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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Laura Evans, evansle@u.washington.edu, Program Co-Chair.

Advisory Council
Our thanks to all the members of the advisory council who review article submissions:

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 December 8
We wish you a fine Summer. 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.

Statement of Purpose

Indigenous Policy Journal Standards and Philosophy of Publication of Scholarly Articles

In its publication of double-blind, peer-reviewed scholarly articles, the Indigenous Policy Journal aspires the highest standards of scholarly edification and discourse on policy issues facing Indigenous peoples. In doing so, the IPJ is informed by the important national and international policy goals of self-determination and continuance of cultural values of indigenous people. We advise those submitting their articles to be aware of the United Nations Declaration
of the Rights of Indigenous Peoples, which provides useful guidelines for scholarly inquiry and study of practically any policy issue that contributes to the continuance of indigenous peoples.

**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) is holding two 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 contact ISN Program Coordinators: Laura Evans, evansle@u.washington.edu (University of Washington) and Mark Graber (University of Maryland) mgraber@law.umaryland.edu. More information about the APSA meeting is available, including the program and abstracts of papers, at: http://www.apsanet.org/. It may well be that locations of sessions will not be available on line, but will be in the printed program available at meeting registration.

**ISN Panel: "Indigenous Peoples' Power, Political Institutions, and Public Attitudes," Fri, September 1, 4:00 to 5:30pm.**

Chair: Laura E. Evans, University of Washington

Papers:
Richard C. Witmer, Creighton University & Joshua Johnson, Kennesaw State University, "American Indian Nations and States in the Supreme Court: Examining Justice Bias."
Anne FB Flaherty, Merrimack College, "Presidential Rhetoric and Indian Self-Determination."
Raymond Orr, University of Melbourne, "Indigenous Resistance: Early Danger and Later Power in British Settler Societies"

**ISN and Division 39: Science, Technology and Environmental Politics Panel: "Pipeline Politics in the U.S. and Canada," Sat, September 2, 12:00 to 1:30pm.**

Chair: David M. Shafie, Chapman University
Papers: Laura E. Evans, University of Washington, Nives Dolsak, University of Washington, & Aseem Prakesh, University of Washington, "Varying Actors, Varying Aspirations: Climate Change Policy and Native Nations."
Paasha Mahdavi, "Oil and Local Government Participation in Alaska Native Communities."
George Hoberg, University of British Columbia, "A Line in the Sand: How Keystone Pipeline Transformed Climate Politics."

Indigenous Studies Network Business Meeting and Networking Session, Sat, September 2, 6:30 to 7:30pm.

Other American Indian or Indigenous Panels

Division 49, Canadian Politics: Canada Legitimacy, Indigenous and Local Participation
Chair: Kenneth M. Holland, Ball State University
Papers:
Brian Teddy Harrison, University of Toronto, "Indigenous People and the Legitimacy of Criminal Justice."
Leah Sarson, Dartmouth College, "Indigenous Governance in the Global Mining Sector."
Simon Matti, Luleå University of Technology, Sverker C. Jagers, University of Gothenburg, Greg Poelzer, University of Saskatchewan and Stan Yu, University of Saskatchewan, "Local Participation and Support for NRM: A Path towards Legitimacy?"

Division 32, Race, Ethnicity and Politics: Lessons from Indigenous Governance and Tribal Activism, Fri, September 1, 10:00 to 11:30am.
Chair: Paula Mohan, UW-Madison,
Papers:
Paula Mohan, UW-Madison, "Giving Voice to the Silent Federalist Partner: A Critique of Consultation."
Michael Lerma, Northern Arizona University, "Guided by the Mountains: Contemporary Navajo Political Thought."
Kouslaa Kessler-Mata, University of San Francisco, "Roles, Rights, and Responsibilities: Governments at Standing Rock."
Discussants: Kouslaa Kessler-Mata, University of San Francisco and Paula Mohan, UW-Madison.

Division 43: International History and Politics, round table discussion with author, "Justice and Reconciliation in World Politics: Redressing Colonial Injustice," Sat, September 2, 10:00 to 11:30am. This roundtable discusses Catherine Lu's forthcoming book, Justice and Reconciliation in World Politics: Redressing Colonial Injustice, to be published by Cambridge University Press in late 2017, in the Cambridge Studies in International Relations series.
Chair: Sarah Song, University of California Berkely
Participants: Farid Abdel-Nour, San Diego State University, S. Laurel Weldon, Purdue University, Paige Digeser, University of California, Santa Barbara, Catherine Lu, McGill University and Avigail Eisenberg, University of Victoria.

Division 7: Politics and History, Round Table Discussion, Author Meets Critics: Debra Thompson's "The Schematic State."
Fri, September 1, 4:00 to 5:30pm. The Schematic State maps the changing nature of the census from an instrument historically used to manage and control racial populations to its contemporary purpose as an important source of statistical information, employed to monitor and rectify racial discrimination.
Chair: Paula Saurette, University of Ottawa
Participants: Robert C. Lieberman, Johns Hopkins University, Paul Frymer, Princeton University, Clarissa Rile Hayward, Washington University in St. Louis and Debra Thompson, University of Oregon.

Division 45: Human Rights, National Human Rights Institutions (NHRIs) and Institutional Complexity, Sat, September 2, 12:00 to 1:30pm.
Chair: Takiyah Harper-Shipman, University of Connecticut.
Papers:
Jillienne Haglund, University of Kentucky and Courtney Hillebrecht, University of Nebraska, Lincoln, "Institutional Complexity in the International Human Rights Regime."
Pilar Elizalde, London School of Economics and Political Science (LSE), "Ratification and Norm-Endorsement in International Human Rights Institutions."
Thania Sanchez, Yale University, "Creating and Co-opting National Human Rights Institutions."
Cristiane Carneiro, University of Sao Paulo and Simone Wegmann, University of Geneva, "After 70 Years, More Compliance? Human Rights Institutions in Latin America."
Discussant: Takiyah Harper-Shipman, University of Connecticut.

Division 42: New Political Science, Division 2: Foundations of Political Theory and Division 3: Normative Political Theory, Round Table: Postcolonialism and Political Theory, Fri, September 1, 10:00 to 11:30am.
Chair: Jean Morefield, Whitman College.
Participants:
Jennifer Pitts, University of Chicago, Leela Ghandi, Brown University, Glenn Shaun Colthard and Nalini Persam, York University.

Other American Indian or Indigenous Papers
Oscar Mesa, Universite Leval, "Indigenous Peoples, Legitimacy, and Canadian Federalism," in Division 49, Canadian Politics, Canada at 150: Legitimacy Achieved or Wanting? Thu, August 31, 8:00 to 9:30am.

Matthew R. Cleary, Syracuse University, Contested State Authority among Southern Mexico’s Indigenous Communities," in Division 44: Comparative Democratization, Subnational Democracy Within and Across Countries, Sun, September 3, 8:00 to 9:30am,

Timothy P. Waligor, Pace University, "Structural Injustice, Indigenous Peoples, and Historical Injustice," in Division 2: Foundations of Political Theory, Coming to Grips with Injustice Sat, September 2, 8:00 to 9:30am.

Clare Wright, Universidad de Monterrey, "Indigenous Consultation: Lessons on Legitimacy from Mexico," in Democracy’s Legitimacy at Risk: Critical Perspectives from Mexico, Fri, September 1, 10:00 to 11:30am.


Rebecca Ann Reid, University of Texas, El Paso and Todd A. Curry, University of Texas, El Paso, "Indigenous Law in the U.S. Supreme Court, 1969-2010," in Division 27: Constitutional Law and Jurisprudence, Constitutions and the Politics of (In)Equality, Fri, September 1, 2:00 to 3:30pm.
Todd A. Curry, University of Texas, El Paso, "Indigenous Law in the U.S. State Courts, 1995-2010," in Division 26, Law and Courts: Decision Making in U.S. State Courts, Thu, August 31, 10:00 to 11:30am.

Alberto Diaz-Cayeros, Stanford University and Saumitra Jha, Stanford University, "Conquered but not Vanquished: Indigenous Entrepreneurs in the Shadow of Violence," in Division 46: Qualitative Methods, Historical Legacies of State Capacity, Conflict, and Insurgency, Sat, September 2, 8:00 to 9:30am.


Nina Katherine Siegel McMurry, Massachusetts Institute of Technology, "The effects of indigenous land titling on identity and local governance," in Division 12: Comparative Politics of Developing Countries, Governance Beyond the State: Social Institutions and Service Delivery, Fri, September 1, 4:00 to 5:30pm.

Giorleny Altamirano Rayo, The University of Texas at Austin, "Neoliberal Indigenous Lands in Brazil?" in Division 12: Comparative Politics of Developing Countries, Politics of Land Titling in Latin America, Sun, September 3, 10:00 to 11:30am.

Dimitrios Panagos, University of Newfoundland, "Unwilling Subject Populations and the Reasonably Just State," in Division 2: Foundations of Political Theory, Consent, Authority, and Obligation, Sat, September 2, 2:00 to 3:30pm.

Todd A. Eisenstadt, American University, Karleen West, SUNY Geneseo and Marcela Tores, "Does Prior Consultation Diminish Extractive Conflict or Merely Re-channel It?" in Division 12: Comparative Politics of Developing Countries, Explaining the Mixed Record of Efforts to Diminish Anti-Extractive Conflicts, Thu, August 31, 2:00 to 3:30pm.

Erica Simmons, University of Wisconsin, Madison, "In the name of Bolivia: protest and repression in the TIPNIS," in Division 13: Politics of Communist and Former Communist Countries, Legitimate and Illegitimate Popular Contention in Comparative Perspective, Sat, September 2, 10:00 to 11:30am.

Francisco Garfias, University of California, San Diego and Emily A. Sellars, Texas A&M University, "Direct Rule and State Capacity in Colonial Mexico," in Division 6: Political Economy, Long-Run Political and Economic Development: Global Perspectives, Thu, August 31, 12:00 to 1:30pm.

On Division 2: Foundations of Political Thoery: Arts of Listening: Receptivity, Responsiveness and (In)Justice, Thu, August 31, 4:00 to 5:30pm": Emily Beausoleil, Massey University, "Hearing the Difference: Inequality and Receptivity in Aotearoa New Zealand," and Nancy Sue Love, Appalachian State University, "But You’re Not an Indian’: Hearing Native Voices & Becoming a Peace Warrior."
David D. Latin, Stanford University, and Rajwsh Ramachandran, Goeth University, "Linguistic Diversity, Official Language Choice and Nation Building," in Division 12: Comparative Politics of Developing Countries, Ethnic Politics in the Developing World: Rethinking Classic Approaches, Thu, August 31, 10:00 to 11:30am.

Carla Alberti, Pontificia Universidad Catolica de Chile, "Communities of Smugglers: Controlling Transnational Violence in the Andes," in Division 21: Conflict Processes, Local Barriers to State Presence in Latin America Sat, September 2, 4:00 to 5:30pm.

Danilo Antonio Contreras, College of the Holy Cross, "Color-full Politics in a Pigmentocracy: The Case of the DR," in Division 34: Representation and Electoral Systems, Representation and Marginalized Groups, Sun, September 3, 10:00 to 11:30am.

David Temin, University of Michigan, "Counter-Sovereignty and Decolonization: Vine Deloria Jr. and His Predecessors," in Division 3: Normative Political Theory and Section 42: New Political Science, Sovereignty, Colonialism, and Decolonization, Sun, September 3, 8:00 to 9:30am.

Ben Garner, University of Portsmouth, "Race', Reparative History and the Legitimacy of the Global Order," in Division 43: International History and Politics, Structural Legacies of Colonialism, Thu, August 31, 4:00 to 5:30pm.

Marcus Johnson, Baruch College, "Political Discrimination as Ethnic Politics," in Division 11: Comparative Politics, Identity and Comparative Politics, Sun, September 3, 10:00 to 11:30am.

Onur Ulas Ince, Singapore Management University, “'Rise of the West' Redux? Institutional Economics and Colonial History," in Division 1: Political Thought and Philosophy: Histroical Approaches, Labor and the Markets: Past, Present, and Future, Thu, August 31, 10:00 to 11:30am.

Martin Mendoza-Botelho, Eastern Connecticut State University, "Populist-constitutionalism in Latin America," in Division 27: Constitution Law and Jurisprudence, Legal Mobilization & Popular Constitutionalism, Fri, September 1, 10:00 to 11:30am.

Sean Parson, Northern Arizona University and Emily Ray, Sonoma State University, "Drill Baby Drill: Labor and the Sexualization of Resource Extraction," in Green Political Theory, Legitimate Contestations: Speaking Truth To Power Through Green Political Theory, Fri, September 1, 12:00 to 1:30pm.

Guillermina Seri, Union College, "Por la Patria Grande: Legitimizing State Abuses under the 'Pink Tide' (1999-)," in Division 45: Human Rights, Legitimizing Human Rights versus Legitimizing Abuse, Sat, September 2, 10:00 to 11:30am.

Jennifer W. Howk, "The Inclusion Trap: Climate Crisis and Citizenship in Rural Alaska," in Division 42, New Political Science, New Citizenships - Opportunities and Risks, Fri, September 1, 2:00 to 3:30pm.

Mathias Poertner, University of California, Berkeley, "Creating Partisans: New Political Parties and Societal Linkages in Latin America," in Division 12: Comparative Politics of Developing Countries and Division 35: Political Organizations and Parties, New Insights into Party Institutionalization in Developing Countries, Sat, September 2, 4:00 to 5:30pm.
Erin Colleen McGrath, University of Maryland and Frances Loustau-Williams, University of Pittsburgh, "State-Minority Relations and Authoritarian Resilience in Turkey and Morocco," in Division 44: Comparative Democratization, The Lines We Draw: Societal Divisions, Ethnicity, and Democratization, Fri, September 1, 8:00 to 9:30am.

In Division 42: New Political Science and Division 7: Politics and History, Home and Belonging: Contesting Boundaries of Citizenshippm Sat, September 2, 4:00 to 5:30pm:
Gwendoline M.Alphonso, Fairfield University, "Trump and American Identity, Home and Peoplehood, 1976-2016."
Carol Nackenoff, Swarthmore College, "Home on the Range: American Indian Families and Gendering the State, 1870s-1920s."

Patricia Posey, University of Pennsylvania, "The Plight of the Unbanked: Effects of Fringe Economies on Political Inequality," in Division 27: Constitutional Law and Jurisprudence and Division 32: Race, Ethnicity and Politics, Foreclosure, Fair Lending & Fringe Economies: Political Economies of Race & Gender, Thu, August 31, 8:00 to 9:30am.

Ruth Bloch Rubin, University of Chicago, "Public Health, Indian Removal, and the Growth of State Capacity, 1800-1850," in Division 7: Politics and History, New Perspectives on American Political Development, Fri, September 1, 12:00 to 1:30pm.

Barbara A. McGraw, Saint Mary's College of California, "The Fourth Disestablishment: Legitimacy and Religious Minorities," in Division 33: Religion and Politics, Law, Politics, and Religion, Thu, August 31, 8:00 to 9:30am.


Other American Indian or Indigenous Posters


Clara Neupert-Wentz, "Security in Spaces with Multiple Authorities: Traditional Governance and States," in Poster Session Part I: Conflict Processes, Sat, September 2, 9:30 to 10:00am.

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**WSSA 2018 AMERICAN INDIAN STUDIES SECTION PROGRAM, April 4-7, 2018**

The American Indian Studies Section of the Western Social Science Association, at its 60th meeting, expects to again have a full program of panels at the association's meeting at the 2018 conference in San Antonio, TX, at the Hyatt Regency, April 4-7, 2018. 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 coordinator: Veronica Hirsch, vrhirsch@email.arizona.edu. **Deadline for proposals, including abstracts, may be December 1, 2017.** 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 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.

National Center for Great Lakes Native American Culture, Inc. P O Box 1063 Portland, IN 47371 Home: 4950 North 750 East Attica, IN 47918 765-426-3022, www.ncglnac.org, kay.neumayr@ncglnac.com, holds events throughout the year, including: 2018 NCGLNAC Academic Conference: Great Principal Peacetime Chiefs, April 21, 2018, in the Bubp Building, Jay County Fairgrounds, Portland, Indiana.

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.

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-2017-application/.


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.

7th Cambridge Conference on Language Endangerment: 'Language Endangerment:
Language Contact and Language Change', is on 4th July 2017, at the University of Cambridge, Cambridge, UK. For information go to: http://www.mml.cam.ac.uk/news/fifth-cambridge-conference-language-endangerment.

2017 UNITY National Conference is July 7-10 2, 2017, at the Colorado Convention Center in Denver, Colorado. For details go to: http://unityinc.org/events/.


National Association of County Agricultural Agents Conference is July 9-13, 2017 in Salt Lake City, UT. For information go to: http://www.aihec.org/who-we-are/calendar.htm.

Native Youth Community Adaptation and Leadership Congress is July 9-15, 2017 at National Conservation Training Center, Shepherdstown, WV. For information contact: ctc_deo_programs@fws.gov, 304.876.7772 or 304.876.7388/.

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.

The Newberry Library’s D’Arcy McNickle Center for American Indian and Indigenous Studies will be hosting a four-week summer 2017 NEH seminar for college and university faculty, Bridging National Borders in North America, that explores the history of North America’s border and borderland, July 10, 2017 – Friday, August 4, 2017. For information go to: http://www.newberry.org/NEH-Bridging-National-Borders.

Physicians for Social Responsibility (PSR), Speak Out for Protection from Methane, Fracking Gases is July 10, 2017, in Washington, DC: Public hearing at the EPA on a proposed rollback of methane leakage rule. 9:00 am - 4:00 pm at U.S. EPA, William Jefferson Clinton-East, 1201 Constitution Avenue, NW, Room 1153. For more information go to: http://www.psr.org/news-events/events/.

Physicians for Social Responsibility (PSR), Play-In For Climate Action: Join Moms Clean Air Force for kids activities, great music, and exciting speakers, as we deliver a public message from families across the country: it's time to get serious about climate change! - is July 13, 2017, in Washington, DC. For more information go to: http://www.psr.org/news-events/events/.

American Indian Higher Education Consortium (AIHEC) 2017 Summer Board Meeting is July 13-15, 2017 in Denver, CO. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.


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.
Duel Language Education of New Mexico: Bueno Center 2017 Summer Institute, Two-day summer institute about the education of culturally and linguistically diverse learners, is Wednesday, 19 July - Thursday, 20 July, in Boulder, CO. For information go to: http://www.dlenm.org/index.php/resources/calendar/26-bueno-center-2017-summer-institute.


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.


Econ. Dev. Data Workshop is July 24-27, 2017, at Twin Arrows Navajo Casino Resort, 22181 Resort Blvd, Flagstaff, AZ. For information go to: http://www.ncai.org/conferences-events/ncai-events.

Physicians for Social Responsibility (PSR), Food for Good: A celebration of food and planet: 2nd Annual Climate Cake Competition, climate friendly foods, climate cash bar, cooking demos, silent auction, music and more. - is July 30, 2017, in Portland, ME. For more information go to: http://www.psr.org/news-events/events/.


The 2017 annual meeting of the Linguistic Association of Canada and the United States, the 44th LACUS Forum is July 31st to, August 4th at McMaster University, Hamilton, Ontario, Canada. 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) is in August 2017. For details visit: http://swl-7.weebly.com/.

TCU Presidents Convening, co-hosted by STRADA, ETS, AIHEC, AICF, is August 2, 2017 at ETS Headquarters, Princeton, NJ. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

The ATNI Changing Currents Tribal Water Summit is a 2-day conference for tribal government, community, and partners and in conjunction with ONABEN, August 2-3, 2017 at William W. Knight Law Center, University of Oregon- School of Law, 1221 University of Oregon, Eugene, OR 97403-1221. For information visit: http://www.atnitribes.org.

2nd Indigenous People's International Gathering to Honor, Defend, and Protect the Salomon is August 4-5, 2017 at Ya Ne Dah Ah Tribal School, Mile 55.5 Glenn Highway, Ahtna Athabascan Territory, Alaska. For information contact: Chicaloon Native Village (907)745-0749.

Summer 2017 Tribal Advisory Committee (TAC) Meeting is August 8-9, 2017, at Artesian Hotel, 1001 West 1st Street, Sulphur, OK, 73086. For information go to: http://www.ncai.org/conferences-events/ncai-events.


34th Summer School and Conference of Applied Language Studies which will be held in Jyväskylä & Närpes, Finland August 28-30, 2017. For details go to: http://www.aila.info.

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.

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

Colorado Association for Bilingual Education (CABE) Professional Development Conference will be in February 2018. For details visit: http://www.cocabe.org.

46th Annual Meeting of the Linguistic Association of the Southwest will be held at the New Mexico State University in fall 2017. For details go to: http://clas.ucdenver.edu/lasso/index.html.


The World Sustainability Forum, organized by the MDPI AG will take place from 15th September 2017 at the University of Basel in Basel, Switzerland. The conference will cover areas like the globe, extreme poverty and hunger have been reduced, and infant, child, and maternal mortality have decreased. For details, visit: https://10times.com/world-sustainability-forum.

1st Annual National Native Health Research Training Conference, IHS, AIHEC, AISES, NRN, is September 18-20, 2017 at Colorado Convention Center, Denver, CO. For information go to: http://www.aihec.org/who-we-are/calendar.htm.

Physicians for Social Responsibility (PSR), Climate Change and the Growing Risk of Nuclear War: An Agenda for Action: A one-day symposium brought to you by Pioneer Valley PSR, featuring Dr. Ira Helfand, Bill McKibben, and more. is September 23, 2017, in Hadley, MA. For more information go to: http://www.psr.org/news-events/events/.


Fourth International CREA Conference is September 27-29, 2017 in Chicago at the Palmer House, 17 E Monroe St, Chicago, IL 60603. For details go to: http://www.ncai.org/conferences-events.

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/.

The 49th Algonquian Conference may be in October 2017. For information visit:
7th International Conference on Language Immersion Education may be in October 2017. For details visit: http://www.carla.umn.edu/conferences/LTE2015/.

USET 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.

NAFOA 2017 Fall Finance & Tribal Economies Conference is October 2-3, 2017, at River Spirit Casino Resort, Tulsa, OK. For details go to: http://www.ncai.org/conferences-events.


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 4-6, 2017 in Orlando, FL. For details visit: http://www.aihec.org/who-we-are/calendar.cfm.

14th Language is Life Biennial Conference is October 6-8, 2017, at Wonder Valley Resort, Sanger, CA. For details, visit: http://www.aicls.org/.

Community-Based Heritage Language Schools meeting is Saturday: Promoting Collaboration and Advocacy Among Educators, Families, and Researchers is at American University in Washington, DC, October 7, 2017. For information go to: http://www.international.ucla.edu/institute/event/12505.

13th Language is Life Gathering is in Sanger, California, USA, October 6-8, 2017. For More Information on this Conference Contact Advocates for Indigenous California Language Survival: https://aicls.org.

AIHEC-ACCT GISS-TCU 3.0, in conjunction with NIEA, is October 7-8, 2017 in Orlando, FL. For details visit: http://www.aihec.org/who-we-are/calendar.cfm.

Annual, Sunrise Gathering on Alcatraz Island: Day of Solidarity with Indigenous People is October 9, 2017. For details go to: http://www.iitc.org/conferences-events/community-events/.

The 2017 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.

2017 Southwest Conference on Disability is October 11-13, 2017, in Albuquerque, NM. For details go to: http://www.ncai.org/conferences-events.
14th Annual ALAS Education Summit is October 11-14, in Houston, TX. For details go to: http://www.dlenm.org/index.php/resources/calendar/23-alas-education-summit.

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.


SACNAS Conference, is October 19-20, 2017 in Salt Lake City, UT. For information visit: http://www.aihec.org/who-we-are/calendar.htm.

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/.

The annual Friends of Uto-Aztecan Conference (FUAC) in Boise, Idaho, on the Boise State University campus in conjunction with the Western Conference on Linguistics (WECOL), October 20-22. FUAC itself will take place on Friday, October 20. For details visit: http://www.ssila.org.

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.

2017 World Indigenous Business Forum is October 24-26, 2017 in Santiago, Chile. For details go to: http://wibf.ca/.

The 13th International MEDCOAST Congress on Coastal and Marine Sciences, Engineering, Management & Conservation is October 31–November 4, 2017, at Paradise Bay Resort Hotel (All-inclusive), Mellieha - Malta. For details go to: conference.medcoast.net, or medcoast@medcoast.net, http://www.medcoast.net/.

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 are available at: http://www.sicc.sk.ca/.


Ecumenical Ministries of Oregon (EMO) November 2, 2017, 2017 Collins Lecture. At Trinity Episcopal Cathedral, 147 NW 19th Ave, Portland. We will explore how climate change disproportionately affects the world’s most vulnerable people, triggering the loss of livelihoods, insecurity, forced migration and poor health. For information visit: http://www.emoregon.org/emo_events.php.

TribalNet 18th Annual Conference and Tradeshow is November 6-9, 2017, in Glendale, Arizona. For details visit: http://www.ncai.org/conferences-events/ncai-events.

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.


XVII International Conference on Minority Languages may be in 2018. For details go to: http://linguistlist.org/.

The 9th Annual Earth Care Summit may be in January 2018. For details visit: http://www.psr.org/news-events/events/.

Affiliated Tribes of Northwest Indians (ATNI) Winter Convention 2018 may be in January. For details go to: http://www.atnitribes.org.
WSF2018 The 7th World Sustainability Forum may be in January 2018. For details go to: https://www.linkedin.com/pulse/6th-world-sustainability-forum-matthias-burkhalter?articleId=6059646020671807488.

The 14th International Conference on Environmental, Cultural, Economic, and Social Sustainability may be in January 2018. 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 9th Annual Earth Care Summit may be in January 2018. For details visit: http://www.psr.org/news-events/events/.

Society for the Study of Indigenous Languages of the Americas: SSILA annual winter meeting will be held jointly with the annual meeting of the Linguistic Society of America in Salt Lake City, Utah, at the Grand America in Salt Lake City, January 4-7, 2018. For details visit: http://www.ssila.org/.

The 13th International Conference on Environmental, Cultural, Economic, and Social Sustainability January 17–19 2018, at The Cairns Institute, James Cook University, Cairns, Australia. 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.


6th International Conference on Language Documentation and Conservation (ICLDC) - a biennial meeting: may be in February or March 2019. For details visit: http://iclcd-hawaii.org.

Heritage Language Research Institute 10th International Conference on Language Teacher Education may be in February 2018 at UCLA Covel Commons, in Los Angeles, CA. For details go to: http://nhlrc.ucla.edu/

NAAS & Affiliates 26th Annual Conference may be in February 2018. For details go to: http://www.naaas.org.


The Native American-Indigenous Section of the Southwest Popular/American Culture Association 39th Annual Conference is as usual in Albuquerque, NM, February 7-10, 2018. For details go to: http://southwestpca.org/conference/call-for-papers/.


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.

SWCOLT (Conference on Language Teaching) is February 22-24, 2018 in Santa Fe, NM. For information go to: http://www.swcolt.org/.

30th Far West PCA/ACA (Popular and American Culture associations), which likely has at least one American Indian section, is February 23-25, 2018, at the Los Vegas, NV Palace Station Hotel. For information go to: http://www.fwpca.org/.


The 41st Annual California Conference on American Indian Education may be in March 2018. For more information, contact: Achel McBride: (530)895-4212 x 110, Irma Amaro: (707)464-3512, or Judy Delgado at 916-319-0506, judelgado@cd.ca.gov, or go to: http://www.ccaie.org/.

National Association for Bilingual Education Annual Conference is at the Albuquerque Convention Center, Albuquerque, NM, USA, March 1-3, 2018. For details go to: http://www.nabe-conference.com/index.html.

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.

The Western Political Science Association (WPSA) 2017, March 29-31, 2018, is at the Hyatt Regency Embarcadero, San Francisco, CA, 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/

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 may be in April 2018 at the University of Alaska Fairbanks campus. For information go to: http://alaskanativestudies.org.
Washington Association of Bilingual Education: Annual Conference may be in April 2018. For details go to: http://wabewa.org/.

46th Annual Symposium on the American Indian may be at Northeastern State University, University Center, Tahlequah, OK, may be in April 2018. For details visit: http://www.cts.nsuok.edu/NSUSymposium.aspx.

American Indian Cultures and Literatures area of the PCA/ACA (Popular Culture Association/American Culture Association) National Conference 2017 may be in April 2018. For details Visit: http://www.pcaaaca.org/conference/national.php

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.

Fourteenth 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 12-13, 2018. 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.

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

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

NAFOA - 36th Annual Conference is April 16-17, 2018, at The Roosevelt, New Orleans, LA. For details visit: http://www.ncai.org/conferences-events/ncai-events.


The 10th International Conference on Climate: Impacts and Responses is April 20–21 April 2018 at University of California at Berkeley, Berkeley, CA. 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.

National Center for Great Lakes Native American Culture, 2018 NCGLNAC Academic Conference: Great Principal Peacetime Chiefs, is April 21, 2018, in the Bubp Building, Jay County Fairgrounds, Portland, Indiana. For details visit: www.ncglnc.org.
The 13th Annual Conference on Endangered Languages and Cultures of the Americas may be in May 2018. For details go to: http://www.cail.utah.edu, or contact Jennifer Mitchell: cail.utah@gmail.com.

22nd Navajo Studies Conference may be at Northern Arizona University, Flagstaff, Arizona, may be in May 2018. For details go to: http://www.navajostudies.org.

Affiliated Tribes of Northwest Indians (ATNI) Mid Year Convention 2018 may be in May 2018. For details go to: http://www.atnitribes.org.


The 8th Native American and Indigenous Studies Association Annual Conference may be in May, 2018, 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 2018, at UCSB Department of Linguistics. For information visit: http://www.linguistics.ucsb.edu or http://osl.sa.ucsb.edu/org/nail/WAIL.

The (Australian) National Indigenous Domestic and Family Violence Conference (STOP) is May 23-25, 20178 at Seaworld International Resort, Gold Coast, QLD, Australia. For details visit: https://www.indigenousconferences.com/national-indigenous-domestic-violen.

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

24th Annual Stabilizing Indigenous Languages Symposium may be at the University of Hawaii at Hilo, in June 2018. Information will become available at www.uhh.hawaii.edu.

AsiaLex 2018 may be in June 2018. For information go to: http://www.adelaide.edu.au/australex/.

The Native American Student Advocacy Institute may be in June 2018. For details visit: http://nasai.collegeboard.org/.


Fostering Indigenous Business and Entrepreneurship in the Americas Conference: FIBEA 2018 may be in June 2018. 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.

4th Annual Stabilizing Indigenous Languages Conference and 6th Western Symposium on Language Issues (WeSLI) may be in June 2018. For details go to: http://jan.ucc.nau.edu/~jar/AIE/conf.html.

6th Annual Indigenous Peoples' Rights Course & Field Visit in Costa Rica by Human Rights Education Associates (HREA) and University for Peace (UPEACE), Costa Rica: E-

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 15th Annual National Training Program may be in June 2018. 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 2018. 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 2018 (Shoshonian language summer program) may be in June and July 2018 on the campus of the University of Utah. For details go to: http://shoshoniproject.utah.edu/2015/12/sylap-2017-application/.

The Northwest Indian Language Institute Summer 2018 may be in June 2018, at the University of Oregon, Eugene, OR. For details go to: http://pages.uoregon.edu/nwili/.

8th International Conference on Bantu may be in June 2018. For details go to: http://linguistlist.org/callconf/browse-conf-action.cfm?ConfID=190196.


The 2018 Institute on Collaborative Language Research (CoLang) may be in June and July 2018. For information about SSILA go to: www.ssila.org.

8th American Indian and Indigenous Education Conference may be at Northern Arizona University, Flagstaff, AZ, in June 2018. To get updated information on this conference visit: http://nau.edu/AIE.


American Indian Higher Education Consortium (AIHEC) Behavioral Health Institute may be in June 2018. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

The 2018 Institute on Collaborative Language Research (CoLang) may be at the University of Alaska, Fairbanks may be in June 2018. For details go to: http://www.ssila.org.


2018 International Stolen Generations Conference may be in June 2017, in Sidney, Australia. For details go to: http://www.indigenousconferences.com/2017-conferences.
2018 Dene / Athabaskan Language Conference & Workshop may be in June or July 2018. For details go to: https://2017denelanguageconference.weebly.com

13th Lancaster Postgraduate Conference in Linguistics and Language Teaching (LAEDG 2018) may be in June or July 2018. For details go to: http://www.lancaster.ac.uk/fass/events/laelpgconference/index.htm.

NCAI 2018 Mid Year Conference & Marketplace is June 3 - 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.


NAFOA 2018 Fall Finance & Tribal Economies Conference is Oct 1, 2018 - Oct 2, 2018 at the Hyatt Regency Tamaya Resort and Spa, Santa Ana Pueblo, NM. For details visit: http://www.ncai.org/conferences-events/ncai-events.

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.


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Greenpeace stated, June 1, 2017, https://engage.us.greenpeace.org/onlineactions/e_TpAhQ6KuEgg8vini79A2?emci=7174d3d1-6d45-e711-80c2-000d3a104b08&emdi=2fc81bf-0247-e711-80c2-000d3a104b08&fn=Stephen&ln=Sachs&em=ssachs%40earthlink.net&pc=87110&hp=3179245965&utm_source=ea&utm_medium=email&utm_campaign=170531_paris_climate_fr_(ns), "Trump just announced that he will be withdrawing the US from the Paris Climate Agreement.

Trump has chosen to obstruct and actively derail any action to solve one of the world's biggest threats: catastrophic climate change that will only get worse if we don’t act now.

In his first 100 days in office, Trump signed an executive order to stop the Clean Power Plan, moved forward the Keystone XL and Dakota Access pipelines, opened up public lands and coasts to more oil drilling, and has now abandoned one of the U.S.’s most important commitments to fighting climate change. *It's up to us to resist.*

**That’s why we’re launching the Summer of Resistance, an unprecedented wave of people-powered direct action all across the country.** Throughout the summer, Greenpeace will be training thousands of people in creative, non-violent resistance to fight Trump’s anti-climate and hate-filled agenda."

Numerous other groups are also calling for strong measures against climate change in the wake of Trump's action.

**People’s Climate Movement**, January 25, 2017, https://peoplesclimate.org, CONTACT: Paul Getsos, National Coordinator 646-732-0041 paul@peoplesclimate.org or Paige Knappenberger, 602-549-0344, pknappenberger@climatenexus.org, stated, "**Activists Announce Major Climate March in DC & Nationwide on April 29th.** Communities Begin Organizing Nationwide to Resist Attacks on the Environment and Our Communities And to Call for a New Clean Energy Economy that Stops Climate Change and Creates Good Jobs for All." "For more information on The People’s Climate Movement and the mobilization on April 29th, please visit: https://peoplesclimate.org/.

Nadia Prupis, "#DayAgainstDenial Calls on Senate to Reject Trump's Anti-Science Cabinet: Nationwide actions highlight climate denialism of cabinet appointees, including Rex Tillerson as secretary of state and Scott Pruitt as head of EPA," *Common Dreams*, January 09, 2017, http://www.commondreams.org/news/2017/01/09/dayagainstdenial-calls-senate-reject-trumps-anti-science-cabinet, reported, "**Environmental groups are launching a nationwide campaign on Monday to highlight the climate denialism rampant among President-elect Donald Trump's cabinet picks and demand lawmakers reject their nominations.** #DayAgainstDenial, spearheaded by the climate group 350.org but supported by a coalition of organizations and activists, calls on the U.S. Senate to vote against Trump's nominees to lead his administration, including former ExxonMobil CEO Rex Tillerson, tapped for secretary of state; former Oklahoma Attorney General Scott Pruitt, nominated for Environmental Protection Agency (EPA) chief; former Texas Governor Rick Perry for secretary of energy; and Rep. Ryan Zinke (R-Mont.) for secretary of the interior. All four have denied climate change and have ties to the fossil fuel industry, the groups said.

'Repeat after me,' 350's communications director Jamie Henn wrote on Twitter. 'The CEO of the world's largest oil company should not run our foreign policy.'"
More than 70 rallies and other events are slated to take place at lawmakers' offices around the country on Monday. Organizers say they see the day of action as the start to long-term resistance to Trump's anti-science agenda.

'The climate is changing, and anyone who denies this shouldn't be in the White House cabinet. It's up to the Senate to stop these nominations—and up to us to show up in person to tell our senators to fight Trump's climate denial cabinet,' 350 said.

Confirmation hearings are set to take place throughout the week.

The groups added that separate campaigns will target other controversial cabinet appointees—including attorney general nominee Sen. Jeff Sessions (R-Ala.) and labor secretary nominee Andy Puzder—throughout January."

"Labor Convergence on Climate being launched," stated via E-mail, http://uslaboragainstwar.org, "The climate change issue and our militarized foreign policy are inextricably linked. The Pentagon is the largest single consumer of fossil fuels, contributing 5% of the world's global warming emissions. Few entire countries use more oil than the Pentagon does. As Michael Eisenscher has said, there is not such thing as a sustainable planet run by the military-industrial complex.

A new organization, The Labor Convergence on Climate, is being launched to bring together labor activists to fight the devastating effects of climate change and to ensure that the transition to a sustainable economy is not done at the expense of workers.

At last week's USLAW Steering Committee conference call, we voted to endorse the Mission Statement of the Labor Convergence on Climate (click here to read the full statement.) Just as USLAW was formed to be the voice of labor within the peace movement and the voice for peace movement, we believe that the Labor Convergence on Climate can be the voice for workers within the climate justice movement and the voice for climate justice within the labor movement.

Our Steering Committee is asking all USLAW affiliates to do two things:
(1) Ask your union to endorse the Mission Statement of the Labor Convergence on Climate; and
(2) Join the conference call on Wednesday, February 15 that will launch the organizing plan for the Labor Convergence on Climate.

USLAW Co-Convener John Braxton and I are both on the Steering Committee of the Labor Convergence on Climate. John will be taking the lead on the climate change work within USLAW. If you have questions or comments, please contact John at jwbraxton@gmail.com or at 215/796-4933.

In Solidarity, Reece Chenault, National Coordinator, USLAW (U.S. Labor Against the War), US Labor Against the War, 1718 M St, NW #153, Washington DC 20036, (202)521-5265."

Food and Water Watch, https://go.offfossilfuels.org/event/launch/100?source=map, on May 13, 2017, began "launching the OFF Fossil Fuels campaign to plan the next steps for how we protect our communities and stop the worst impacts of climate change," "in living rooms, coffee shops, and community centers across the country" The events included a live stream from Washington, D.C., where they hear from climate leaders and share stories of people fighting back against the fossil fuel industry — and winning. The local gatherings also talked together about what's going on in their own communities and about next steps for action. Trainings, tools, and resources were provided for every team to move forward with its game plan.

Nika Knight, "'We Exist, We Resist, We Rise': Thousands March for Native Nations: 'Standing Rock was just the beginning,'" Common Dreams, Friday, March 10, 2017, http://www.commondreams.org/news/2017/03/10/we-exist-we-resist-we-rise-thousands-march-
"Water is life!" was the cry heard throughout Washington, D.C., on Friday as thousands of people filled the streets and marched for Indigenous rights and the sovereignty of native nations, demonstrating that the fight against the Dakota Access Pipeline has sparked an ongoing movement.

The Native Nations Rise march was the culmination of a week of workshops, actions, and prayers to battle for native rights in the face of the right-wing Trump administration and the ongoing #NoDAPL fight.

The march began at the U.S. Army Corps of Engineers headquarters and ended at Lafayette Square, in front of the White House. En route, demonstrators erected a tipi at the Trump Hotel to "reclaim stolen land":

The march culminated in a rally at Lafayette Square. Indigenous people and protesters spoke, prayed, played music, and repeated calls for environmental justice, sovereignty, and a meeting between President Donald Trump and leaders of tribal nations.

'Standing Rock was just the beginning,' said a journalist with Indigenous Rising Media, speaking to a plaintiff in one of the multiple lawsuits against the U.S. government for permitting the Dakota Access Pipeline's construction.

A live broadcast of the march and rally can be found at: https://www.facebook.com/actdottv/. Throughout the day, participants and journalists are also posting photos and videos of the action under the hashtag #NativeNationsRise."

Nika Knight, "'We Are Still Here': Water Protectors Remain in Prayer, Brace for Mass Arrests: Police will begin arresting all water protectors at 2pm CST," Common Dreams, February 22, 2017, http://www.commondreams.org/news/2017/02/22/we-are-still-here-water-protectors-remain-prayer-brace-mass-arrests, reported, "Water protectors standing against the controversial Dakota Access Pipeline are bracing for militarized police to descend on their protest camp near Cannon Ball, North Dakota, as the U.S. Army Corps of Engineers' evacuation deadline of 2pm CST Wednesday looms.

Law enforcement has already surrounded the camp, preventing even members of the press from entering to cover the coming police raid.

Chace Iron Eyes, a member of the Standing Rock Sioux Tribe and civil rights advocate, said in a Facebook video that he was denied access to the Oceti Sakowin camp by 'a host of law enforcement officers from a variety of jurisdictions.'

Iron Eyes also reported that the police force appears highly militarized, and that he witnessed 60 vehicles poised to encroach upon the camp. A police officer from the North Dakota Highway Patrol told Reveal reporter Jenni Monet that the Army Corps gave law enforcement the "authority" to use force.

The Morton County Sheriff's Department, which will be enforcing the evacuation order, has come under harsh criticism for its past brutal treatment of water protectors.

Despite the forces lined up against them, the water protectors—as well as U.S. military veterans who traveled to North Dakota to protect them—are remaining strong in their peaceful resistance to the pipeline, uniting for prayer ceremonies and a planned prayer march before the expected mass arrests.

'We are clearly in a historic and very spiritual time,' Iron Eyes said. 'Some would call it a time of prophecy.'

Indigenous rights group Honor the Earth released a video of water protectors 'singing one last time,' hours before the evacuation deadline:

Water protectors are also ceremonially burning sacred dwellings and ritual items, which police have reportedly thrown away or destroyed in the past, Indigenous Rising Media notes. '[I]t is best to burn these scared structures instead of having them desecrated by Morton County and North Dakota law enforcement,' the Indigenous outlet writes.

While the protest camp faces destruction, the Standing Rock Sioux's lawsuit against the Army
Corps for approving the final easement for the pipeline is still moving through the courts. A hearing in which a federal judge will consider an injunction against the Army Corps is scheduled for February 27. The Oglala Sioux of South Dakota filed a separate suit against the Army Corps last week.

Standing Rock Sioux Tribal Chairman David Archambault II, council member Dana Yellow Fat, and Alayna Eagle Shield, a water protector who taught school at the camps, were all acquitted of charges of disorderly conduct, on May 31, 2017, in court in Bismark, ND, having been arrested protesting the Dakota Access Pipeline, August 12, 2017 ("Archambault Acquitted on DAPL Charges," ICN, June 2, 2017, https://indiancountrymedianetwork.com/news/native-news/archambault-acquitted-dapl/).

You are invited to join a global synchronized Prayer Action on January 28 to carry the prayer from Standing Rock to Banks World Wide.
The Global Prayer Action is carrying the prayer and request from Standing Rock to the steps of the Banks around the World who are funding Oil Pipelines, sending a clear message of solidarity and demand for change - The frontline is now everywhere.
There will be a live prayer broadcast shared from Standing Rock camp - a prayer for all water, for all life - led by indigenous elders. You can join from wherever you are!
This is an opportunity to be a part of history by uniting our global community to support the water protectors at Standing Rock through local actions at banks."
"At UNIFY we share virtual and in-person transformational experiences that support your most passionate, peaceful, purposeful, and amazing life.
We also organize global synchronized meditations and days of social action. We now have more than 7,500 organizers that bring their communities together for campaigns we launch on Peace Day, Earth Day, Water Day, and more."

Chairman David Archambault stated in an interview with Jenni Monet of Indian Country Media Network that the resolution came from the Tribe’s concern that recent actions on the Backwater Bridge may negatively influence the environmental impact statement (EIS) process that the tribe and Water Protectors worked so hard to get.
The following is a statement from Tom Goldtooth, the executive director of the Indigenous Environmental Network:
Our network respects the decision of the Cannon Ball district and the tribal council of the Standing Rock Sioux Tribe. We fully understand the strain the camps have had on the local Cannon Ball community and the tribe. This action is timely because of the imminent peril of the camp being in a floodplain with record snow in the region that will melt causing the river to flood the camp. Vacating the camp does not mean abandoning the resistance. We will continue to support the Standing Rock Sioux Tribe to strategically halt the Dakota Access Pipeline from risking the contamination of the Missouri River. There are multiple pressure points to accomplish this. We are part of a national coalition effectively
defunding DAPL by getting banks to divest their funding of the pipeline and getting bank account holders to withdraw their money. With the Trump administration in office now, the bigger picture requires all Water Protectors and Native Nations to be in solidarity to insure treaty rights, environmental laws and the preservation of historical and cultural resources and sacred sites are fully recognized and protected."

"Indigenous Environmental Network Responds to Acting Secretary of Army Corps’ Recommendation to Issue DAPL Easement," Indigenous Environmental Network, January 31, 2017, https://www.mynewsletterbuilder.com/email/newsletter/1412877004, reported and commented, "Today Robert Speer, acting Secretary of the Army Corp of Engineers, directed the Corps to proceed with the easement to complete the Dakota Access Pipeline. While this is not an official grant of the easement, it does indicate that the Corps will disregard the Environmental Impact Statement that was ordered by the Obama Administration and completion of the controversial pipeline could begin as soon this week.

The following is a statement from the Indigenous Environmental Network: 'We are disgusted but not surprised by the Secretary of the Army’s decision to recommend the easement on the Dakota Access Pipeline. Instead of following proper legal procedure and completing the Environmental Impact Study, the Army has chosen to escalate an already tense situation, go against their own processes, and potentially put peoples in harm's way.

We are falling into a dangerous place where the United States government makes up its own rules. We know the Trump Administration stands to gain from this project, the President of United States is an investor himself, and their actions reveal a blatant disregard for the rule of law and a clear interest in lining their own pockets. This decision follows Trump’s unfortunate attacks on immigrants, women, and the press. Now he is working even harder to attack sovereign tribal nations and historic treaties.

Trump and his climate denying cabinet are clearly doing what is best for their businesses and are willing to put profit before human rights and the environment. But make no mistake: we are prepared to mobilize and resist this brazen power grab."

Deirdre Fulton, 'This Is the #NoDAPL Last Stand': Tribe to Sue as Actions Planned Nationwide: 'We are a sovereign nation and we will fight to protect our water and sacred places from the brazen private interests trying to push this pipeline through,' says Standing Rock Sioux tribe," Common Dreams, February 08, 2017, http://www.commondreams.org/news/2017/02/08/nodapl-last-stand-tribe-sue-actions-planned-nationwide, reported, "And with actions planned nationwide on Wednesday, the administration won't get off in the court of public opinion, either.

'The drinking water of millions of Americans is now at risk,' said Dave Archambault II, chairman of the Standing Rock Sioux tribe, following the U.S. Army Corps of Engineers' announcement (pdf) that it would give the official go-ahead within 24 hours. 'We are a sovereign nation and we will fight to protect our water and sacred places from the brazen private interests trying to push this pipeline through to benefit a few wealthy Americans with financial ties to the Trump administration.'

In granting the easement, the Army Corps halted (pdf) the preparation of an environmental review ordered by the Obama administration. The Standing Rock tribe, which says DAPL threatens its clean water supply and violates Indigenous treaty rights, pledged to 'challenge any easement decision on the grounds that the [environmental impact statement, or EIS] was wrongfully terminated.'

'Trump's reversal of that decision continues a historic pattern of broken promises to Indian tribes and unlawful violation of treaty rights,' added Jan Hasselman of Earthjustice, lead attorney for the tribe. 'They will be held accountable in court.'

Other next steps, according to the Standing Rock statement, include asking the
court for DAPL-operator Energy Transfer Partners "to disclose its oil spill and risk assessment records for full transparency and review by the public,' and, "if DAPL is successful in constructing and operating the pipeline, the tribe will seek to shut the pipeline operations down.'

'The granting of an easement, without any environmental review or tribal consultation, is not the end of this fight—it is the new beginning.'
—Tom Goldtooth, Indigenous Environmental Network

The tribe is not alone in its outrage. Multiple environmental groups voiced their opposition to the decision, while Democratic members of the House and Senate natural resources committees wrote a letter to President Donald Trump expressing their own dismay.

'This blatant disregard for federal law and our country's treaty and trust responsibilities to Native American tribes is unacceptable,' the lawmakers wrote. 'We strongly oppose this decision and any efforts to undermine tribal rights. We urge you to immediately reverse this decision and follow the appropriate procedures required for tribal consultation, environmental law, and due process.' Signatories included Sens. Maria Cantwell (D-Wash.), Bernie Sanders (I-Vt.), and Catherine Cortez Masto (D-Nev.), as well as Reps. Raúl Grijalva (D-Ariz.) and Donald Beyer (D-Va.).

Grijalva, ranking member of the House Natural Resources Committee, also issued a separate statement: "Before the Women's March and before thousands of people protested at airports, the Standing Rock Sioux and their allies were camping in the freezing cold to defend their rights," he said. 'The Obama Administration heard those concerns and agreed to take a step back; this Administration is ignoring them. In his first few weeks in office our new president has built a resume of discrimination, falsehoods, and sloppy work, and now the decision to trample the sovereignty of our First Americans is the latest entry on a growing list of shameful actions.'

A protest in front of the White House is planned for 5:00pm Wednesday, along with more than 30 actions taking place around the country on what the Indigenous Coalition at Standing Rock has dubbed 'an international day of emergency actions to disrupt business as usual and unleash a global intersectional resistance to fossil fuels and fascism.'

'This is the #NoDAPL last stand,' the group declared online.

"Donald Trump will not build his Dakota Access Pipeline without a fight,' said Tom Goldtooth of the Indigenous Environmental Network. 'The granting of an easement, without any environmental review or tribal consultation, is not the end of this fight—it is the new beginning. Expect mass resistance far beyond what Trump has seen so far.'

Goldtooth continued:

The granting of this easement goes against protocol, it goes against legal process, it disregards more than 100,000 comments already submitted as part of the not-yet-completed environmental review process—all for the sake of Donald Trump's billionaire big oil cronies. And, it goes against the treaty rights of the entire Seven Councils Fires of the Sioux Nations.

Donald Trump has not met with a single Native nation since taking office. Our tribal nations and Indigenous grassroots peoples on the frontlines have had no input on this process. We support the Standing Rock Sioux tribe, and stand with them at this troubling time.

In addition, a Native Nations March on Washington is in the works for March 10. 'Our fight is no longer at the North Dakota site itself,' said Archambault. "Our fight is with Congress and the Trump administration. Meet us in Washington on March 10.'

An energetic divestment campaign, urging banks to pull their funding for the controversial project, is also gaining steam.

On that front, the Seattle City Council voted 9-0 on Tuesday to cut banking ties with Wells Fargo because of its role as a DAPL lender. 'People might argue that Seattle's $3 billion account is just a blip on the radar for Wells Fargo, but this movement is poised to scale up,' Hugh MacMillan, a senior researcher at Food & Water Watch, told YES! Magazine. "I think you'll see more cities following Seattle's lead.'
350.org reported, April 29, 2017, https://www.facebook.com/350.org/posts/10155301358802708?utm_medium=email&utm_source=actionkit, that on that day's People's Climate March in Washington D.C., 200,000 people took to the streets for climate, jobs and justice, while hundreds of climate Marches were held round the U.S. and across the world.

Following the Trump administration's approval of the Keystone Pipeline, "Nebraskan Landowners Resist Keystone XL By Refusing to Sell Their Property to TransCanada," The RealNews Network, March 27, 2017, http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74 &jumival=18742, reported, "Retired school teacher and farmer Art Tanderup says he and nearly a hundred other landowners are pushing the Public Service Commission in Nebraska to deny permits for the pipeline."

Alex Hamer, "Ramapough Told by Town to Dismantle Pipeline Protest Camp: Standing Rock–style Ramapough encampment under siege from surrounding Mahwah, New Jersey, May 17, 2017, https://indiancountrymedianetwork.com/news/native-news/ramapough-told-dismantle-pipeline-protest-camp/, reported, "The New Jersey town of Mahwah has issued an ultimatum to the Ramapough Lenape Nation, ordering the tribe to take down the tipis it has assembled on its land in opposition to the Pilgrim Pipeline, which would bring Bakken crude from Albany to refineries in southern New Jersey.

The town has ordered the tribe “to immediately remove any and all structures located on the Property that were constructed in violation of the Township’s Zoning Ordinance,” WPIX News reported on May 12.

Tribal members have been opposing the 178-mile-long pipeline with the Split Rock Sweetwater Prayer Camp since October 2016 on 13 acres of Ramapough land within Mahwah. But rather than earn the type of support that poured in for the Standing Rock Sioux Tribe against the Dakota Access Pipeline (DAPL), the Ramapough have garnered the ire of the surrounding community—even though, News reported in December, the town also opposes Pilgrim."

Greg Harman, "Water Protectors Fight Trans-Pecos Pipeline in West Texas: Standing Rock inspires escalation and arrests at Energy Transfer Partners’ west Texas pipeline," ICTMN, February 1, 2017, https://indiancountrymedianetwork.com/news/native-news/water-protectors-fight-transpecos-pipeline-west-texas/, reported, "In recent weeks, a small but steady stream of water protectors have begun to travel to western Texas to join escalating efforts to stop Energy Transfer Partners’ (ETP) Trans-Pecos Pipeline."

"17 States Raise Hell Over Clean Power Plan, Climate Nexus, EcoWatch, April 9, 2017, http://www.ecowatch.com/states-challenge-clean-power-plan-2347483971.html, reported, "The group of 17 states which backed the Clean Power Plan filed a legal challenge Wednesday urging the DC Circuit Court of Appeals to ignore the Trump administration's request to stay legal proceedings in the Clean Power Plan suit.

The challenge alleges that the federal government has a responsibility to regulate emissions from power plants and that the U.S. Environmental Protection Agency's 'vague' plans to review the Clean Power Plan could cause an 'indefinite delay' in the process."

"Environmental groups, including the Environmental Defense Fund and the Natural Resources Defense Council, filed a similar brief Wednesday, saying the delay 'would have the effect of improperly suspending the rule without review by any court, without any explanation and without mandatory administrative process. The agency cannot be allowed to accomplish through abeyance something it cannot do on its own: an indefinite suspension of a
duly promulgated rule without judicial review, without a notice and comment rulemaking and without any reasoned explanation.'

The coalition of states includes attorneys general from California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Washington—along with the District of Columbia and other smaller localities."


Hundreds of similar events demanding the government respect and apply good science were held around the U.S. in support of the D.C. March for Science, April 22.

Climate Truth.org, March 4, 2017, reported, "Climate and EPA science are under attack. But, scientists, science advocates, and frontline communities will not sit idly by.

We're raising our voices and resisting! On February 19, ClimateTruth.org joined The Natural History Museum, scientists, and others to organize a #StandUpForScience rally in Boston. The rally was timed with the annual meeting of the American Association for the Advancement of Science (AAAS), one of the first major gatherings of scientists since Inauguration Day.

Thousands of scientists, advocates, and community members joined to say it loud and clear: We must stand up for science. The New York Times live-streamed the rally, and hundreds of news outlets across the world covered it!

Watch this short video to hear the inspiring voices from the #StandUpForScience rally, then share to keep growing the movement: http://act.climatetruth.org/sign/standupforscience_bostonrallyvideo/?t=1&akid=6308.53108.Fp5XUT."

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).

The current government of Myanmar, at the beginning of April 2017, was faced with a difficult decision about whether or not to cancel the $3.6 billion Myitsone Dam project, for which China has already dispersed $800 million. It is among the largest of many Chinese-financed energy and mining projects approved by the military government that ruled Myanmar until 2011. If completed, it would be first dam on the Irrawaddy River, the mythic cradle of civilization for Myanmar’s ethnic Burman majority. The project would force thousands of people to move and would cause serious environmental and economic damage as it disrupted river ecosystems and fish reproduction, an important source of food and livelihood.

China would likely be angry about the cancelation of the dam, with 90% of its electric power generation scheduled to be exported to it. This would likely have repercussions on economic and diplomatic relations, including making it more difficult for the government to conclude peace agreements with ethnic groups in the North of Myanmar. One possible
alternative is for the government of Myanmar to offer to have China build dams elsewhere in the country. But such projects would offer similar ecological, economic and hence political difficulties for the country and the government, while complicating relations with the ethnic groups in whose lands the projects would be developed (Mike Ives, "A Chinese-Backed Dam Project Leaves Myanmar in a Bind," The New York Times, March 31, 2017, https://www.nytimes.com/2017/03/31/world/asia/myanmar-china-myitsone-dam-project.html?ref=todayspaper).

Wild Earth Guardians, "Coexistence not Poisons on Public Lands," April 6, 2017, www.wildearthguardians.org, reported, "In the past few weeks alone, three tragedies involving use of indiscriminate poisons on our public lands should give pause to every American. A few weeks ago, a young boy was harmed and the family dog killed by a cyanide bomb placed on public land by the U.S. Department of Agriculture’s animal damage control agency. Five days earlier, two families recreating on public lands in Wyoming watched two of their family dogs die after the animals detonated cyanide devices. And two weeks before those incidents, a wolf was killed in Oregon by the same type of device.

These three recent incidents are exactly why extremely dangerous M-44 cyanide bombs, and other indiscriminate tools like traps and poisons that are deployed to kill wildlife, often targeting majestic native carnivores like wolves and coyotes, should not be placed on our public lands.

It would be a mistake to call these tragedies accidents. It’s not an accident if federal employees are knowingly placing deadly devices where children and companion animals play; that’s extreme and inexcusable negligence.

This should be, and I believe is, a bipartisan issue. While liberals and conservatives may disagree about wolves, can’t we all agree on public safety issues that affect our children and family companion animals? Is it going to take the death of a child before the public takes action to prevent the regular and reckless damage caused by these practices? Sadly, this very well could happen.

The essential questions are these: how precise are these “cyanide bombs” and how effective are they at accomplishing their stated goals? Consider this—more than 50,000 non-target animals have been killed in this or similar ways. If the USDA has failed 50,000 times regarding animals, how long before an unsuspecting child is the victim?

But we can make it stop.

WildEarth Guardians is intensifying our End the War on Wildlife campaign to mobilize more popular support to secure local, state and federal action to end the barbaric, indiscriminate killing. Just last week Congressman Peter DeFazio introduced a bill in Congress to ban predator poisons on our public lands.

And earlier this week we filed a lawsuit to force Wildlife Services to stop using cyanide bombs. Last week we filed a petition with the USDA seeking to prohibit their use in Idaho. I strongly believe that the American people firmly support an end to cruelty against our majestic wildlife, and I am absolutely convinced that every American is opposed to actions that threaten their children."

Climate Truth.org, March 4, 2017, reported, "Climate and EPA science are under attack. But, scientists, science advocates, and frontline communities will not sit idly by. We're raising our voices and resisting! On February 19, ClimateTruth.org joined The Natural History Museum, scientists, and others to organize a #StandUpForScience rally in Boston. The rally was timed with the annual meeting of the American Association for the Advancement of Science (AAAS), one of the first major gatherings of scientists since Inauguration Day. Thousands of scientists, advocates, and community members joined to say it loud and clear: We must stand up for science. The New York Times live-streamed the rally, and
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Greenpeace reported, May 15, 2917, https://engage.us.greenpeace.org/onlineactions/dKCpu8jt-EikyPe5OeWQ2g2?emci=dc1b52ce-3121-e711-80c3-000d3a104dcd&emdi=e038a1df-4a37-e711-80c3-000d3a104dcd&emdi=90f1ce54-5539-e711-80c2-000d3a104b08&fn=Stephen&ln=Sachs&em=ssachs%40earthlink.net&pc=87110&hp=3179245965&mp=&utm_source=ea&utm_medium=email&utm_campaign=170512_maye-renewal, "Greenpeace is under attack.

Resolute Forest Products, a multi-billion-dollar logging company, has targeted Greenpeace in a series of meritless lawsuits in order to silence us. Resolute’s aim is to overwhelm us in litigation, peeling away our focus and resources from environmental fights by tying us up in court.

These targeted lawsuits are not just about our work to protect the boreal forest, but are a well-funded and planned assault on Greenpeace—with every intention to shut us down."

"This is one of the greatest threats Greenpeace has faced since our founding more than 45 years ago, but it’s also bigger than just us. Resolute’s lawsuits would set a dangerous precedent and would undermine advocacy and speech throughout civil society. If it succeeds, the cases will set a terrifying precedent and encourage corporations around the world to silence civil society with money and lawyers.

Not only could it be the end of Greenpeace, but corporations across all industries and sectors could be emboldened to go after all kinds of advocacy organizations to silence their critics. If Resolute wins, you can expect corporate polluters to follow suit, for sure."

Carbon Fund (https://carbonfund.org/earth-day-ecotour-vacation-sweepstakes/) ran an "Earth Day 2017 Eco Tour Vacation Sweepstakes with one chance for each $1 tree-planting donation made to it, while running programs for individuals and businesses to reduce and offset carbon emissions.


The Menominee Indian Tribe of Wisconsin has lived in Wisconsin and parts of Michigan and Illinois for 10,000 years. They previously lived on over 10 million acres of land, but treaties dating back to the 1800’s have reduced this to 235,000 acres. In the 1950’s, Congress passed the Menominee Termination Act, which withheld federal recognition of the Tribe. Federal recognition was reinstated in 1973 when, after years of activism by the Menominee Nation, the Menominee Restoration Act was passed.

The Menominee Tribe includes five communities, Keshena, Neopit, Middle Village, Zoar, and South Branch. The Menominee Nation’s cultural and spiritual connection to the Menominee River goes back thousands of years, to their creation story. The Menominee have no migration story because their creation story begins at the headwaters of the Menominee River. The first Menominee was created when the Ancestral Bear came out of the Menominee River.
and became human. An Eagle joined the Bear, and so on until the five main clans (Bear, Eagle, Wolf, Moose, and Crane) were formed. Today, the Menominee’s reservation is only sixty minutes from their ancestral place of creation. Clearly, the Menominee River has vital cultural significance for the Menominee People as the birthplace of their people and Nation.

However, the mine does not only threaten the river. The banks of the river are home to miles of complex raised garden beds, ancient village sites, burial sites, and other sacred sites. There is a concentration of these sites at the Sixty Island area where the proposed mine would be located. The construction of the mine could destroy these raised beds, which are historically important to understanding the techniques used to grow corn and other agricultural plants at that latitude. It could also destroy nearby sites of worship and burial mounds. The river has sacred cultural significance, as well as ecological and environmental importance.

According to Starlyn Tourtillott, an assistant tribal attorney for the Menominee Tribe of Wisconsin, the Back Forty Mine Project would be, if materialized, an open pit sulfide mine that would extract zinc, copper, gold and silver. It is run by Aquila Resources Inc., a Canadian company, which has spent 10 years and more than $70 million trying to advance this harmful project. The mine would be located only 150 feet from the Menominee River. This is culturally and environmentally troubling. The Back Forty Mine Project needs four permits to begin its construction. It has already been granted three - the Nonferrous Metallic Mineral Mining Permit, the Michigan Air Use Permit to Install, and the National Pollutant Discharge Elimination System Permit. It still requires a Wetland Permit.

NoBack40 in an initiative by the Menominee Nation to oppose the Back Forty Mine Project. Its goal is to raise public awareness about the mine project and mobilize support among the public, political leaders, and environmental groups to oppose the mine.

The environmental concerns for the mining project are rooted in fears of water contamination - which is a concern of both the Menominee Tribe and a concern of citizens of Michigan and Wisconsin. While the proposed mine site is located in Michigan, the Menominee River is all that separates the two states, prompting counties like Marinette, WI to pass resolutions in opposition to the mine. The minerals will not only be extracted from the mine, but also processed there, a mere 150 feet from the river, which increases the risk of contamination and pollution. It is a sulfide mine and the risk of sulfuric acid reaching the river is high. Sulfuric acid is dangerous to wildlife, local vegetation, and humans if it seeps into the freshwater river, nearby lakes and streams, or groundwater. Since the Menominee River is a part of the larger Great Lakes ecosystem, the potential consequences of the mining project are far-reaching to communities and people who depend on it for fresh water. The Great Lakes are the largest surface freshwater system on Earth - only the polar ice caps contain more fresh water. The Great Lakes represent 21% of the world’s fresh surface water and 84% of North America’s fresh surface water. The Great Lakes and its tributaries, including the Menominee River, are relied upon for clean water, religious practices, fishing, economic development, agriculture, and tourism. Additionally, both the Escanaba State Forest Shakey Lakes Oak-Pine Barrens Ecological Reference Area and the proposed site of the Biodiversity Stewardship Area are near the proposed site of the mine and could face ecological consequences as well.

On February 24, 2017 the Menominee Nation filed a petition for a contested case hearing on the Mine Permit issued to Aquila in December 2016 by the Michigan Department of Environmental Quality. Gary Besaw, Menominee Tribal Chairman, said that 'The MDEQ and Aquila Resources Inc. are well aware of the Menominee Indian Tribe’s close cultural connection to this area and our serious concern in regards to our cultural resources….despite these valid and well documented concerns a full evaluation of the cultural resources and mounds threatened by this project never occurred.' The cultural significance of the burial bounds to the Menominee has been confirmed by the University of Michigan in conjunction with the Native American Graves Protection and Repatriation Act.
American Rivers, an advocacy organization for the protection and restoration of rivers in the United States, recently released an updated list of the most endangered rivers in America. Menominee River was number 10 because of the sulfide mine. American Rivers writes: 'Acid mine drainage could cause irreversible harm to the river’s clean water and fish and wildlife.' It also explains that "The Menominee River is simply not the place for a risky mine, and the Michigan Department of Environmental Quality must deny the Canadian mining company’s permit." The Menominee are not alone in their efforts to stop the Back Forty Mine Project. Seven other local Native American tribes, non-Indigenous communities living near the river, and the Superior Watershed Partnership have all expressed their dissent toward the project.

Front 40 is a 501(c)(3) non-profit in Michigan which has also been fighting the Back Forty Mining Project since 2003. “It is the principal objective of the Front 40 Environmental Group to ensure that metallic sulfide mining operations are not allowed to adversely impact our rivers, lakes, groundwater, and lands.’ They aim to do this by raising public awareness for the mining project and the economic and environmental reasons for opposing it.

The Mining Action Group, previously known as Save the Wild UP, is another grassroots organization that aims to protect clean water in the Upper Peninsula of Michigan. It has also spoken out about Aquila’s Back Forty Project, especially since Aquila started submitting its permit applications in 2015. They recognize both the environmental and the cultural concerns of the mine, stating that "The mouth of the Menominee River is the origin place of the Menominee people and forms the basis of Menominee origin stories, traditions, and tribal identity.” And as such, the mine “is poised to destroy cultural resources of the Menominee Indian Tribe of Wisconsin.;

To help the Menominee Nation in their fight against Aquila Resources Inc. and the Back Forty Mine Project, visit NoBack40’s website or Facebook page for more information."
crime schemes. Chut Wutty, Indigenous Kuy environmental defender fighting against illegal logging and land theft, was killed in Koh Kong province in 2012 at the age of 46. A founder of National Resource Protection Group (NRPG) and Prey Lang Community Network (PLCN), Wutty was one of the most dedicated forest protectors, envisioning a better future for his community, their home, the Prey Lang forest, one of Cambodia’s national treasures.

Wutty’s relatives say his activities drew the attention of timber corporations motivated to silence people like him. According to official eyewitness accounts, the military police and security guards working for Timbergreen Company came into conflict with Wutty by stopping his car, verbally abusing him and demanding he gives them the photo materials collected at the Timbergreen site. The Timbergreen Company had been developing the construction of Russey Chrum hydropower dam empowered by the government’s permit to cut down the Veal Bei forest grounds. Wutty died from gunshots released by the military officer. To this day, the investigation results on Wutty’s death are strikingly insufficient. Wutty’s son, Cheuy Oudom Reaksmey, is determined to find out who was the organizer behind his father’s killing. In seeking justice for his father, Reaksmey expresses hope that ‘there is no secret in this world’ and there is a chance to bring light to the case. Wutty is just one of many Kuy activists that have been violently targeted for their work. In 2016 Phorn Sopheak, a young Prey Lang Community Network activist, was viciously attacked by a stranger with an axe while routinely patrolling the Prey Lang forest. Sopheak’s leg was seriously injured, but one year later, police have still not taken action in investigating the case and finding the culprit. Sopheak expresses her concern about police’s inaction: “This worries me. If the authorities don’t act to investigate attacks like these, what will then happen in the future to my fellow PLCN members?”

Meanwhile, National Police of Cambodia made a bold move on 16 May, 2017, by putting forward the accusations against one of the most influential Cambodian businessmen, Kith Meng. Allegedly, Meng’s subsidiary company, Ang & Associates Lawyers, is suspected in covering timber laundering with official license to fulfill a dam project. The tycoon, notoriously known as ‘Mr Rough Stuff’, has built a wide network of connections allowing him to conceal illegal activities and operations.

It is uncertain whether any legal consequences will follow after the police’s statement. Meng appears to be strongly supported by Cambodia’s Prime Minister and other prominent figures in the country. Upon request by Southeast Asia Globe, Kith Meng refused to give any commentaries on the police report. Both the National Police and the Interior Ministry spokespeople also withheld their comments.

Despite the lack of reaction and immediate action from government structures and individuals involved in the issue, EIA’s findings on illegal timber looting operations between Cambodia and Vietnam could become a powerful information tool for environmental activists, policymakers, and consumer markets.

Meanwhile, Prey Lang Community Network’s activists continue to monitor and patrol their forest to protect against illegal logging. In what might be indicative of a reduction in illegal logging, they have observed a reduction in the number of illegal logging instances in recent months compared to the same time last year.

U.S. Activities

'As the indigenous people of this land, it is our sacred obligation to mother earth to respect and protect her,' said NCAI President Brian Cladoosby. 'Our communities are on the front lines of climate change and are facing relocation in some areas, and the loss of hunting and fishing ecosystems and traditional plants and medicines in others.'

Indigenous peoples in the United States and around the world depend on the health of their ecosystems and natural resources for social, economic, and cultural vitality. Climate change threatens to destroy indigenous ways of life that have been sustained for thousands of years.

Resolution MOH-17-053: “Continued Support for the Paris Climate Agreement and Action to Address Climate Change” was adopted unanimously today by NCAI Membership. MOH-17-053 commits to supporting and advocating for initiatives that will reduce greenhouse gas emissions, promote climate resiliency, and calls on all tribal Nations to uphold the Paris Agreement.

At the end of 2015, representatives from NCAI and many tribal nations participated in negotiations with the parties to the United Nations Framework on Convention on Climate Change in Paris. Reaching a universally binding agreement to address climate change, the agreement represented a global step forward.

'The Paris Climate Agreement is an important step toward a better future for our seven generations to come,' said NCAI President Brian Cladoosby. 'Indigenous knowledge is a proven tool in addressing climate change and our tribal leaders represented today are committed to sharing that knowledge as leaders in the global effort to address climate change.'

The Paris Climate Agreement resolution was joined by a suite of 36 resolutions passed by the NCAI Membership at the Mid Year Conference. All text of the resolutions will be available on the NCAI website starting next week at http://www.ncai.org/resources/resolutions-home."


'This case is not over but today’s decision demonstrates what tribal leaders have said from the beginning,' said NCAI President Brian Cladoosby. 'These projects must include tribes early in the process so the negative impacts to our lands, waters, and sacred places can be avoided. Environmental justice demands that the rights of tribes are respected.'

Today's justice for the Missouri River tribes has reinforced the policies, treaties, and statutes upholding the legal obligation the United States has to tribes in their government-to-government relationship. Many Tribes are facing projects with similar impacts. Tribal Nations have governmental responsibilities to protect their people and advance their welfare.

The United States is obligated to ensure that the benefits of infrastructure development are fully shared by Tribes and that the burdens of infrastructure projects do not fall disproportionately on Tribal communities, lands, or resources."

NCAI, "NCAI Condemns President Trump's Derogatory Use of 'Pocahontas' Name in Political Attack," May 3, 2017, http://www.ncai.org/news/articles/2017/05/03/ncai-condemns-president-trump-s-derogatory-use-of-pocahontas-name-in-political-attack, stated, "Today, the National Congress of American Indians (NCAI), the oldest, largest, and most representative American Indian and Alaska Native organization in the country, condemned President Donald Trump’s derogatory use of the name “Pocahontas” in attacking a political opponent during a speech to the National Rifle Association (NRA) last Thursday.

'In the next election, you are going to be swamped with candidates, but you’re not going to be wasting your time…It may be Pocahontas, remember that,' said President Trump during his NRA address, referring to Senator Elizabeth Warren. While campaigning for president in 2016,
candidate Trump also invoked the name of the well-known historical Native figure to belittle
Warren. In fact, the cultural misappropriation of Native American cultures and traditions
unfortunately was a common occurrence during the 2016 election season, with multiple attacks
by candidates and their surrogates during debates, rallies, and live broadcast appearances. As an
example, radio personality Howie Carr conducted a war whoop while on the podium at a
presidential rally.

"NCAI is a bi-partisan organization that works equitably with both sides of the political
aisle, and it is not our common practice to comment on the partisan name calling that has come
to dominate American politics,' said NCAI Executive Director Jacqueline Pata. "But we cannot
and will not stand silent when our Native ancestors, cultures, and histories are used in a
derogatory manner for political gain."

Pocahontas was a real person who to this day holds significant value to her family and
her tribe, the Pamunkey Indian Tribe in Virginia. The Pamunkey struck a treaty with the British
Crown in the 1600s, and just last year were officially recognized as a federally recognized tribe
by the U.S. government after a decades-long struggle. The name of Pocahontas should not be
used as a slur, and it is inappropriate for anyone to use her name in a disparaging manner.

"With the election long over, we hoped that President Trump would refrain from using
this name as a pejorative term and other such terms that insult Native peoples and degrade their
cultures in order to score political points," said NCAI President Brian Cladoosby. 'We hope that
this was but a momentary slip-up, and that it is not indicative of how this Administration intends
to treat and work with Indian Country moving forward'."

NCAI. "NCAI Protests Army Corps Decision to Issue Easement for Dakota Access
Pipeline, Urges Changes to Infrastructure Permitting Process," February 8, 2017,
http://www.ncai.org/news/articles/2017/02/08/ncai-protests-army-corps-decision-to-issue-
easement-for-dakota-access-pipeline-urges-changes-to-infrastructure-permitting-process, stated,
"The Army Corps of Engineers provided notice to Congress yesterday that it intends to issue the
easement for the Dakota Access Pipeline, and to terminate its study of alternative routes and
effects on tribal treaty rights. The decision is based on President Trump’s January 24 Presidential
Memorandum ordering the Army Corps to expedite the issuance of the easement.

'We stand with Standing Rock and all of the Missouri River Tribal Nations,' said NCAI
President Brian Cladoosby. 'I am particularly concerned about the impact on treaty rights. The
Army Corps has already made a determination that the pipeline crossing affects treaty rights, and
that more study and consultation with tribes is required. The Corps may not change this decision
without providing a rationale for why the DAPL easement no longer threatens treaty rights.
Treaties are the supreme law of the land. To suddenly change the decision and issue the
easement after already starting the legal process of preparing an Environmental Impact Statement
is arbitrary and capricious.'

Cladoosby also called on federal agencies to include tribes in the process for
infrastructure permitting. 'We need to fix the process going forward. This is going into another
round of litigation and nobody is getting what they want. Ignoring tribal rights creates huge
delays and cost overruns in any infrastructure project. Indian tribes are not opposed to
infrastructure, we need roads and bridges and schools and hospitals just like everyone else. But
tribes need to be respected as governments, and the process for siting infrastructure has to take
our rights and interests into account. We see great results when tribes are involved early in the
planning process, and we can make sure to protect tribal lands, treaty rights, and cultural
resources. Tribes are good business partners, but we have to be at the table.'

Next steps will include litigation to uphold tribal rights. NCAI urges all tribes and
the public to support Standing Rock, which you can do on the tribal website
at http://standingrock.org/.

“We are here to ask Senator John McCain to officially oppose the border wall and reverse waivers that allow the government to build without environmental impact studies, without regard to American Indian Religious Freedom Act and NAGPRA,” said Gabriella Cazares-Kelly at the start of the protest.

Cazares-Kelly (Tohono O’odham) went on to say she wants Senator McCain to share how he plans to work with the Tohono O’odham to ensure that the 75 miles of the U.S.-Mexico border that runs through the Tohono O’odham Nation is not further militarized."

The American Civil Liberties Union (ACLU) of Montana appointed an Indigenous Justice Outreach Coordinator to counter discrimination against American Indians in the state. part of his job is to travel the state to make sure that Native Americans are aware of their rights and how to protect them (Adrian Jawort, "ACLU Fights Native American Discrimination: Montana’s new indigenous justice outreach coordinator takes on state’s Native American Discrimination," February 25, 2017, https://indiancountrymedianetwork.com/news/native-news/aclu-fights-native-american-discrimination/).

"Indigenous Sisters Resistance Leads Women’s March in Seattle:Attendance was more than double what organizers expected," ICMN, January 29, 2017, https://indiancountrymedianetwork.com/news/native-news/indigenous-sisters-resistance-leads-womens-march-seattle/, reported, "The Seattle Women’s March was one of more than 600 sister events to the Women’s March on Washington that took place on Saturday, January 21, and the Indigenous Sisters Resistance led the procession of more than 100,000 protesters.

Hundreds of American Indian, Alaska Native, Native Hawaiian, and First Nations women led the 3.6-mile march from Judkins Park to the Space Needle. Organizers asked the marchers to protest in silence, but the indigenous women sang, drummed and danced the entire march route."


The Reno Police Department reported that more than 10,000 people marched in Reno. Two Native groups led the procession wearing traditional Great Basin attire and pow wow regalia, and an opening traditional prayer was provided by Paiute elder Janice Gardipe."

Indeed, American Indian women were amongst the leaders of the March in Washington, and in many sister marches around the U.S.

International Activities

The award is given to companies or organizations who dress up the destruction of tribal peoples’ forests as conservation.

The Wildlife Conservation Society (WCS), based at the Bronx Zoo in New York, has been named as runner-up, also for its activities in the Congo Basin. It has partnered with two logging companies, neither of which have obtained the consent of the tribal peoples in the areas in which they work.

WWF describes logging companies as 'forest operators.' According to WWF, its partnerships with these companies are intended to 'advance sustainable forest management.'

In reality, however, all of WWF’s partners have been accused of illegal logging and none have received the consent of the Baka and Bayaka “Pygmies.” A recent study found that approaches like WWF’s have failed to slow the break-up of the Congo Basin rainforest.

In a 2011 report, the environmental NGO Global Witness said that the partnerships 'allow some… member companies to reap the benefits of association with WWF and its iconic Panda brand while continuing unsustainable logging, conversion of forests to plantations, or trading in illegally sourced timber.' The partnerships also violate WWF’s own policy on indigenous peoples, which requires all projects to be undertaken with the full consent of tribal communities.

A Baka man said: 'It’s the Baka’s forest, which we’ve conserved for a long time. It’s the loggers who bring guns and their brothers who hunt all the animals.'

A Baka woman added that “we need to fight against this because our forest is being finished off completely.”

Survival’s Director Stephen Corry said: 'WWF’s supporters might be surprised to learn that it’s working so closely with the loggers who are destroying one of Earth’s great rainforests. Congo Basin tribes, the original guardians, are being pushed aside and their societies wrecked. Across Africa and Asia, the big conservation organizations partner with industry and tourism and destroy the environment’s best allies. It’s a con, and it’s harming conservation. Perhaps this 'award' might encourage people inside WWF and WCS to put pressure on their organizations for reform. It’s time to listen to tribal conservationists.'


'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."


In a letter to the Special Rapporteur charged with the issue, Survival stated that 'shoot on sight policies directly affect tribal people who live in or adjacent to ‘protected areas’… particularly when park guards so often fail to distinguish subsistence hunters from commercial poachers.'

The letter adds that 'nobody knows when wildlife officers are permitted to use lethal force against [suspected poachers], and it is impossible for dependents to hold to account officers whom they believe to have killed without good reason. Many countries have gone further, and granted wildlife officers immunity from prosecution.'

The letter cites Kaziranga National Park in India as an especially striking example
of the tactic. According to a recent BBC report, an estimated 106 people have been extrajudicially executed there in the last 20 years, including one disabled tribal man who had wandered over the park boundary to retrieve cattle.

Kaziranga guards have effective legal immunity from prosecution, and have admitted that they are instructed to shoot poaching suspects on sight. This has had serious consequences for tribal peoples living around the park. In June 2016, a seven-year-old tribal boy was shot and maimed for life by guards.

Similar policies are used in other parts of the world, notably Kenya, Tanzania and Botswana, among other African countries.

Speaking about his own anti-poaching work in Africa, poaching expert Rory Young from the organization Chengeta said: 'Shoot on sight is stupid. If we had been shooting on sight during this latest sting operation we would have shot a handful of poachers and that would have been the end of it. Every single poacher is an opportunity for information to get more poachers and work your way up the chain to the ringleaders.'

Survival has asked the Special Rapporteur to clarify that shoot on sight violates fundamental rights enshrined in the UN’s Civil and Political Rights Covenant and other international conventions. It also urges the UN to enquire about the policy with the Indian government, and the government of Assam state, where Kaziranga is located.

Shoot on sight is justified on the grounds that it helps to deter poachers. However, there have been several recent cases of guards and officials at Kaziranga being arrested for involvement in the illegal wildlife trade themselves.

Survival International is leading the fight against these abuses, and calling for a new conservation model that respects tribal peoples. Targeting tribal people diverts action away from tackling the true poachers – criminals conspiring with corrupt officials. Targeting tribal people harms conservation.

Survival’s Director Stephen Corry said: 'If any other industry was guilty of this level of human rights abuses, there would be an international outcry. Why the silence when conservationists are involved? Torture and extrajudicial killing is never justified – the law is clear on this. Some people think that the death of innocents is justified, that ‘collateral damage’ is necessary in the fight against poaching. We ask them, where is your humanity? Of course, there’s a racist element at play here: Shoot on sight policies would be unthinkable in North America or Europe.”'


Survival has written to 131 tour companies in 10 countries urging them to join the boycott. Two French operators – Hote Antic Travel and Evaneos – have already signed up.

Survival ambassadors actress Gillian Anderson, illustrator Sir Quentin Blake CBE and Oscar-winning actor Sir Mark Rylance have joined the boycott, as well as musician and photographer Julian Lennon, and actor Dominic West.

Sir Mark said: 'I am eager to join Survival’s boycott of Kaziranga National Park. Shooting people on sight is never justified, and too many innocent tribal people have already been shot.'

106 people have reportedly been killed in the park in the last 20 years. A seven-year-old tribal boy was shot there in July 2016 and maimed for life. In a separate incident, a severely disabled tribal man was killed while trying to retrieve a stray cow.

A recent BBC investigation uncovered torture by park guards, who are also instructed to shoot intruders on sight, regardless of evidence and without arrest, trial, or
any opportunity for questioning. One guard admitted that they were 'fully ordered to shoot' anyone who had wandered over the park's unmarked boundary.

One local man who had been beaten by the park’s officials told a Survival campaigner: 'The forest department tortured me, beat me, put electric shocks in my elbows, knees and private parts.'

A 2014 report by the park’s director discussed the issue in great detail. It revealed training mantras for guards include 'must obey or get killed' and 'kill the unwanted.'

The park is home to several endangered species, including the one-horned rhino and Bengal tiger. It receives over 170,000 tourist visitors a year, despite extrajudicial executions and serious human rights violations committed in the name of conservation.

The World Wildlife Fund (WWF) has provided training and equipment to park guards, including 'combat and ambush' training and what the BBC called 'night-vision googles.' The organization also advertises tours of the park on its site.

Some conservationists, including Save the Rhino, have been critical of the shoot on sight policy. However, big conservation organizations have ignored Survival’s demand that they condemn the practice, including WWF, the Wildlife Conservation Society, the Nature Conservancy and Conservation International, among others.

Shoot on sight has been criticized not only for its human rights implications but also for being ineffective conservation. Rory Young, anti-poaching expert and co-founder of anti-poaching NGO Wildlife said: 'Shoot on sight is stupid. If we had been shooting on sight during this latest sting operation we would have shot a handful of poachers and that would have been the end of it. Every single poacher is an opportunity for information to get more poachers and work your way up the chain to the ringleaders.'

Survival International is leading the fight against abuses committed in the name of conservation. Shoot on sight fails to tackle the real poachers – criminals conspiring with corrupt officials. Tribal people face arrest and beatings, torture and death in parks like Kaziranga, while many forest officials are accused of involvement in the illegal wildlife trade.

Survival’s Director Stephen Corry said: 'Kaziranga conservationists are pretending there’s no shoot on sight in the reserve. It’s simply not true. Park guards are ordered to shoot intruders on sight and children like 7-year-old Akash can be on the receiving end. Shoot on sight is the same as extrajudicial killing. It’s a gross human rights violation that would be publicly condemned if it were operated by any other industry. The big conservation organizations fail to condemn it and even support it'.

"Exclusive: OECD opens investigation into WWF in world first," Survival International, January 5, 2017, http://www.survivalinternational.org/news/11538, reported, "In an unprecedented move, a member of the Organization for Economic Co-operation and Development (OECD)* has agreed to investigate a complaint that the World Wide Fund for Nature (WWF) has funded human rights abuses in Cameroon, beginning a process which until now has only been used for multinational businesses.

Survival submitted the complaint in February 2016, citing numerous examples of violent abuse and harassment against Baka “Pygmies” in Cameroon by WWF-funded anti-poaching squads. Survival also alleges that WWF failed to seek communities’ free, prior and informed consent for conservation projects on their ancestral land.

This is the first time a non-profit organization has been scrutinized in this way. The acceptance of the complaint indicates that the OECD will hold WWF to the same human rights standards as profit-making corporations.

WWF funds anti-poaching squads in Cameroon and elsewhere in the Congo Basin. Baka and other rainforest tribes have reported systematic abuse at the hands of these squads, including arrest and beatings, torture and even death, for well over 20 years.
Survival first urged WWF to change its approach in the region in 1991, but since then the situation has worsened.

Baka have repeatedly testified to Survival about the activities of these anti-poaching squads in the region. One Baka man told Survival in 2016: “[The anti-poaching squad] beat the children as well as an elderly woman with machetes. My daughter is still unwell. They made her crouch down and they beat her everywhere – on her back, on her bottom everywhere, with a machete.”

In two open letters Baka made impassioned pleas to conservationists to be allowed to stay on their land. “Conservation projects need to have mercy on how we can use the forest … because our lives depend on it.”

WWF has rejected Survival’s claims. It accepts that abuse has taken place but, in a statement in 2015, a spokesman stated that such incidents ‘appear to have tailed off’ despite repeated testimonies from Baka themselves. In its response to the OECD, the organization cited political instability in the region and difficulties in the process of creating ‘protected areas’ for wildlife conservation as the main reasons human rights abuses had taken place. It did not deny its involvement in funding, training and equipping guards.

Survival’s Director Stephen Corry said: ‘The OECD admitting our complaint is a giant step for vulnerable peoples. They can already use OECD Guidelines to try and stop corporations riding roughshod over them, but this is first time ever it’s agreed that the rules also apply to industrial-scale NGOs like WWF. WWF’s work has led to decades of pain for tribal peoples in the Congo Basin. It’s done nothing effective to address the concerns of the thousands of tribal people dispossessed and mistreated through its projects. That has to change. If WWF can’t ensure those schemes meet UN and OECD standards, it simply shouldn’t be funding them. Whatever good works it might be doing elsewhere, nothing excuses its financing of human rights abuses. The big conservation organizations must stop colluding in the theft of tribal land. Tribal peoples are the best conservationists and guardians of the natural world. They should be at the forefront of the environmental movement.’”


Survival will hold a special evening on April 27 for supporters at the Curran from 6.30 pm PST. This will include a private drinks reception and a discussion with Simon McBurney and Survival USