact statements to understand how key projects will impact our environment and communities. I hope that Energy Transfer Partners, and most importantly, the next Administration, recognize the concerns raised by the Standing Rock Tribe.

I also want to acknowledge that the responsibility for this project falls on the Energy Transfer board room, not the workers who are simply trying to do their jobs. Working Americans need our support as well. That’s why I support a broad infrastructure package that creates good jobs for millions of American workers.

We have a responsibility to respect the sovereignty of the Standing Rock Tribe, and to ensure their voices are heard. And we must ensure that the millions of people who depend on the Missouri and Cannonball rivers have access to clean water. As the Water Protectors at Standing Rock remind us every day: Water Is Life.”

This is not exactly the message we have been hearing from the Democratic National Committee. Instead, since the summer, when the presidential campaign was at its height, we heard statements about protecting peaceful protest and workers (without a definition of what was meant). The Democratic Party has been trying to represent corporate patrons (including those who build and fund pipelines) as well as some of its core constituent groups.

That no longer works. If it ever did. In this age of social media and transparency, the people are demanding more accountability and a clear sense of direction about social justice.

And that’s the basis of Ellison’s campaign, building a party that champions grass roots efforts. He said last week: “The Democratic Party must be the party that delivers for working people. We can do that by meeting folks where they are, looking them in the eye, treating them with respect, and working to solve their problems. For me, that means a chair with only one full time commitment.”

So that means Ellison (unlike former DNC Chair Debbie Wasserman Shultz) would give up his congressional seat. “I have decided to resign as a member of Congress if I win the election for DNC chair. Whoever wins the DNC chair race faces a lot of work, travel, planning and resource raising. I will be ‘all-in’ to meet the challenge.”

Ellison was a strong candidate before his announcement last week. But since then he is earning more endorsements from elected Democrats. According to Politico, supporters now include: Reps. John Lewis, Raul Grijalva, Luis Gutierrez and Tulsi Gabbard, a former DNC vice chair, as well as Sens. Martin Heinrich, Bernie Sanders, Chuck Schumer, Elizabeth Warren, and on Thursday, the AFL-CIO also announced its endorsement.

The election of the DNC chair will happen at the party’s winter meeting, sometime before March 2017. There are at least two other candidates: Raymond Buckley, a NH party
leader, and Jaime Harrison, chairman of the South Carolina Democratic Party. There are other potential candidates as well, including Labor Secretary Thomas Perez.

And that’s the stage setting a Peggy Flanagan run for Congress.

Flanagan’s entry into the race would be historic. She’s a member of the White Earth Band of Ojibwe and she would be the first American Indian woman ever elected to Congress. That sentence is in itself remarkable when you think about this country’s history and the contributions from so many Native women. Montana and Arizona could, should, have broken that barrier in 2016 by electing Denise Juneau and Victoria Steele. But the geography and the timing weren’t there. Sometimes elections require a bit more, well, luck.

And Minnesota’s fifth congressional district could be the spot. As Ellison’s biography says, it’s one of the most vibrant and ethnically diverse districts in Minnesota. This is a place where voters would appreciate, even celebrate, the historical significance of this first. After all this is a state that just elected four Native women to its Legislature. Another record.

Flanagan also has the ideal background for this job. She’s been an organizer working on social justice issues for more than a decade. More than that: She teaches other people how to win campaigns and elections for Wellstone Action and The Management Center (an organization working for social change). She was executive director of the Children’s Defense Fund-Minnesota.

And, if that’s not enough, she knows how to win a special election. She was elected to the Minnesota House in 2015 when Rep. Ryan Winkler moved out of the country. She jumped into the race early, ran unopposed, and earned 96.4 percent of the vote.

It’s not likely that Flanagan will run unopposed for a congressional seat. But she is already getting early support on social media. (Hashtag: #RunPeggyRun.)

Former Minneapolis Mayor R.T. Rybak Jr. posted this on Twitter: “Wow! It would be great to have one of the best young leaders in the country be my rep in Congress.” He’s not alone. Others have expressed their fondness for Ellison and then say Flanagan is the right candidate to build on that legacy.

In politics timing is everything. Sometimes the stars do align.

*Mark Trahant is the Charles R. Johnson Endowed Professor of Journalism at the University of North Dakota. He is an independent journalist and a member of The Shoshone-Bannock Tribes. On Twitter @TrahantReports.

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**COLE SAYS REPLACEMENT OF ‘OBAMACARE’ SHOULD INCLUDE INDIAN HEALTH LAW**

Mark Trahant*


Rep. Tom Cole, R-Oklahoma, speaking on C-SPAN Friday morning, said any
replacement of the Affordable Care Act should include keeping the Indian Health Care Improvement Act. Cole said this was included in Obamacare as an incentive for Democrats to support the measure.

That’s an interesting interpretation. The reauthorization of the Indian Health Care Improvement Act was blocked by Republicans as well as President Bush. As The New York Times said in 2008: “The nation has clear legal and moral obligations to protect the welfare of Native Americans. Congress must rebuff President Bush’s veto threat and vote overwhelmingly to strengthen and reauthorize the Indian Health Care Improvement Act.”

A year later Democrats rolled the Indian Health Care Improvement Act into the Affordable Care Act because the votes were not there to pass the measure on its own.

That said: It’s important and essential that Cole is willing to argue for a new Indian Health Care Improvement Act as part of Obamacare replacement.

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SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES ADDRESSES THE UN GENERAL ASSEMBLY


Madame Chair, Distinguished delegates, indigenous peoples' representatives, Ladies and gentlemen,

I have the honor to present today my third annual report to the General Assembly. I would like to start by expressing my gratitude to the numerous States, indigenous peoples, and others, and in particular to the Office of the High Commissioner for Human Rights, for the support they have provided as I have carried out my mandate.

Areas of work

Over the past year, I have engaged in a range of activities within my mandate. The various activities I have carried out can be described as falling within four, interrelated areas of work. I undertake thematic studies; conduct country visits; promote good practices; and address communications to Governments on alleged cases of human rights violations. In this presentation to the General Assembly, I will focus on my thematic work and refer to my three country visit reports from the past year.
Thematic studies

In my thematic report which I am presenting to the General Assembly today (A/71/229), I have chosen to explore how conservation measures affect indigenous peoples. While protected areas for conservation have the potential of safeguarding the biodiversity for the benefit of all humanity, these have also frequently been associated with human rights violations against indigenous peoples in many parts of the world.

The establishment of national parks and conservation areas has resulted in serious and systemic violations of indigenous peoples' rights through expropriation of their traditional lands and territories, forced displacement and killings of their community members, non-recognition of their authorities, denial of access to livelihood activities and spiritual sites and subsequent loss of their culture. Indigenous peoples who have been evicted from their traditional lands suffer marginalisation and poverty, and are commonly excluded from redress mechanisms and reparation for the harm they have endured. I deeply regret that I continue to receive complaints about violations against the rights of indigenous peoples in the name of conservation.

In my report, I charted the favorable legal developments as well as the commitments and resolutions taken to advance a human rights-based approach to conservation. However, I have found that practical implementation and advancement of this human rights-based approach remains sorely lacking. The report presents recommendations on how indigenous peoples' rights can be better protected in conservation policy and practice.

Madame Chair,

Traditional indigenous territories encompass around 22 per cent of the world's land surface and they coincide with areas that hold 80 per cent of the planet's biodiversity. There is increasing recognition that the ancestral lands of indigenous peoples contain the most intact ecosystems and provide the most effective and sustainable form of conservation.

Past conservation practices were characterised by the failure to consult with indigenous peoples when Government authorities decided to declare protected areas. Government decisions to declare areas protected were often motivated not only by an interest to protect nature but also to promote tourism to such areas.

The traditional lands of indigenous peoples are being declared protected for purposes of conservation at a rapidly increasing rate. Current estimates indicate that 50 per cent of protected areas worldwide have been established on lands traditionally occupied and used by indigenous peoples and in some regions this territorial overlap is higher, such as in Central America, where it reaches around 90%. In this regard, it is important to underline that studies have demonstrated that the territories of indigenous peoples who have been given land rights have been significantly better conserved and protected against deforestation than the adjacent lands.

In practice however, for indigenous peoples the consequences of the declaration of protected areas commonly entailed expropriation of their traditional territories and loss of land rights as well as their exclusion from management and territorial governance. The loss of the guardianship of indigenous peoples has often placed their lands under the control of Government authorities who have lacked the capacity and the political will to protect the land effectively. It is particularly disconcerting that in many countries where indigenous peoples have not been awarded land rights over their traditional territories there are increasing incursions of extractive industries, agribusiness expansion and mega-infrastructure development, even inside protected areas.
Madame Chair,

While there is increasing evidence that indigenous peoples' traditional lands and territories hold highly preserved ecosystems and biodiversity rates, the important role played by indigenous peoples as environmental guardians still fails to gain due recognition. According to the United Nations Environment Programme World Conservation Monitoring Centre, in 2014, only less than 5 per cent of protected areas worldwide are governed by indigenous peoples and local communities.

Under international human rights law, indigenous peoples have the right to self-determination, land rights and to participate in decisions affecting them, such as the establishment and management of protected areas. States should recognise and protect the rights of indigenous peoples to own, develop, control and use their communal lands and to participate in the management and conservation of the associated natural resources.

The United Nations Declaration on the Rights of Indigenous Peoples, which consolidates the individual and collective rights of indigenous peoples already recognised in other human rights instruments and jurisprudence, affirms the right of indigenous peoples to own and control their lands and makes specific reference to conservation in Article 29, which states that indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources and that States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination. The Declaration furthermore affirms in Article 32 that indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources and that States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources.

Under international environmental law, all 196 States parties to the Convention on Biological Diversity have agreed that the establishment, management and monitoring of protected areas should take place with the full and effective participation of, and full respect for the rights of, indigenous peoples. They have also set targets which include global expansion of protected area coverage to at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas by 2020. This further underlines the importance that States and conservation organisations implement measures to recognise the rights of indigenous peoples as a matter of priority.

At the global level, protected-areas policy is shaped by the International Union for Conservation of Nature (IUCN). Since 2003, IUCN has committed to promote that all protected areas be managed with participation of indigenous representatives in compliance with the rights of indigenous peoples and that mechanisms be established for the restitution of indigenous peoples' traditional lands and territories that were incorporated in protected areas without their free and informed consent. The majority of the large conservation organisations have adopted specific policies on indigenous peoples' rights, and several have developed specific guidelines on how to implement free, prior and informed consent in their projects. However, these policies have been slow in transferring from paper to practice.

In view of the powerful position conservation organisations hold vis-à-vis authorities in countries with weak rule of law, I call on conservation organisations to use their leverage more affirmatively in order to influence national authorities and advocate for legal and policy shifts in
countries which still fail to recognise indigenous peoples' rights, notably by supporting legislative reform, the application of free, prior and informed consent and the restitution of ancestral lands of indigenous peoples. Furthermore, conservation organisations should ensure that indigenous peoples participate equally in the management of protected areas and that all conservation measures include continuous joint monitoring of how they comply with standards protecting indigenous peoples' rights.

Deficient national legal recognition of indigenous peoples' land rights continues to be the main obstacle which continues to block the important contribution of indigenous peoples in conserving biological diversity and their participation in conservation efforts. I urge States to critically review their policy and legislative framework for the full recognition of the rights of indigenous peoples over their lands, territories and resources as enshrined in international human rights law.

Protected areas often overlap with World Heritage sites and have in numerous instances been declared without consultation with indigenous peoples, with subsequent serious negative impact upon their rights. I urge UNESCO to ensure that respect for indigenous peoples' right to free, prior and informed consent is obtained prior to World Heritage listing of protected sites.

Madame Chair,

In conclusion, rights-based conservation measures continue to be hampered by the legacy of past violations and by the lack of legal recognition by States of indigenous peoples' rights. Conservation organisations and indigenous organizations could be powerful allies in their mutually shared goals to safeguard biodiversity and protect nature from external threats such as unsustainable resource exploitation. Protected areas continue to expand, yet threats against them from extractive industry, agribusiness, energy and infrastructure projects are also increasing, and thus the urgency to address effective, collaborative and long-term conservation is of paramount importance. The escalating incidence of killings of indigenous environmentalists further underlines the urgency that conservationists and indigenous peoples join forces to protect land and biodiversity from external threats.

I had the privilege of being invited to present this report before the International Union for the Conservation of Nature (IUCN) World Conservation Congress which was held in Hawaii in September this year. I welcome the news from IUCN that important resolutions were adopted by the Congress which took into account some of the recommendations I made in my report, including on the need for safeguarding indigenous lands, territories and resources from unsustainable developments (resolution 097) by encouraging that governments work with indigenous peoples to create, institute and enforce legal and management regimes to enhance accountability and improve governance in order to avoid interventions that negatively impact on the rights of indigenous peoples. Further resolutions were adopted recognising the overlap between protected areas and territories conserved by indigenous peoples and local communities (ICCAs) and on improving the participation of indigenous organisations in the structure of IUCN.

I briefly wish to refer to the thematic report I presented to the Human Rights Council last month, which was the second of three reports that I will dedicate to international investment agreements and their impacts on indigenous peoples' rights. Last year, my report to the General Assembly (A/70/301) sought to address the impact of the international investment regime in the context of indigenous peoples' rights. My report to the Human Rights Council this year further contextualises and analyses these impacts and presents a number of recommendations aimed at guiding Member States, the United Nations system and the actors involved in the international investment law regime. My report seeks to promote coherence across international investment law and international human rights law and ensure that the responsibility of States pertaining to the rights of indigenous peoples is not obstructed by protections afforded to investors. I believe it
is possible to reform and develop a system of international investment law that reduces risk to indigenous peoples' rights and serves to benefit both them and the State, while providing investment security to foreign investors. This requires the establishment of regulatory frameworks and enforcement mechanisms to ensure that investors' practices are consistent and comply with international human rights standards pertaining to indigenous peoples' rights.

I wish to take this opportunity to note that my third and final report relating to international investment agreements will be presented to the Human Rights Council next year. It will consider how human rights and sustainable development approaches can contribute to shaping the future of investments in or near indigenous peoples' territories so that they serve to benefit all in a just and equitable manner.

In my thematic report to the General Assembly next year I will, following up on discussions in the Permanent Forum this year, explore how armed conflict, peace agreements and transitional justice impact on the human rights of indigenous peoples and in particular on their right to truth, justice and reparation.

Among other thematic priority areas, I will continue to monitor closely the implementation of the Sustainable Development Goals (SDGs). Indigenous peoples make up some five per cent of the global population, yet account for fifteen per cent of the world's poorest peoples. While I note as positive the references to indigenous peoples in the SDG indicators relating to agricultural productivity, education and in the need for national progress reviews, I regret that the SDGs did not include additional references to indigenous peoples among its goals and target indicators. I wish to recall that I urged for such inclusion and for the need for disaggregated data in order to monitor development progress in my report to the General Assembly in 2014 (A/69/267).

As the coming year will mark the tenth anniversary of UNDRIP, I will continue to pay particular attention to the application of its wide-ranging provisions as a matter of priority. Closing the gap between the recognition of indigenous peoples' rights at the international level and the actual implementation on the ground remains my main pre-occupation and I reiterate my commitment in my role as Special Rapporteur to monitor closely how States and the United Nations are implementing the Declaration and the Outcome Document of the World Conference.

**Country visits**

Since I last spoke here in the General Assembly, I have conducted three official country visits to Sápmi (Finland, Norway and Sweden) in August 2015, Honduras in November 2015 and Brazil in March 2016. I reported on these visits to the Human Rights Council last month and will therefore only make brief mention of these. During my visit to the Sápmi, I observed that the increased drive to mineral extraction and the development of renewable energy projects in Sápmi was one of the main threats against the realization of the rights of the Sami people.

In Honduras, I witnessed that the lack of full recognition, protection and enjoyment of indigenous peoples' rights to ancestral lands and natural resources is a fundamental problem as is impunity for the increasing violence against indigenous peoples. During my visit, I met with Berta Cáceres, an indigenous Lenca activist who was killed four months later (on 3 March 2016) because of her protests against the Agua Zarca dam project, even though she had been awarded precautionary protection measures from the Inter-American Commission on Human Rights. I will continue to monitor the investigations into Ms. Caceres' murder and urge the State to hold the perpetrators accountable and break the vicious cycle of impunity.
In Brazil, I noted the convergence of various disconcerting developments that further entrench the interests and power of the economic and political elite to the detriment of the rights of indigenous peoples. I deeply regret that, since my visit, killings and violent evictions of the Kaiowa Guarani peoples in Mato Grosso, some of which I visited, continue to take place. I also regret that many of the promises to the indigenous peoples displaced by the Bello Monte Dam are still to be implemented. I am pleased, however, to learn that the Tapajos Dam Project has been cancelled which has been the long-standing demand of the Munduruku and other indigenous peoples living in that territory. The demarcation of the indigenous peoples' lands in Cachoeira Seca, is another good development.

Next year I will be conducting country visits to Australia, Guatemala and possibly, Chile and Cameroon. I wish to thank countries in Latin America and in Africa, that have invited me to do a country visit.

**Good practices**

Before I end my report I would like to mention the promotion of good practices, as I have continued to provide technical assistance to Governments in their efforts to develop laws and policies that relate to indigenous peoples. Allow me to highlight a few examples of such engagement.

During the Paris Conference of Parties (COP21) to the UN Framework on Climate Change (UNFCCC) in December 2015, I, together with OHCHR and the Special Rapporteur on human rights and the environment and the indigenous peoples advocated for the inclusion of human rights. Language which recognises the need to address human rights, including indigenous peoples' rights, in all climate change measures was included in the Paris Agreement.

In February 2016, I participated in the High-level Dialogue on the World Bank draft environmental and social standard on indigenous peoples in Addis Ababa, which centred on the use of the term indigenous peoples and the requirement to obtain their free, prior and informed consent. I, together with the Chairs of the Permanent Forum and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), subsequently wrote a joint letter to the World Bank to express concerns regarding the weakening of the safeguards, with proposals for remedial language. I will continue to engage with the World Bank on safeguards for indigenous peoples.

I was recently asked by the United Nations Country Team in Honduras to provide comments on the draft consultation law currently considered by the Government. I look forward to contributing to this initiative which can be an important first step to implement my recommendation that United Nations bodies in Honduras, including the newly created Office of the United Nations High Commissioner for Human Rights, in cooperation with the Government of Honduras and indigenous peoples, provide technical assistance to the State to carry out recommendations contained in the country report.

**Communications**

I have prioritised and significantly increased the number of communications addressed to Governments in relation to allegations of violations of indigenous peoples' rights. Since the beginning of this year, I have sent over fifty communications to more than thirty States in relation to violations of a wide range of economic, social and cultural as well as civil and political rights. The failure to ensure the free, prior and informed consent of indigenous peoples before undertaking measures and projects affecting their lands, territories and other resources
remains a key recurring concern. I would like to thank all the States that have responded to my communications.

Madame Chair,

To conclude my presentation, I wish to re-affirm my commitment to promoting indigenous peoples' rights in close collaboration with indigenous peoples themselves and in coordination with relevant international mechanisms and institutions, notably the Permanent Forum, EMRIP and treaty bodies. I seek to contribute to ensuring that indigenous peoples' voices are effectively heard, and to facilitate dialogue between indigenous peoples, Governments, and other relevant actors involved in specific situations across the world in which indigenous peoples' rights are not being respected. I reiterate my pledge to address the human rights challenges brought to my attention and to be proactive in efforts to prevent such situations from arising or escalating.

I thank you all for your attention and look forward to our discussion.

AG/RES. 2888 (XLVI-O/16) [Organization of American States] AMERICAN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (Adopted at the third plenary session, held on June 15, 2016)

THE GENERAL ASSEMBLY,

RECALLING the contents of resolution AG/RES. 2867 (XLIV-O/14), “Draft American Declaration on the Rights of Indigenous Peoples,” as well as all the previous resolutions on this issue;

RECALLING also the “Declaration on the Rights of the Indigenous Peoples in the Americas,” document AG/DEC. 79 (XLIV-O/14), which reaffirms that progress in promoting and effectively protecting the rights of the indigenous peoples of the Americas is a priority for the Organization of American States;

RECOGNIZING the valuable support provided by the member states, observer states, the organs, agencies, and entities of the Organization of American States for the process within the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples;

RECOGNIZING as well the important participation of indigenous peoples of the Americas in the process of preparing this Declaration; and

TAKING INTO ACCOUNT the significant contribution that the indigenous peoples of the Americas have made to humanity,

RESOLVES:
To adopt the following Draft American Declaration on the Rights of Indigenous Peoples:

1. The United States remains committed to addressing the urgent issues of concern to indigenous peoples across the Americas, including combating societal discrimination against indigenous peoples and...
2. Canada reiterates its commitment to a renewed relationship with its Indigenous peoples, based on
AMERICAN DECLARATION
ON THE RIGHTS OF INDIGENOUS PEOPLES

PREAMBLE

The member states of the Organization of American States (hereinafter the states), RECOGNIZING:

That the rights of indigenous peoples are both essential and of historic significance to the present and future of the Americas;

The important presence in the Americas of indigenous peoples and their immense contribution to development, plurality, and cultural diversity and reiterating our commitment to their economic and social well-being, as well as the obligation to respect their rights and cultural identity; and

That the existence of indigenous cultures and peoples of the Americas is important to humanity; and

REAFFIRMING that indigenous peoples are original, diverse societies with their own identities that form an integral part of the Americas;

CONCERNED that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests;

RECOGNIZING the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources;

RECOGNIZING FURTHER that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment;

BEARING IN MIND the progress achieved at the international level in recognizing the rights of indigenous peoples, especially the 169 ILO Convention and the United Nations Declaration on the Rights of Indigenous Peoples;

BEARING IN MIND ALSO the progress made in nations of the Americas, at the constitutional, legislative, and jurisprudential levels to safeguard, promote, and protect the rights of indigenous peoples, as well as the political will of states to continue their progress toward recognition of the rights of indigenous peoples in the Americas;

DECLARE:
Article I.

SECTION ONE: Indigenous Peoples. Scope of Application

RECALLING the commitments undertaken by the Member States to guarantee, promote, and protect the rights and institutions of indigenous peoples, including those undertaken at the Third and Fourth Summits of the Americas;

RECALLING AS WELL the universality, inseparability, and interdependence of human rights recognized under international law;

CONVINCED that recognition of the rights of indigenous peoples in this Declaration will foster among states and indigenous peoples harmonious and cooperative relations based on the principles of justice, democracy, respect for human rights, nondiscrimination, and good faith;

CONSIDERING the importance of eliminating all forms of discrimination that may affect indigenous peoples, and taking into account the responsibility of states to combat them;

ENCOURAGING States to respect and comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned;

1. The American Declaration on the Rights of Indigenous Peoples applies to the indigenous peoples of the Americas.

2. Self-identification as indigenous peoples will be a fundamental criteria for determining to whom this Declaration applies. The states shall respect the right to such self-identification as indigenous, individually or collectively, in keeping with the practices and institutions of each indigenous people.

Article II.

The states recognize and respect the multicultural and multilingual character of the indigenous peoples, who are an integral part of their societies.

Article III.

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article IV.

Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the Organization of American States and the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

SECTION TWO: Human Rights and Collective Rights Article V. Full effect and observance of human rights
Indigenous peoples and persons have the right to the full enjoyment of all human rights and fundamental freedoms, as recognized in the Charter of the United Nations, the Charter of the Organization of American States and international human rights law.

Article VI. Collective rights

Indigenous peoples have collective rights that are indispensable for their existence, well-being, and integral development as peoples. In this regard, the states recognize and respect, the right of the indigenous peoples to their collective action; to their juridical, social, political, and economic systems or institutions; to their own cultures; to profess and practice their spiritual beliefs; to use their own tongues and languages; and to their lands, territories and resources. States shall promote with the full and effective participation of the indigenous peoples the harmonious coexistence of rights and systems of the different population, groups, and cultures.

Article VII. Gender equality

1. Indigenous women have the right to the recognition, protection, and enjoyment of all human rights and fundamental freedoms provided for in international law, free of all forms of discrimination.

2. States recognize that violence against indigenous peoples and persons, particularly women, hinders or nullifies the enjoyment of all human rights and fundamental freedoms.

3. States shall adopt the necessary measures, in conjunction with indigenous peoples, to prevent and eradicate all forms of violence and discrimination, particularly against indigenous women and children.

Article VIII. Right to belong to the indigenous peoples

Indigenous persons and communities have the right to belong to one or more indigenous peoples, in accordance with the identity, traditions, customs, and systems of belonging of each people. No discrimination of any kind may arise from the exercise of such a right.

Article IX. Juridical personality

The states shall recognize fully the juridical personality of the indigenous peoples, respecting indigenous forms of organization and promoting the full exercise of the rights recognized in this Declaration.

Article X. Rejection of assimilation

1. Indigenous peoples have the right to maintain, express, and freely develop their cultural identity in all respects, free from any external attempt at assimilation.

2. The States shall not carry out, adopt, support, or favor any policy to assimilate the indigenous peoples or to destroy their cultures.
Article XI. Protection against genocide

Indigenous peoples have the right to not be subjected to any form of genocide or attempts to exterminate them.

Article XII. Guarantees against racism, racial discrimination, xenophobia, and other related forms of intolerance

Indigenous peoples have the right not to be subjected to racism, racial discrimination, xenophobia, and other related forms of intolerance. The states shall adopt the preventive and corrective measures necessary for the full and effective protection of this right.

SECTION THREE: Cultural identity Article XIII. Right to cultural identity and integrity

1. Indigenous peoples have the right to their own cultural identity and integrity and to their cultural heritage, both tangible and intangible, including historic and ancestral heritage; and to the protection, preservation, maintenance, and development of that cultural heritage for their collective continuity and that of their members and so as to transmit that heritage to future generations.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

3. Indigenous people have the right to the recognition and respect for all their ways of life, world views, spirituality, uses and customs, norms and traditions, forms of social, economic and political organization, forms of transmission of knowledge, institutions, practices, beliefs, values, dress and languages, recognizing their inter-relationship as elaborated in this Declaration.

Article XIV. Systems of Knowledge, Language and Communication

1. Indigenous peoples have the right to preserve, use, develop, revitalize, and transmit to future generations their own histories, languages, oral traditions, philosophies, systems of knowledge, writing, and literature; and to designate and maintain their own names for their communities, individuals, and places.

2. The states shall adopt adequate and effective measures to protect the exercise of this right with the full and effective participation of indigenous peoples.

3. Indigenous peoples have the right to promote and develop all their systems and media of communication, including their own radio and television programs, and to have equal access to all other means of communication and information. The states shall take measures to promote the broadcast of radio and television programs in indigenous languages, particularly in areas with an indigenous presence. The states shall support and facilitate the creation of indigenous radio and television stations, as well as other means of information and communication.

4. The states, in conjunction with indigenous peoples, shall make efforts to ensure that those peoples can understand and be understood in their languages in administrative, political, and
judicial proceedings, where necessary through the provision of interpretation or by other effective means.

Article XV. Education

1. Indigenous peoples and individuals, particularly indigenous children, have the right to all levels and forms of education, without discrimination.

2. States and indigenous peoples, in keeping with the principle of equality of opportunity, shall promote the reduction of disparities in education between indigenous and non-indigenous peoples.

3. Indigenous peoples have the right to establish and control their educational systems and institutions, providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

4. In conjunction with indigenous peoples, the states shall take effective measures to ensure that indigenous persons living outside their communities, particularly children, may have access to education in their own languages and cultures.

5. States shall promote harmonious intercultural relations, ensuring that the curricula of state educational systems reflect the pluricultural and multilingual nature of their societies and encourage respect for and knowledge of the different indigenous cultures. States shall, in conjunction with indigenous peoples, promote intercultural education that reflects the worldview, histories, languages, knowledge, values, cultures, practices, and ways of life of those peoples.

6. States, in conjunction with indigenous peoples, shall adopt necessary and effective measures to ensure the exercise and observance of these rights.

Article XVI. Indigenous spirituality

1. Indigenous peoples have the right to freely exercise their own spirituality and beliefs and, by virtue of that right, to practice, develop, transmit, and teach their traditions, customs, and ceremonies, and to carry them out in public and in private, individually and collectively.

2. No indigenous person or person shall be subject to pressures or impositions, or any other type of coercive measures that impair or limit their right to freely exercise their indigenous spirituality and beliefs.

3. Indigenous Peoples have the right to preserve, protect, and access their sacred sites, including their burial grounds; to use and control their sacred objects relics, and to recover their human remains.

4. States, in conjunction with indigenous peoples, shall adopt effective measures, to promote respect for indigenous spirituality and beliefs, and to protect the integrity of the symbols, practices, ceremonies, expressions, and spiritual protocols of indigenous peoples, in accordance with international law.
Article XVII. Indigenous family

1. The family is a natural and fundamental group unit of society. Indigenous peoples have the right to preserve, maintain, and promote their own family systems. States shall recognize, respect, and protect the various indigenous forms of family, in particular the extended family, as well as the forms of matrimonial union, filiations, descent, and family name. In all cases, gender and generational equity shall be recognized and respected.

2. In matters relating to custody, adoption, severance of family ties, and related matters, the best interests of the child shall be a primary consideration. In determining the best interests of the child, courts and other relevant institutions shall take into account the right of every indigenous child, in community with member of his or her people, to enjoy his or her own culture, to profess and practice his or her own religion or to use his or her own language and in that regard shall look to the indigenous law of the peoples concerned and shall consider their points of view, rights and interest, including the positions of individuals, the family, and the community.

Article XVIII. Health

1. Indigenous peoples have the collective and individual right to the enjoyment of the highest attainable standard of physical, mental, and spiritual health.

2. Indigenous peoples have the right to their own health systems and practices, as well as to the use and protection of the plants, animals, minerals of vital interests, and other natural resources for medicinal use in their ancestral lands and territories.

3. States shall take measures to prevent and prohibit indigenous peoples and individuals from being subject to research programs, biological or medical experimentation, as well as sterilization without their prior, free, and informed consent. Likewise, indigenous peoples and persons have the right, as appropriate, to access to their data, medical records, and documentation of research conducted by individuals and public and private institutions.

4. Indigenous peoples have the right to use, without any discrimination whatsoever, all the health and medical care institutions and services accessible to the general population. States, in consultation and coordination with indigenous peoples, shall promote intercultural systems or

Article XIX.

States shall guarantee the effective exercise of the rights contained in this article.

Right to protection of a healthy environment practices in the medical and health services provided in indigenous communities, including training of indigenous technical and professional health care personnel.

Indigenous peoples have the right to live in harmony with nature and to a healthy, safe, and sustainable environment, essential conditions for the full enjoyment of the right to life, to their spirituality, worldview and to collective well-being.

2. Indigenous peoples have the right to conserve, restore, and protect the environment and to manage their lands, territories and resources in a sustainable way.
3. Indigenous peoples are entitled to be protected against the introduction of, abandonment, dispersion, transit, indiscriminate use or deposit of any harmful substance that could negatively affect indigenous communities, lands, territories and resources.

4. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

**SECTION FOUR: Organizational and Political Rights**

**Article XX. Rights of association, assembly, and freedom of expression and thought**

1. Indigenous peoples have the rights of association, assembly, organization and expression, and to exercise them without interference and in accordance with their worldview, *inter alia*, values, usages, customs, ancestral traditions, beliefs, spirituality, and other cultural practices.

2. Indigenous peoples have the right to assemble on their sacred and ceremonial sites and areas. For this purpose they shall have free access and use to these sites and areas.

3. Indigenous peoples, in particular those who are divided by international borders, shall have the right to travel and to maintain and develop contacts, relations, and direct cooperation, including activities for spiritual, cultural, political, economic, and social purposes, with their members and other peoples.

4. These states shall adopt, in consultation and cooperation with the indigenous peoples, effective measures to ensure the exercise and application of these rights.

**Article XXI. Right to autonomy or self-government**

1. Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

2. Indigenous peoples have the right to maintain and develop their own decision-making institutions. They also have the right to participate in the decision making in matters which would affect their rights. They may do so directly or through their representatives, and accordance with their own norms, procedures, and traditions. They also have the right to equal opportunities to access and to participate fully and effectively as peoples in all national institutions and fora, including deliberative bodies.

**Article XXII. Indigenous law and jurisdiction**

1. Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

2. The indigenous law and legal systems shall be recognized and respected by the national, regional and international legal systems.
3. The matters referring to indigenous persons or to their rights or interests in the jurisdiction of each state shall be conducted so as to provide for the right of the indigenous people to full representation with dignity and equality before the law. Consequently, they are entitled, without discrimination, to equal protection and benefit of the law, including the use of linguistic and cultural interpreters.

4. The States shall take effective measures in conjunction with indigenous peoples to ensure the implementation of this article.

**Article XXIII. Contributions of the indigenous legal and organizational systems**

1. Indigenous peoples have the right to full and effective participation in decision-making, through representatives chosen by themselves in accordance with their own institutions, in matters which affect their rights, and which are related to the development and execution of laws, public policies, programs, plans, and actions related to indigenous matters.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.\(^1\)

1. The State of Colombia breaks with consensus as regards Article XXIII, paragraph 2, of the OAS Declaration on Indigenous Peoples, which deals with consultations for obtaining indigenous ...

**Article XXIV. Treaties, agreements, and other constructive arrangements**

1. Indigenous peoples have the right to the recognition, observance, and enforcement of the treaties, agreements and other constructive arrangements concluded with states and their successors, in accordance with their true spirit and intent in good faith and to have the same be respected and honored by the States. States shall give due consideration to the understanding of the indigenous peoples as regards to treaties, agreements and other constructive arrangements.

2. When disputes cannot be resolved between the parties in relation to such treaties, agreements and other constructive arrangements, these shall be submitted to competent bodies, including regional and international bodies, by the States or indigenous peoples concerned.

3. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

**SECTION FIVE: Social, Economic, and Property Rights**

**Article XXV. Traditional forms of property and cultural survival. Right to land, territory, and resources**

1. Indigenous peoples have the right to maintain and strengthen their distinctive spiritual, cultural, and material relationship to their lands, territories, and resources and to assume their responsibilities to preserve them for themselves and for future generations.

2. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
3. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

4. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

5. Indigenous peoples have the right to legal recognition of the various and particular modalities and forms of property, possession and ownership of their lands, territories, and resources in accordance with the legal system of each State and the relevant international instruments. The states shall establish the special regimes appropriate for such recognition, and for their effective demarcation or titling.

**Article XXVI.** Indigenous peoples in voluntary isolation or initial contact

1. Indigenous peoples in voluntary isolation or initial contact have the right to remain in that condition and to live freely and in accordance with their cultures.

2. The states shall adopt adequate policies and measures with the knowledge and participation of indigenous peoples and organizations to recognize, respect, and protect the lands, territories, environment, and cultures of these peoples as well as their life, and individual and collective integrity.

**Article XXVII.** Labor Rights

1. Indigenous peoples and persons have the rights and guarantees recognized in national and international labor law. States shall take all special measures to prevent, punish and remedy the discrimination to which indigenous peoples and persons are subjected.

2. States, in conjunction with indigenous peoples, shall adopt immediate and effective measures to eliminate exploitative labor practices with regard to indigenous peoples, in particular, indigenous children, women and elders.

3. In case indigenous peoples are not effectively protected by the laws applicable to workers in general, states, in conjunction with indigenous peoples, shall take all measures that may be necessary in order to:

   1. protect indigenous workers and employees in relation to contracting under fair and equal conditions in both formal and informal employment;
   2. establish, apply, or improve labor inspection and the enforcement of rules with particular attention to, *inter alia*, regions, companies, and labor activities in which indigenous workers or employees participate;
   3. establish, apply or enforce laws so that both female and male indigenous workers:
      i. enjoy equal opportunities and treatment in all terms, conditions, and benefits of employment, including training and capacity-building, under national and international law;
      ii. enjoy the right of association, the right to form trade unions, and join trade union activities, and the right to bargain collectively with employers through representatives of their own choosing or workers’ organizations, including traditional authorities;
iii. are not subject to discrimination or harassment on the basis of, inter alia, race, sex, indigenous origin or identity;
iv. are not subject to coercive hiring systems, including debt servitude or any other form of forced or compulsory labor regardless of whether the labor arrangement arises from law, custom, or an individual or collective arrangement, in which case the labor arrangement shall be deemed absolutely null and void;
v. are not forced to work in conditions that endanger their health and personal safety; and are protected from work that does not comport with occupational health and safety standards; and
vi. receive full and effective legal protection, without discrimination, when they provide their services as seasonal, occasional, or migrant workers, as well as when they are contracted by employers such that they receive the benefits of the national legislation and practices, which shall be in accordance with the international human rights laws and standards for this category of workers;
d. ensure that the indigenous workers and their employers are informed of the rights of indigenous workers under national law and international and indigenous standards, and of the remedies and actions available to them to protect those rights.

4. States shall take measures to promote employment of indigenous individuals. Article XXVIII. Protection of Cultural Heritage and Intellectual Property

1. Indigenous peoples have the right to the full recognition and respect for their property, ownership, possession, control, development, and protection of their tangible and intangible cultural heritage and intellectual property, including its collective nature, transmitted through millennia, from generation to generation.

2. The collective intellectual property of indigenous peoples includes, inter alia, traditional knowledge and traditional cultural expressions including traditional knowledge associated with genetic resources, ancestral designs and procedures, cultural, artistic, spiritual, technological, and scientific, expressions, tangible and intangible cultural heritage, as well as the knowledge and developments of their own related to biodiversity and the utility and qualities of seeds and medicinal plants, flora and fauna.

3. States, with the full and effective participation of indigenous peoples, shall adopt measures necessary to ensure that national and international agreements and regimes provide recognition and adequate protection for the cultural heritage of indigenous peoples and intellectual property associated with that heritage. In adopting these measures, consultations shall be effective intended to obtain the free, prior, and informed consent of indigenous peoples.

Article XXIX. Right to development

1. Indigenous peoples have the right to maintain and determine their own priorities with respect to their political, economic, social, and cultural development in conformity with their own world view. They also have the right to be guaranteed the enjoyment of their own means of subsistence and development, and to engage freely in all their economic activities

2. This right includes the development of policies, plans, programs, and strategies in the exercise of their right to development and to implement them in accordance with their political and social organization, norms and procedures, their own world views and institutions.
3. Indigenous peoples have the right to be actively involved in developing and determining development programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

4. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.  

5. Indigenous peoples have the right to effective measures to mitigate adverse ecological, economic, social, cultural, or spiritual impacts for the implementation of development projects that affect their rights. Indigenous peoples who have been deprived of their own means of subsistence and development have the right to restitution and, where this is not possible, to fair and equitable compensation. This includes the right to compensation for any damage caused to them by the implementation of state, international financial institutions or private business plans, programs, or projects.

**Article XXX. 1. Right to peace, security, and protection**

Indigenous peoples have the right to peace and security.

Indigenous peoples have the right to recognition and respect for their institutions for the maintenance of their organization and control of its communities and peoples.

3. Indigenous peoples have the right to protection and security in situations or periods of internal or international armed conflict pursuant to international humanitarian law.

4. States, in compliance with international agreements to which they are party, in particular international humanitarian law and international human rights law, including the Fourth Geneva Convention of 1949 relative to the protection of civilian persons in time of war, and Protocol II of 1977 relating to the protection of victims of non-international armed conflicts, in the event of armed conflicts shall take adequate measures to protect the human rights, institutions, lands, territories, and resources of the indigenous peoples and their communities. Likewise, States:

   b. Shall not recruit indigenous children and adolescents into the armed forces under any circumstances;

   c. Shall take measures of effective reparation and provide adequate resources for the same, in jointly with the indigenous peoples affected, for the damages incurred caused by an armed conflict.

   d. Shall take special and effective measures in collaboration with indigenous peoples to guarantee that indigenous women, children live free from all forms of violence, especially sexual violence, and shall guarantee the right to access to justice, protection, and effective reparation for damages incurred to the victims.

{2. The State of Colombia breaks with consensus as regards Article XXIX, paragraph 4, of the OAS Declaration on Indigenous Peoples, which deals with consultations for obtaining indigenous... }
6. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.3/

SECTION SIX: General Provisions

Article XXXI

1. The states shall ensure the full enjoyment of the civil, political, economic, social, and cultural rights of indigenous peoples, as well as their right to maintain their cultural identity, spiritual and religious traditions, worldview, values and the protection of their religious and cultural sites, and human rights contained in this Declaration.

2. The states shall promote, with the full and effective participation of the indigenous peoples, the adoption of the legislative and other measures that may be necessary to give effect to the rights included in this Declaration.

Article XXXII

All the rights and freedoms recognized in the present Declaration are guaranteed equally to indigenous women and men.

Article XXXIII

Indigenous peoples and persons have the right to effective and appropriate remedies, including prompt judicial remedies, for the reparation of all violations of their collective and individual rights. The states, with full and effective participation of indigenous peoples, shall provide the necessary mechanisms for the exercise of this right.

Article XXXIV

In case of conflicts and disputes with indigenous peoples, states shall provide, with the full and effective participation of those peoples, just, equitable and effective mechanisms and procedures for their prompt resolution. For this purpose, due consideration and recognition shall be given to the customs, traditions, norms or legal systems of the indigenous peoples concerned.

Article XXXV

Nothing in this Declaration may be interpreted so as to limit, restrict, or deny human rights in any way, or so as to authorize any action that is not in keeping with international human rights law.

3. The State of Colombia breaks with consensus as regards Article XXX, paragraph 5, of the OAS Declaration on Indigenous Peoples, since according to the mandate contained in the ....

Article XXXVI

In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary
solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance, and good faith.

**Article XXXVII**

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

**Article XXXVIII**

The Organization of American States, its organs, agencies, and entities, shall take all necessary measures to promote the full respect, protection, and application of the rights of indigenous peoples contained in this Declaration and shall endeavor to ensure their efficacy.

**Article XXXIX**

The nature and scope of the measures that shall be taken to implement this Declaration shall be determined in accordance with the spirit and purpose of said Declaration.

**Article XL**

Nothing in this declaration shall be construed as diminishing or extinguishing rights that indigenous peoples now have or may acquire in the future.

**Article XLI**

The rights recognized in this Declaration and the United Nations Declaration on the Rights of Indigenous Peoples constitute the minimum standards for the survival, dignity, and well-being of the indigenous peoples of the Americas.

**FOOTNOTES**

1. ...individuals, increasing indigenous participation in national political processes, addressing lack of infrastructure and poor living conditions in indigenous areas, combating violence against indigenous women and girls, promoting the repatriation of ancestral remains and ceremonial objects, and collaborating on issues of land rights and self-governance, among many other issues. The multitude of ongoing initiatives with respect to these topics provide avenues for addressing some of the consequences of past actions. The United States has, however, persistently objected to the text of this American Declaration, which is not itself legally binding and therefore does not create new law, and is not a statement of Organization of American States (OAS) Member States’ obligations under treaty or customary international law.

The United States reiterates its longstanding belief that implementation of the United Nations Declaration on the Rights of Indigenous Peoples (“UN Declaration”) should remain the focus of the OAS and its Member States. OAS Member States joined other UN Member States in renewing their political commitments with respect to the UN Declaration at the World
Conference on Indigenous Peoples in September 2014. The important and challenging initiatives underway at the global level to realize the respective commitments in the UN Declaration and the outcome document of the World Conference are appropriately the focus of the attention and resources of States, indigenous peoples, civil society, and international organizations, including in the Americas. In this regard, the United States intends to continue its diligent and proactive efforts, which it has undertaken in close collaboration with indigenous peoples in the United States and many of its fellow OAS Member States, to promote achievement of the ends of the UN Declaration, and to promote fulfillment of the commitments in the World Conference outcome document. Of final note, the United States reiterates its solidarity with the concerns expressed by indigenous peoples concerning their lack of full and effective participation in these negotiations.

2. ...in full partnership with Indigenous peoples in Canada, to move forward with the implementation of the UN Declaration on the Rights of Indigenous Peoples in accordance with Canada's Constitution. As Canada has not participated substantively in recent years in negotiations on the American Declaration on the Rights of Indigenous Peoples, it is not able at this time to take a position on the proposed text of this Declaration. Canada is committed to continue working with our partners in the OAS on advancing Indigenous issues across the Americas.

3. ...communities’ prior, free, and informed consent before adopting and enforcing legislative or administrative measures that could affect them, in order to secure their free, prior, and informed consent.

This is because Colombian law defines such communities’ right of prior consultation in accordance with ILO Convention No. 169. Thus, the Colombian Constitutional Court has ruled that the consultation process must be pursued “with the aim of reaching an agreement or securing the consent of the indigenous communities regarding the proposed legislative measures.” It must be noted that this does not translate into the ethnic communities having the power of veto over measures affecting them directly whereby such measures cannot proceed without their consent; instead, it means that following a disagreement “formulas for consensus-building or agreement with the community” must be presented.

Moreover, the Committee of Experts of the International Labour Organization (ILO) has established that prior consultation does not imply the right to veto state decisions, but is rather a suitable mechanism for indigenous and tribal peoples to enjoy the right of expression and of influencing the decision-making process.

Accordingly, and in the understanding that this Declaration’s approach to prior consent is different and could amount to a possible veto, in the absence of an agreement, which could bring processes of general interest to a halt, the contents of this article are unacceptable to Colombia.

4. ...communities’ prior, free, and informed consent before approving projects that could affect their lands or territories and other resources.

This is because although the Colombian State has included in its legal order a wide range of rights intended to recognize, guarantee, and uphold the constitutional rights and principles of pluralism and ethnic and cultural diversity in the nation within the framework of the Constitution, the recognition of the collective rights of indigenous peoples is regulated by legal and administrative provisions, in line with the objectives of the State and with principles such as
the social and ecological function of property and the state ownership of the subsoil and nonrenewable natural resources.

Accordingly, in those territories indigenous peoples exercise their own political, social, and judicial organization. By constitutional mandate, their authorities are recognized as public state authorities with special status and, as regards judicial matters, recognition is given to the special indigenous jurisdiction, which represents notable progress compared to other countries of the region.

In the international context, Colombia has been a leader in enforcing the rules governing prior consultation set out in Convention No. 169 of the International Labour Organization (ILO), to which our State is a party.

In the understanding that this Declaration’s approach to prior consent is different and could amount to a possible veto on the exploitation of natural resources found in indigenous territories, in the absence of an agreement, which could bring processes of general interest to a halt, the contents of this article are unacceptable to Colombia.

In addition, it is important to note that the constitutions of many states, including Colombia, stipulate that the subsoil and nonrenewable natural resources are the property of the State to preserve and ensure their public usefulness to the benefit of the entire nation. For that reason, the provisions contained in this article are contrary to the domestic legal order of Colombia, based on the national interest.

5. Constitution of Colombia, the security forces are obliged to be present in any part of the nation’s territory to provide and uphold protection and respect for all inhabitants’ lives, honor, and property, both individually and collectively. The protection of the rights and integrity of indigenous communities depends largely on the security of their territories.

Thus, in Colombia the security forces have been given instructions to observe the obligation of protecting indigenous peoples. Accordingly, the provision of the OAS Declaration on Indigenous Peoples under examination would be in breach of the principle of need and effectiveness of the security forces, hindering the performance of their institutional mission, which renders it unacceptable to Colombia.

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COLOMBIA'S INDIGENOUS PEOPLES AND THE PEACE ACCORDS

Jean Jackson*

Republished from Cultural Survival, October 19, 2016, https://www.culturalsurvival.org/news/colombias-indigenous-peoples-and-peace-accords. Since this article was written, a new peace accord was agreed to and ratified, as is discussed in International Indigenous Development Above.

Just a few days after Colombia’s president Juan Manuel Santos signed a historic peace treaty with the Revolutionary Armed Forces of Colombia (known as FARC), a nation-wide referendum voted it down on October 2, 2016. While this result may not represent what the majority of Colombian citizens feel—only 38 percent voted and the “Nos” won only by a small margin—the result is valid. Fortunately, both sides of the conflict have indicated they intend to
continue advancing towards a politically negotiated solution. The bilateral ceasefire will hold through December.

I was in Colombia three weeks prior to the plebiscite and the result did not surprise me. People I spoke to who intended to vote No expressed their displeasure at the incentives given to the FARC guerillas to lay down their arms, which, they said, let them “get off easy.” The FARC is very unpopular, and the prospect of leaders, if they confess their crimes, not serving prison terms angered many Colombians.[1] Fear-mongering and a disinformation campaign by former president Álvaro Uribe and his allies, who led the “no” campaign, confused many people. Also, a number of controversial issues currently being debated were conflated with the vote. For example, president Santos, who staked his term in office on achieving peace, is unpopular, and there is a pervasive distrust of the political establishment—a sense of “whatever they’re promoting, it won’t be good for us, the common people.”

Like other sectors in the country who bore the brunt of the violence, Colombia’s Indigenous Peoples favor the Accord. On Monday, Oct. 10, 2016, 5,000 Indigenous, students and campesinos (farmers), shouting in unison “¡Acuerdo Ya!” (Sign the Accord!), ended a three-day “March of Flowers” (Marcha de las Flores) at the Plaza Bolívar, the main square in Bogotá. The first 2,000 Arhuacos and Misak were able to meet with President Santos.

People are weary of war. The army’s role has at times been so reprehensible with respect to human rights abuses that a few years ago it hired U.S. public relations firms to help improve its image. Many of the demobilized right-wing paramilitaries, who often were accused of colluding with the army and doing its “dirty work,” re-grouped and continued as gangs of common criminals. The FARC decided to enter peace talks after coming to the conclusion that after fifty years of fighting, a military victory was not possible.

The country’s Indigenous Peoples have suffered disproportionately during the conflict because the fighting has mainly taken place in rural areas. Indigenous communities (henceforth pueblos) were often caught in the crossfire between armed actors, both legal (police and military) and illegal (insurgents and paramilitaries). Most pueblos wanted no part of the conflict and refused to ally themselves with any armed actor. Many pueblos insisted on maintaining autonomy and control of their territories. For example, members of the unarmed guard patrols found in several pueblos would travel to a guerrilla camp armed only with wooden staffs of office and negotiate the release of a kidnapped leader. This institution has won high praise from mainstream Colombian society and beyond, as evidenced by media treatment and national and international awards.

This position of neutrality and autonomy was not acceptable to combatants, who told pueblo members that failure to cooperate obviously meant they were on the other side. The FARC (and another insurgent army known as ELN, National Liberation Army) rejected the pueblos’ stance because the guerrillas claimed that they represented the interests of the common people. Guerrilla forces everywhere survive by persuading or coercing the civilian population in the area to support them, or at least tolerate their presence, which meant that many pueblos had very few options. Threats and intimidation were the rule, along with reprisals following failure to comply, the latter often very bloody, to “teach a lesson.” In the worst periods of the conflict the state was absent in about one-fourth of the country, which meant that it was often one of the armed actors that controlled local communities. Note that both the guerrillas and paramilitaries engaged in narcotrafficking. The practice of recruiting child soldiers was an additional worry for Indigenous, campesino and Afro-Colombian families.
Because they were disproportionately affected by the violence and hence important stakeholders in the peace process, both Indigenous and Afro-Colombian communities’ exclusion from the four-year peace process until the last minute occasioned widespread indignation. Only on August 24 were their concerns about securing territorial rights and other guarantees, including Free, Prior and Informed Consent, entered into the Accord as the Ethnic Chapter.

Even if the peace accords had been approved by the referendum vote, everyone who knows Colombia understands that such a step would be just the beginning of what promises to be a very long haul. This is because so many of the structures that produced and maintained the conflict remain in place. Corruption in every branch of government is a tremendous problem and shows no signs of decreasing. The war on drugs has been an abysmal failure with a huge cost. The drug trade continues to be a national scourge, and the blame by no means lies only with Colombia, because the market—the U.S. and Europe—is what sustains narcotrafficking. Neoliberal measures like free trade agreements have not benefitted poor Colombians, including the pueblos, which have mounted protest after protest denouncing them. Finally, the state is still effectively absent in many parts of the country. One dissident FARC front refused to go along with the top leadership, and they are found in areas where the proportion of Indigenous to non-Indigenous inhabitants is the highest in the country: in the southeastern plains and forests. In this region open combat between FARC and former paramilitaries continues to this day, to secure territory planted in coca, or rich in minerals like tungsten and coltan. The government will have to take charge of the areas previously controlled by the now-demobilizing FARC to establish state authority and maintain order.

The Indigenous movement has accomplished a great deal during its lifetime. Whereas in the 1970s and 1980s leaders were thrown in jail, disappeared or assassinated, they now receive protection from the state and some have been elected to public office. The Colombian 1991 Constitution guarantees more rights and protections to Indigenous citizens than any other Latin American country. Also, the country’s pueblos, which constitute less than four percent of the national population, now collectively own almost 30 percent of the national territory. ONIC, the National Indigenous Organization of Colombia, mediates between the state and pueblos during crises, but also resists certain state actions. For example, it has organized highway blockades and strikes, the most recent one in May. However, unfortunately the movement is factionalized (not surprising, given the context within which it must operate), which prevents it from being as strong as it might otherwise be.

Hence, the prospective future of a Colombia at peace is not totally rosy. Neoliberal ideology and policies endorsed by the country’s elites and international interests have promoted globalization processes that favor land grabs intended for mega-development projects like hydroelectric plants, mining (coal in particular), and exploitation of oil reserves. As in most of Latin America the government retains subsoil rights, and so despite the fact that many such projects are directed at territories legally and collectively owned by the pueblos, the projects go forward, after putatively “free, prior and informed consent” agreements are signed, some of them fraudulent and many obtained under extreme pressure.

We can hope for, and work toward, a future in which differences are resolved through dialogue and not violence, one that also vigorously, and in good faith, works to advance the interests of the country’s pueblos.

*Jean Jackson is a Cultural Survival board member and professor emeritus at the Department of Anthropology at the Massachusetts Institute of Technology. Her books, articles, and teaching
focus on medical anthropology, social and ethnic identity, gender issues, and indigenous mobilization in Colombia.

LAND GRABS AND THE INTERNATIONAL CRIMINAL COURT: WILL CAMBODIA'S KLEPTOCRATS FINALLY FACE JUSTICE?

Neil Loughlin and Tom Johnson, "Land Grabs and the International Criminal Court: Will Cambodia’s Kleptocrats Finally Face Justice?"


On 15th September the International Criminal Court broadened its process for selecting and prioritising cases to include land grabbing and environmental destruction. The decision presents an opportunity to curb the deforestation and rights abuses driven by illegally-issued agricultural concessions in Cambodia, likely to be the court’s first credible case. It also has important implications for other countries suffering from the worst excesses of illegal deforestation. Neil Loughlin and Tom Johnson report.

In May 2012, a 13 year-old girl named Heng Chantha was shot dead when security forces armed with AK47s stormed her village in central Cambodia,[1] Her family and their neighbours were pushed violently off the land to make way for a rubber plantation.

Nobody was ever prosecuted for her killing. Instead, the Cambodian Government tied the case to spurious allegations of insurrection, which it used to jail an outspoken democracy activist and radio station owner who had reported on a claim made against Cambodian Prime Minister Hun Sen at the International Court of Justice.[2]

The case reminds us of two things about Cambodia that, as of last month, may hold new resonance for the country’s cronies capitalists. Firstly, that horrific crimes have been inflicted on Cambodian citizens in order to facilitate the transfer of land and resources to well-connected companies. Secondly, that this has taken place with impunity, with the Cambodian judicial system institutionally corrupted to the extent that it has become complicit in the crime.

Hundreds of thousands of Cambodians have been displaced by the same system, employing the same methodologies, that resulted in Chantha’s death. Rather than providing any form of respite, the state’s courts have become an important part of that system. Soon after the killing, five US Senators and seven members of Congress wrote a letter to Barack Obama in which they condemned Hun Sen for “using politically controlled courts to facilitate these land seizures and bolster his unpopular rule”.

Horrific crimes have been inflicted on Cambodian citizens in order to facilitate the transfer of land and resources to well-connected companies.
On September 15, the International Criminal Court, or ICC, announced that it now considers crimes associated with land grabbing and environmental destruction as falling within its mandate. In a policy document released by the Office of the Prosecutor it outlined its position that where these crimes were sufficient in gravity and scope, they could be considered crimes against humanity, one of the three pillars of the court’s mandate.

The ICC’s decision raises the prospect that senior politicians and even businessmen operating in states like Cambodia could face prosecution at The Hague, away from the courts over which they exercise control, with the harm they have inflicted afforded parity with genocide and war crimes. But in a world fraught with major human rights violations, and significant constraints facing the ICC, what are the prospects of a prosecution for land grabbing or environmental destruction? And while the victims of the Cambodian kleptocracy wait for their day in court, might the decision have other meaningful impacts?

**What is the ICC?**

The mandate of the ICC was set down by the Rome Statute, the 1998 international agreement that gave birth to it. The aim of the court is to end impunity for “the most serious crimes of international concern”, in the words of the Office of the Prosecutor (OTP), and these are broadly defined as genocide, war crimes, and crimes against humanity. The September decision has not altered that mandate, but instead reflects an evolving and transparent decision-making process that determines what the court can and cannot address.

The OTP has a remit to seek out “situations” that fall within that mandate. It may not immediately seek specific cases or subjects for prosecution, but instead look more broadly at situations within which it may find a number of cases. It carries out an initial assessment to assess seriousness, and filter out crimes outside its jurisdiction. If appropriate, it will open a preliminary examination, which will continue “until the information provides clarity on whether or not a reasonable basis for an investigation exists”. The Prosecutor can continue its preliminary examination indefinitely.

The September paper sets out the policies that guide the OTP in its selection and prioritisation of cases that make it to the next stage of the process – investigation and prosecution. It is in this context that it revealed it would “give particular consideration to prosecuting Rome Statute crimes that are committed by means of, or that result in, *inter alia*, the destruction of the environment, the illegal exploitation of natural resources or the illegal dispossession of land”.

**The Cambodian situation**

The seeds of deforestation in Cambodia were sown during the country’s longstanding civil wars, stretching back to the 1970s. Warring factions on both sides used the sale of timber to finance the fighting.[3] When the Vietnamese occupied Cambodia in the 1980s, its advisors identified timber as the country’s most valuable resource and number one economic priority leading to an increase in timber sales, especially in the latter part of the decade. [4] However, war and isolation also spared Cambodia’s forests from the attention of the large-scale logging interests that destroyed much of the forests elsewhere in Southeast Asia during the same period. As a result, when the country opened its doors to capital investment and international business interests after the Paris Peace Agreements (PPA) in 1991, much of its forest was still intact.[5]
The pace of deforestation quickened with the export boom in the late 1980s and continued as logging became critical to both sides of Cambodia’s fraught peacetime coalition from 1993.[6] When the Cambodian People’s Party (CPP), headed by Cambodia’s longstanding Prime Minister Hun Sen, emerged victorious at the end of the 1990s, promises were made to end illegal logging and rein in deforestation. In 2001, Hun even told loggers in state concessions that if illegal logging did not end “I will cut my own head off”. Instead of his promised self-decapitation however, Hun, now exercising largely uncontested power, ramped up the granting of concessions, especially from 2003, as the CPP carved up the country’s land for private investment in the form of Economic Land Concessions (ELCs).

ELCs are contracts permitted by the Cambodian Government to another actor to use state land for a fixed period. The ELCs are principally for industrial-scale agriculture, for commodities including rubber, sugar or other cash crops. In the process of allocating land as concessions, large swaths of Cambodia’s land have been reclassified as state private land, even when it previously existed in protected areas or where there is evidence that it has been farmed consistently for decades, contrary to Cambodia’s 2001 Land Law and Sub Decree 146 on Economic Land Concessions.

By 2013, the area of land allocated under this model had reached 2.6 million hectares, more than ten per cent of the entire country and encompassing national parks, protected areas and rural people’s land. The area had quadrupled since 2004, when the ELC boom began in earnest. Though Cambodia’s legal framework is complex and conflicting, there is considerable evidence to suggest that the majority of concessions have been issued or developed illegally. Concessions have started without Social and Environmental Impact Assessments, before contracts have been signed, and have led to the felling of protected tree species. Many companies have been allowed to retain concessions despite failing to develop them within the allotted time period. There is also evidence that they have been used as a vehicle to circumvent a nationwide ban on logging concessions, with companies clear-cutting forest with no intention of developing plantations.

There is no legal framework to justify or support the allocation of forest land to concessions

The impact of this development model on Cambodia’s forests has been enormous. Although there is “no legal framework to justify or support the allocation of forest land to concessions”, by the end of 2013 an estimated 80 per cent of ELCs were located within production forests or protected areas, which retained forest cover.[7] In all, this represented a fifth of the country’s forests. This was likely the single leading factor in Cambodia’s soaring rate of deforestation. From 2001 to 2015, the rate of deforestation in Cambodia increased at a faster rate than any other country in the world.[8] Even ostensibly protected areas are not safe: more than two-thirds of the concessions issued during 2012, for example, encroached on national parks and wildlife sanctuaries.[9]

The land grab has had a commensurate impact on Cambodia’s impoverished rural population. Concessions have been forcibly acquired by evicting rural and indigenous people from their land, often violently. The case of Heng Chantha was not an outlier. It has been estimated that 700,000 people – six per cent of the entire population – have been impacted by “mass forcible population transfers”, and those who have resisted have been murdered, imprisoned, or persecuted. Indigenous groups who make their living harvesting forest products have been forced out of the forest and onto cleared land, fundamentally changing their traditional ways of living. Homes and crops have been destroyed.[10]
There is very little opportunity for redress in Cambodia’s current political and judicial climate. Complaints are rarely addressed by the courts and when they do rulings routinely go in favour of the wealthy and politically connected behind the land grabbing. Those who are brave enough to bring complaints to the courts, either as victims or NGOs acting on behalf of victims, have faced criminal charges for doing so.[11]

**International justice**

The potential for courts outside Cambodia to step in where the those within it had failed was raised in an unusual case brought in the UK in 2013. A sugar concession in Cambodia’s South-western Koh Kong province had been the site of numerous alleged rights abuses since a private militia cleared the land for planting in January 2010. Workers who subsequently found employment at the sugar concession were subject to low pay and poor working conditions. [12]

The sugar was bound for various importers, including UK-based sugar multi-national Tate & Lyle. The international lawyers who advised on the case deemed the Cambodian courts so corrupt the case was reframed as an international commercial deprivation.[13] In March 2013 more than 200 Koh Kong farmers filed a claim to the UK courts against Tate & Lyle for “unjust enrichment.”[14] The case has since settled in a complex arrangement, demonstrating that courts outside of Cambodia can be effective in providing some redress to Cambodians who have not been able to find this at home.

Mark Moorstein was the lawyer at the heart of the Koh Kong case. When textile workers on strike in Phnom Penh, to demand the minimum wage, were shot dead by state forces in January 2014,[15] he says that a number of people within Cambodia and internationally asked him to review whether the actions of the Hun regime fell within the jurisdiction of the ICC. “My own analysis indicated that there were possible claims, but that the ICC had a full plate,” he told IDM. “Under certain circumstances, however, the ICC likely would have jurisdiction.”

One of the key questions related to complementarity: the principle embedded within the Treaty of Rome that the court is intended to complement, not replace national legal processes. “The burden is on the local government first to investigate any grave crimes and to take action,” says Moorstein. “[But] if it refuses to do so, the ICC prosecutor’s office has the right to go forward”.

In October 2014, Richard Rogers of the public-interest law firm Global Diligence submitted a communication to the OTP, contending that “widespread and systematic land grabbing conducted by the Cambodian ruling elite for over a decade amounts to a crime against humanity”. It alleged that the government and business leaders had subjected civilians to murder, forcible transfer of populations, illegal imprisonment, persecution, and “other inhumane acts” with “the twin objectives of self-enrichment and preservation of power at all costs”.

“Widespread and systematic land grabbing conducted by the Cambodian ruling elite for over a decade amounts to a crime against humanity”

**Global Diligence**

Rogers argued that it fell within the jurisdiction of the ICC due to the scale and gravity – with more than 700,000 people affected by land grabs and 145,000 evicted from the capital alone. Though the court had no precedent of addressing land grabs, Rogers noted that it had taken on crimes of deportation and forcible transfer during its investigations into the situations in
Darfur (Sudan), the Democratic Republic of the Congo, and Kenya. The forcible evictions by the National Police, Royal Gendarmerie, and the Royal Cambodian Armed Forces, to allow land grabs to take place, were cast in the same light. Though the ICC had principally focused on crimes associated with armed conflicts, the “crimes against humanity” aspect of its mandate did not obligate it do so. “The systemic crimes committed under the guise of ‘development’ are no less damaging to victims than many wartime atrocities,” Rogers told IDM.

**How will the ICC find its case?**

The Prosecutor had an obligation to carry out a preliminary examination into the information received, evaluating whether the situation falls within the court’s mandate. It can do so without the consent of the Cambodian government on the basis of its *proprio motu* powers.

While the policy document published in September makes no mention of Cambodia, the role it played in influencing its decision is evident. Rogers told IDM it is likely to be the first situation to be investigated. “[It] is the only serious case currently before the ICC Prosecutor in which land crimes form the backbone of the allegations,” he said. “It is a very strong case, both legally and evidentially, and it’s likely to be the first such case to go forward.”

Regulations guiding the Prosecutor dictate that its investigations should be targeted towards those most responsible for identified crimes. This does not necessarily mean the highest official within a given hierarchy (it is determined on a case-by-case basis), but does raise the prospect that investigations would target the very highest levels of the Cambodian government.

The regulations also recognize the potential need to target “mid-level” perpetrators to build the evidentiary foundations against those most responsible. Both Moorstein and Rogers see the potential for cases against companies complicit in – and benefiting from – land grabs and environmental damage. “Companies and others that benefit from grave violations of exploitation of forests or other natural resources would be put on notice that they, or their principals, could be targeted,” said Moorstein. Rogers said it’s too early to tell if such a case might be brought, but that the private sector could “absolutely…come under the ICC’s gaze.”

“In Cambodia, like in so many places, the land grabbing is not just caused by greedy government ministers or military leaders,” he said. “For land grabbing to reach such proportions it requires a strong demand, and that demand comes from businesses.”

“*Companies and others that benefit from grave violations of exploitation of forests or other natural resources would be put on notice that they, or their principals, could be targeted*”

Mark Moorstein

**The chilling effect**

The warm reception granted to the ICC’s decision by the human rights community is overshadowed by broader, even existential, challenges facing the court. This month three African states withdrew from it on the basis that it was biased against the continent. It remains under-funded, and does not suffer from a deficit of grave crimes to consider.

But its decision creates the specter of far more serious consequences for a new set of actors used to enjoying impunity. The Cambodian elite has a track record of ignoring the opprobrium emanating from the international community, including the UN. “They have learned
that the UN Human Rights Council and other such bodies speak but do not bite,” says Rogers. “[But] the ICC comes with teeth – big sharp ones – in the form of indictments and arrest warrants. Those are harder to dodge than slaps on the hand by the Human Rights Council.”

“The ICC comes with teeth – big sharp ones – in the form of indictments and arrest warrants”

Richard Rogers

The ICC has received an increase in its budget over the past couple of years, with money available to the Prosecutor for additional investigative activities.[16] On paper this means it could have more resources to throw at investigating environmental and land rights violations in Cambodia. Rogers doubts that the ICC will actively go out and seek these cases but international law firms can spur the ICC into action. Josie Cohen, Senior Land Campaigner for Global Witness, agreed. “The ICC does have on its books the perfect test case in Cambodia. And there does seem to be a genuine desire on the part of the Prosecutor to take this forward.”

While they await prospect of an arrest warrant or an indictment, Rogers believes this could have the effect of significantly changing the behavior of both the Cambodian kleptocrats and the private sector.

“Assuming there are smart and sane actors within the ruling elite (which is not a given) they will surely change their policies to minimize the chances of arrest warrants being issued against senior leaders of the ruling party or military,” says Rogers. “The Cambodian ruling elite may be brutish, but they are also strategic. With the announcement of an ICC case, we should start to see a change of behaviour and an improvement in the dire situation caused by the land rush.”

“The Cambodian ruling elite may be brutish, but they are also strategic”

Richard Rogers

Moorstein, whose expertise is in commercial and land law, suggests that it could have a chilling effect on the private sector, albeit in a different way. He believes that while companies at the sharp-end – those that might fall within the scope of an ICC investigation – will adjust their behavior in response, it could also promote far more stringent due diligence down the supply chain.

“There has been the development of ‘supply chain liability’, addressing the obligations of companies up and down the supply chain for assuring that products do not come by illegal means,” he said. “For example, using the [Koh Kong] sugar cane case, if parties know or should know that the sugar had been taken illegally, the downstream users may have had liability. This could entail not only civil liability, but potentially criminal liability if the acts had been egregious enough.

“I can envision this analysis occurring in situations involving slave-produced fishing, blood diamonds, sex-trafficking, destruction or trade of endangered species, up and down the supply chain.”
The wheels of justice

On the nearer term, internal politics will play a decisive role in whether plantations continue to expand in Cambodia. Hun Sen was forced to put a halt to the deeply-unpopular ELC process a year before the 2013 election, to secure a closely-fought victory. A moratorium was announced in May 2012, coupled with a student-led land-titling scheme for rural farmers.

The moratorium immediately drew criticism for failing to include ELCs already under consideration or addressing the problems associated with pre-existing ELCs. It has since been criticised for failing to include land grabbed by the well-connected in military or business. The student land titling scheme likewise came under fire, derided as a politically-motivated and ineffectual stunt aimed more at recruiting youth to the ruling CPP than addressing Cambodia’s land crisis.

With so much land already under title, particularly within Cambodia’s forests, securing the revocation of existing ELCs will be key to ameliorating the impacts. Numerous latent concessions can be cancelled, and the government has made a show of doing so. In February Hun Sen claimed the area under license had been reduced to one million hectares[17] and pledged that just short of one million hectares of re-appropriated land would be granted to “poor families”, according to the Cambodia Daily.[18]

Cambodia has another election in 2018. These are expensive for the CPP, which has in the past relied on donations by tycoons linked to ELCs and infrastructure projects carried out in the name of the party to win support at election time.[19] But the policies initiated before the previous election denote Hun’s cognisance of the impact of the land grabs. And the decision of the ICC could act as another factor deterring further land deals.

The next moves of both the Cambodian government and the ICC will be watched keenly not only by the human rights community. An investigation into the Cambodian situation – and ultimately a case – will have repercussions for the exercise of control over land across the world. Though the Cambodian case is well-evinced and meets many of the criteria to fall within the jurisdiction of the court, it is far from the only prospect. At the beginning of this month, the President of the Ivory Coast announced that farmland would be afforded constitutional protection, an announcement a local media outlet interpreted as “sending a strong signal” to multinational agribusinesses in the wake of the ICC’s decision.[20]

Across the global south, and particularly in forested countries, agricultural expansion is targeting areas with insecure land rights. Where corruption comes into play, and the apparatus of state are mobilised in support of the private sector, a similar story is being played out to that in Cambodia. On the longer term, the decision of the ICC could be seen as one aspect of a much-needed transnational, legal response to the illegal land grabbing and illegal deforestation crisis.

*Neil Loughlin is a PhD candidate in the Department of Politics and International Studies at SOAS and an independent human rights consultant. He can be contacted via 220263[at]soas.ac.uk. Tom Johnson is Head of Research at Earthsight.


What makes for a great development project? Which qualities imbue an initiative with longevity and sustainability, enabling it to meet a whole range of interconnected material and emotional needs? Is there a single concept applicable to a specific geographical location that exceptionally embodies those qualities?

Yes! Allow me to introduce what I term a Paradigm Project – shovel-ready, with the potential to be inaugurated in the Kingdom of Morocco. In this context, a particular dimension of sustainability is germane.

The fact is that the more partners there are to a well-managed community project, the longer the project life. A greater number of partners means a higher number of interests and goals likely to be met, with more interested parties and contributors, lower risk, greater adaptability and efficiency and a higher level of beneficiary knowledge and ability to reinvest.

The Paradigm Project in question is indeed a unique case, involving the Moroccan Jewish community playing an indispensable role in meeting Morocco’s need for one billion trees and plants and thus aiding in the dissolution of the harsh burdens of rural poverty. The initiative could inspire the world since it combines Muslim-Jewish collaboration with local-to-international and private-public partnerships.

The Paradigm Project’s multi-faceted nature and unique features have enabled it to meet the criteria for becoming a Clinton Global Initiative commitment to action. Is it agricultural? Environmental? Multicultural? Does it empower women, youth and marginalized families? Does it advance democratic procedures, civil society and businesses? Does it increase domestic and foreign trade and jobs? Does the project invest in human development and address causes of rural poverty? Does it develop highly employable and nationally imperative skills? Does it further food security, carbon balance and Morocco’s goals?

Yes, to all of the above!

Origins

A full 23 years have passed from the project’s conception to the consensus for expansion of the resoundingly successful pilot.

In my mid-twenties, I was a Peace Corps Volunteer in Morocco, living in the Tifnoute Valley on the south side of the High Atlas Mountains. Passing through the Ouarzazate region, I noticed a barren, eroding mountainside with majestic, ancient white structures nestled at its base.
I was both curious about the buildings and cognizant that the mountainside could be terraced, providing arable land for much-needed nurseries. Later I learned that this site houses the thousand-year-old tomb of Rabbi David ou Moché, one of hundreds of Moroccan tsaddikim – Jewish saints. Other structures have been provided to accommodate the hundreds of visitors arriving every year, particularly during the fall, for the Rabbi’s hiloula (commemoration of the passing of his soul) that occurs straight after the Jewish festival of Sukkot.

I saw an opportunity. While farming families need desperately to grow fruit trees, as one of a series of measures necessary to end systemic rural poverty, they find it impossible to give up their existing land for two years in order to establish nurseries. The input of new land in the interim, before transplanting, is therefore vital in order to break the deadlock. The Jewish community of Morocco, with over six hundred rural sites, could be a potential partner in this enterprise.

At the time of writing I am president of the High Atlas Foundation (HAF), a U.S.-Moroccan nonprofit organization which I cofounded in 2000 with other former Peace Corps Volunteers. We work with farming communities ‘from farm to fork’ - from the setting up of nurseries to the sale of certified organic product and carbon offsets.

Our model is to engage in partnerships with communities and utilize participatory methodology to determine and implement an initial project before utilizing revenue thus obtained to invest in students and schools, women’s cooperatives, drinking water, irrigation, and training - the priorities expressed by those communities.

My father, Dr. Alon Ben-Meir, is a writer and activist for peace in the Middle East. Looking back, it seems natural that I sought to establish community nurseries for a predominantly Muslim society on land lent by the Moroccan Jewish people, adding an element of unity in a region burdened by catastrophic divisiveness.

I express sincere appreciation to His Majesty King Mohammed VI of Morocco. The king has made the preservation of cemeteries of all faiths a matter of national importance and has established the connection between Moroccan multiculturalism and human development.

Pilot project at Akrich

In 2014, the HAF pilot nursery on Jewish communal land was established at Akrich, located on the northern side of the High Atlas in Al Haouz province, around 25 kilometers south of Marrakech, at the site of the 700-year-old tomb of the healer Rabbi Raphael Hacohen.

Since that time we have planted 120,000 almond, fig, pomegranate, and lemon seeds which have reached maturity and now are maintained by about 1,000 farmers and 130 schools.

The project’s cost of $60,000 was graciously given by Wahiba Estergard and Mike Gilliland, owner of Lucky’s Market, and Jerry Hirsch and the Lodestar Foundation. The then-Governor of Al Haouz province, Younes Al Bathaoui, showed fantastic leadership and coined the initiative’s name, House of Life. Jacky Kadoch, president of the Jewish Community of Marrakech-Essaouira, together with his wife, Freddy, provide essential support, as do community members Isaac and Bloria Ohayon.
In 2016, the first trees from the pilot were handed to local children and farmers by the Governor joined by the United States Ambassador to the Kingdom of Morocco, Dwight Bush, Sr. Earlier, Ambassador Bush hosted a reception for House of Life at his residence in Rabat, at which advisor to the King, André Azoulay, and former Peace Corps Director in Morocco, Ellen Paquette, spoke about the years of dedication and benefits for Morocco embodied in our work.

Making the Paradigm Project a reality

Were the Paradigm Project to be implemented, the first year would see the construction of 26 nursery terraces supported by stone taken from the surrounding, crumbling mountains. The new arable space created would encompass half a hectare (5,000 square meters), upon which would grow 300,000 one-meter tall organic trees of walnut, carob, fig, pomegranate, cherry and almond, as well as dozens of varieties of medicinal herbs. On maturity they would be given without charge to local associations, 5,000 farming families and 2,000 schools in provinces across Morocco. Together with our partners, HAF would monitor growth as part of carbon offsets sales, the revenue from which would be invested in further planting.

After one year, a sign made out of fallen organic walnut wood would be installed in loving memory of Julien Raphael Berdugo, a young, sadly deceased son of Arlette and Serge Berdugo, the Secretary General of the Jewish Community of Morocco.

After four years, there would be more than one million trees and herbs grown from seeds near the site of Rabbi David ou Moché burial and then transplanted to communal orchards and plots. As the plants mature, they would have an increasingly powerful social and environmental impact. Almost undoubtedly the project as a whole would initiate replication across the Moroccan Jewish community, providing hundreds of parcels of land adjacent to sacred sites throughout the kingdom. At scale, tens of millions of seeds would be planted every year and a better life afforded to all.

Achieving the vision

To bring the Paradigm Project to fruition, we need $300,000, which would cover the entire cost, including training communities in organic practices. On November 17th HAF is hosting a Carbon Offset Auction at COP 22 in Marrakech, sequestered by the local community orchards we plant. With our community partners, we currently have more than 500,000 saplings in twelve nurseries around Morocco.

Every day I feel grateful to work for sustainable development in Morocco, where national frameworks enable the implementation of projects to national scale. Here is where the House of Life project, sits so naturally. Implementing the Paradigm Project as part of this initiative would make manifest those partnerships that seek the people’s prosperity, opinion and participation and, ultimately, the greatness of Morocco.

*Dr. Yossef Ben-Meir is a sociologist and president of the High Atlas Foundation.

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WWW.kansaspress.ku.edu.


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**Ph.D. Dissertations from Universities Around the World on Topics Relating to Indians in the Americas, Compiled from Dissertation Abstracts**

Jonathon Erlen, Ph.D., History of Medicine Librarian, Health Sciences Library System University of Pittsburgh, erlen@pitt.edu

and

Jay Toth, M.A., Professor of Anthropology, SUNY Freedonia, jtoth@atlanticbb.net

*IPJ* hosts a regularly updated data base of American Indian related Ph.D. from 2006 – the present. The dissertation coverage includes all languages and is international in scope as far as Dissertation Abstracts covers. This includes most European universities, South African universities, and a few in the Far East. They do not cover all the universities in the world, but do a pretty good job covering first world universities. There is no coverage of Latin American universities' dissertations. The data base is updated in each Winter and Summer issue of *IPJ*, and sometimes between issues. Since ProQuest, the provider of the lists of dissertations from which Jonathan and Jay find Indigenous dissertations, no longer goes by months/years there will be titles from various years added in the updates.


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Useful Web Sites

Environmental Web Sites


**UN NGO Climate Change Caucus**, with numerous task forces, is at: [http://climatecaucus.net](http://climatecaucus.net).


**Greenpeace** engages on many environmental concerns, at: [greenpeace.org/usa/](http://greenpeace.org/usa/) and [greenpeace.org/](http://greenpeace.org/).

**Friends of the Earth** is involved world wide in environmental advocacy, at: [foei.org](http://foei.org).

The **Union of Concerned Scientists (UCS)** works on a variety of environmental, as well as other, issues, at: [www.ucesusa.org](http://www.ucesusa.org).

**Environmental Action** is active on numerous environmental issues, at: [environmental-action.org](http://environmental-action.org).

**Environment America** works on environmental issues in the U.S. at: [https://environmentamerica.webaction.org](https://environmentamerica.webaction.org).

**Food and Water Watch** is active on a variety of issues relating to water and food, at: [https://www.foodandwaterwatch.org](https://www.foodandwaterwatch.org) and [https://secure.foodandwaterwatch.org](https://secure.foodandwaterwatch.org).

**The Wilderness Society** works on environmental issues, particularly concerning preserving "wild places." at: [wilderness.org](http://wilderness.org).

**Ocean River Institute** works on river and other water issues, at: [oceanriver.org](http://oceanriver.org).

The **National Wildlife Federation**, at: [nwf.org](http://nwf.org), and The **National Wildlife Federation Action Fund**, at: [https://online.nwf.org/site/SPageNavigator/ActionCenter](https://online.nwf.org/site/SPageNavigator/ActionCenter), are concerned with environmental issues involving wildlife in the U.S.

The **Nuclear Information and Resource Service** includes in its work nuclear environmental issues, at: [nirs.org](http://nirs.org).

The **National Parks Conservation Association (NPCA)** includes in its concerns environmental issues relating to U.S. national parks, at: [npca.org](http://npca.org) and [https://secure.npca.org/](https://secure.npca.org/).

**Earth Policy Institute**, dedicated to building a sustainable future as well as providing a plan of how to get from here to there: [www.earthpolicy.org](http://www.earthpolicy.org).

**Wiser Earth** lists more than 10,700 environmental and environmental justice organizations at:
Earthwatch, the world’s largest environmental volunteer organization, founded in 1971, works globally to help the people of the planet volunteer realize a sustainable environment: [http://www.earthwatch.org/](http://www.earthwatch.org/).


The Environmental Defense Fund works on a variety of environmental issues and policy, including global warming induced climate change, primarily in the U.S.: [http://edf.org](http://edf.org).


SaveOurEnvironment.org, a coalition of environmental organizations acting politically in the U.S.: [http://ga3.org/campaign/0908_endangered_species/xuninw84p7m8mxxm](http://ga3.org/campaign/0908_endangered_species/xuninw84p7m8mxxm).


Care 2 is concerned about a variety of issues, including the environment: [http://www.care2.com/](http://www.care2.com/).

Rainmakers Oceania studies possibilities for restoring the natural environment and humanity's rightful place in it, at: [http://rainmakers-ozeania.com/0annexanchorc/about-rainmakers.html](http://rainmakers-ozeania.com/0annexanchorc/about-rainmakers.html).

Green Ships, in fall 2008, was asking Congress to act to speed the development of new energy efficient ships that can take thousands of trucks off Atlantic and Pacific Coast highways, moving freight up and down the costs with far less carbon emissions and more cheaply: [http://www.greenships.org](http://www.greenships.org).


Planting Peace is, "A Resource Center for news and activities that seek to build a powerful coalition to bring about cooperation and synergy between the peace movement, the climate crisis movement, and the organic community." Their web site includes extensive links to organizations, articles, videos and books that make the connections, at: [http://organicconsumers.org/plantingpeace/index.cfm](http://organicconsumers.org/plantingpeace/index.cfm), Planting Peace is sponsored by the Organic Consumers Association: [http://organicconsumers.org/](http://organicconsumers.org/).

The Audubon Society reports on and works on issues focused on birds, at: audubon.org.


American Indian and International Indigenous Web Sites

CELANEN: A Journal of Indigenous Governance is produced by the Indigenous Governance Program at the University of Victoria, at: http://web.uvic.ca/igov/research/journal/index.htm. CELANEN (pronounced CHEL-LANG-GEN) is a Saanich word for "our birthright, our ancestry, sovereignty" and sets the tone for this annual publication containing articles, poetry, and commentary.

Native Research Network is now at: www.nativeresearchnetwork.org. Its vision statement is: "A leadership community of American Indian, Alaska Native, Kanaka Maoli, and Canadian Aboriginal persons promoting integrity and excellence in research". Its mission is "To provide a pro-active network of American Indian, Alaska Native, Kanaka Maoli, and Canadian Aboriginal persons to promote and advocate for high quality research that is collaborative, supportive and builds capacity, and to promote an environment for research that operates on the principles of integrity, respect, trust, ethics, cooperation and open communication in multidisciplinary fields". The Native Research Network (NRN) provides networking and mentoring opportunities, a forum to share research expertise, sponsorship of research events, assistance to communities and tribes, and enhanced research communication. The NRN places a special emphasis on ensuring that research with Indigenous people is conducted in a culturally sensitive and respectful manner. Its Member List serve: NRN@lists.apa.org.

The American Journal of Indigenous Studies is a quarterly journal by the American Scholarly Research Association (ASRA), at: www.ASRAresearch.or.

The Enduring Legacies Native Cases Initiative began in 2006 as a partnership between The Evergreen State College, Northwest Indian College, Salish Kootenai College, and Grays Harbor College. Our goal is to develop and widely disseminate culturally relevant curriculum and teaching resources in the form of case studies on key issues in Indian Country: http://nativecases.evergreen.edu/about.html.

The National Indian Housing Council offers a number of reports at: http://www.naihc.indian.com/.


Some news sources that have been useful in putting the issues of Indigenous Policy together are: For reports of U.S. government legislation, agency action, and court decisions: Hobbs, Straus, Dean and Walker, LLP, 2120 L Street NW, Suite 700, Washington, DC 20037, http://www.hobbsstraus.com.


The Navajo Times: http://www.navajotimes.com/
IndianZ.com: http://www.indianz.com
Pechanga Net: http://www.pechanga.net/NativeNews.html
Survival International: http://www.survival-international.org/
Censored (in Indian Country): http://bsnorrell.blogspot.com/
Survival International: http://www.survival-international.org/
Indianz.com: http://www.indianz.com

ArizonaNativeNet is a virtual university outreach and distance learning telecommunications center devoted to the higher educational needs of Native Nations in Arizona, the United States and the world through the utilization of the worldwide web and the knowledge-based and technical resources and expertise of the University of Arizona, providing resources for Native Nations nation-building, at: www.arizonanativenet.com

The Forum for 'friends of Peoples close to Nature' is a movement of groups and individuals, concerned with the survival of Tribal peoples and their culture, in particular hunter-gatherers: http://ipwp.org/how.html.

Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education), with lists of projects and publications, and reports of numerous Indigenous meetings: http://www.tebtebba.org/

Andre Cramblit (andrekar@ncidc.org) has begun a new Native news blog continuing his former Native list serve to provide information pertinent to the American Indian community. The blog contains news of interest to Native Americans, Hawaiian Natives and Alaskan Natives. It is a briefing of items that he comes across that are of broad interest to American Indians. News and action requests are posted as are the occasional humorous entry. The newsletter is designed to inform you, make you think and keep a pipeline of information that is outside the mainstream media. “I try and post to it as often as my schedule permits I scan a wide range of sources on the net to get a different perspective on Native issues and try not to post stuff that is already posted on multiple sources such as websites or other lists”. To subscribe to go to: http://andrekaruk.posterous.com/

Sacred Places Convention For Indigenous Peoples provides resources for protecting sacred places world wide. Including, news, journals, books and publishing online Weekly News and providing an E-mail list serve, as well as holding conferences. For information go to: http://www.indigenouspeoplesissues.com

Mark Trahant Blog, Trahant Reports, is at: http://www.marktrahant.org/marktrahant.org/Makr_Trahant.html

UANativeNet, formerly Arizona NativeNet, is a resource of topics relevant to tribal nations and Indigenous Peoples, particularly on matters of law and governance.

The Harvard Project on American Indian Economic Development offers a number of reports and its “Honoring Indian Nations” at: http://www.ksg.harvard.edu/hpained/res_main.htm

The Seventh generation Fund online Media Center: www.7genfund.org

Native Earthworks Preservation, an organization committed to preserving American Indian sacred sites, is at: http://nativeearthworkspreservation.org/

Indianz.Com has posted Version 2.0 of the Federal Recognition Database, an online version of the Acknowledgment Decision Compilation (ADC), a record of documents that the Bureau of Indian Affairs has on file for dozens of groups that have made it through the federal recognition process. The ADC contains over 750 MB of documents -- up from over 600MB in version 1.2 -- that were scanned in and cataloged by the agency's Office of Federal Acknowledgment. The new version includes has additional documents and is easier to use. It is available at:
Tribal Link has an online blog at: http://triballinknewsonline.blogspot.com.

The National Indian Education Association: http://www.niea.org/

Climate Frontlines is a global forum for indigenous peoples, small islands and vulnerable communities, running discussions, conferences and field projects: http://www.climatefrontlines.org/.

Cry of the Native Refugee web site, http://cryofthenativerefugee.com, is dedicated to “The True Native American History.”

First Peoples World Wide, focuses "on funding local development projects in Indigenous communities all over the world while creating bridges between our communities and corporations, governments, academics, NGOs and investors in their regions. We facilitate the use of traditional Indigenous knowledge in solving today’s challenges, including climate change, food security, medicine, governance and sustainable development:” http://firstpeoples.org

The RaceProject has a Facebook Page that is a forum for the dissemination and discussion of contemporary Race and Politics issues. It includes a continuing archive of news stories, editorial opinion, audio, video and pointed exchanges between academics, graduate students and members of the lay-public. Those interested can visit and sign up to the page at: http://www.facebook.com/RaceProject.

Rainmakers Oceania studies possibilities for restoring the natural environment and humanity's rightful place in it, at: http://rainmakers-ozeania.com/0annexanchorc/about-rainmakers.html.

Oxfam America’s interactive website: http://adapt.oxfamamerica.org shows how social vulnerability and climate variability impact each county in the U.S. Southwest region. The methodology exposes how social vulnerability, not science, determines the human risk to climate change.


The Newberry Library received a grant in August, 2007, from the National Endowment for the Humanities to fund “Indians of the Midwest and Contemporary Issues.” The McNickle Center will construct this multimedia website designed to marry the Library’s rich collections on Native American history with state-of-the art interactive web capabilities to reveal the cultural and historical roots of controversial issues involving Native Americans today. These include conflicts over gaming and casinos, fishing and hunting rights, the disposition of Indian artifacts and archeological sites, and the use of Indian images in the media. In addition to historical collections, the site will also feature interviews with contemporary Native Americans, interactive maps, links to tribal and other websites, and social networking. For more information contact Céline Swicegood, swicegoodc@newberry.org.

The site www.pressdisplay.com has scanned and searchable versions of thousands of newspapers daily from around the world. These are not truncated "online versions". You can view the actually pages of the paper published for that day. There are also 100's of US papers included daily. The service also allows you to set search terms or search particular papers daily.
The service will also translate papers into English.

**Native Voice Network** (NVN: www.NativeVoiceNetwork.org), is a national alliance of Organizations interested in collaborative advocacy on issues impacting Native people locally and nationally.


**Tribal College Journal (TCJ)** provides to news related to American Indian higher education: tribalcollegejournal.org.

**American Indian Graduate Center**: [http://www.aigcs.org](http://www.aigcs.org).

The Minneapolis American Indian Center's Native Path To Wellness Project of the Golden Eagle Program has developed a publication, *Intergenerational Activities from a Native American Perspective* that has been accepted by Penn State for their Intergenerational Web site: [http://intergenerational.cas.psu.edu/Global.html](http://intergenerational.cas.psu.edu/Global.html).

The *Indigenous Nations and Peoples Law, Legal Scholarship Journal* has recently been created on line by the Social Science Research Network, with sponsorship by the Center for Indigenous Law, Governance & Citizenship at Syracuse University College of Law. Subscription to the journal is free, by clicking on: [http://hq.ssrn.com/](http://hq.ssrn.com/).

The **National Council Of Urban Indian Health** is at: [http://www.ncuih.org/](http://www.ncuih.org/).

Lessons In Tribal Sovereignty, at: http://sorrel.humboldt.edu/~go1/kellogg/intro.html, features Welcome to American Indian Issues: An Introductory and Curricular Guide for Educators. The contents were made possible by the American Indian Civics Project (AICP), a project initially funded by the W.K. Kellogg Foundation's Native American Higher Education Initiative, The primary goal of the AICP is to provide educators with the tools to educate secondary students - Indian and non-Native alike - about the historical and contemporary political, economic, and social characteristics of sovereign tribal nations throughout the United States.

The Columbia River Inter-Tribal Fish Commission (CRITFC) has a blog as part of its Celilo Legacy project, serving as a clearinghouse for public discourse, information, events, activities, and memorials. The blog is accessible by going to www.critfc.org and clicking on the "Celilo Legacy blog" image, or by simply entering: www.critfc.org/celilo.

The Coeur d’Alene Tribe of Idaho has Rezkast, a Web site of Native affairs and culture at: www.rezkast.com.

A listing of the different Alaska Native groups' values and other traditional information is on the Alaska Native Knowledge website at: www.ankn.uaf.edu.


A list of Indigenous Language Conferences is kept at the Teaching Indigenous Languages web site at Northern Arizona University: http://www2.nau.edu/jar/Conf.html.


The Council of Elders, the governing authority of the Government Katalla-Chilkat Tlingit (provisional government): Kaliakh Nation (Region XVII) has initiated a web site in order to expose crimes against humanity committed upon the original inhabitants of Alaska, at: http://www.katalla-chilkat-tlingit.com/.

An interactive website, www.cherokee.org/allotment, focuses on the Allotment Era in Cherokee History during the period from 1887 to 1934, when Congress divided American Indian reservation lands into privately owned parcels that could be (and widely were) sold to non Indians, threatening tribal existence.

The Blue Lake Rancheria of California launched a web site, Fall 2007, featuring the nation’s history, philosophy, economic enterprise, community involvement, and other topics, with many-links. One purpose of the site is to make tribal operations transparent. It is at: www.bluelakerancheria-nsn.gov.


The Native Studies Research Network, UK, University of East Anglia, Norwich is at: http://www.nsrn-uk.org/.

The World Indigenous Higher Education Consortium (WINHEC) and its Journal are online at: http://www.win-hec.org/. (See the Ongoing Activities Section for more on WINHEC). The WINHEC site includes links to other Indigenous organizations and institutions.


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ANNOUNCEMENTS

Department Chair (JOB #11784), Arizona State University American Indian Studies Program

The American Indian Studies Program in the College of Liberal Arts and Sciences at Arizona State University (ASU), Tempe Campus, invites applications for Director, with a concurrent appointment as tenured Professor. The anticipated start date is July 1, 2017.

The American Indian Studies Program (AIS) is a leading undergraduate and graduate degree program among Southwestern research universities. AIS offers B.S. and M.S. degrees, an undergraduate minor, and houses the Wicazo Sa Review: A Journal of Native American Studies. AIS scholarship and teaching focus on tribal sovereignty, cultural integrity, and identity of the American Indian nations and peoples. AIS faculty are embedded in Indigenous communities, work cooperatively with other departments and programs across the campus, engage in a national and international network of professional associations and consultancies, and are dedicated to providing access, retaining, and graduating American Indian students and students of all backgrounds in a climate that is welcoming and respectful of their languages and cultures. Located on the Tempe Campus, ASU’s American Indian Studies is centered among twenty-one Arizona Indian nations, within a large urban Native population, and a growing university enrollment of more than 1,200 American Indian students from Arizona and elsewhere, making it a dynamic location to examine and address Indigenous issues.

To apply, please submit to Alicia.Richardson@asu.edu as a single PDF document: a letter of interest which outlines qualifications, a curriculum vitae, and contact information including email for three references. References may be contacted at a later stage of the search and only with the candidate’s approval. Initial deadline for receipt of complete applications is November
18, 2016; if not filled, complete applications will be reviewed each week thereafter until the
search is closed. A background check is required for employment.

Arizona State University is a VEVRAA Federal Contractor and an Equal
Opportunity/Affirmative Action Employer. All qualified applicants will be considered without
regard to race, color, sex, religion, national origin, disability, protected veteran status, or any
other basis protected by law. https://www.asu.edu/aad/manuals/acd/acd401.html and
https://www.asu.edu/titleIX/

Complete Announcement: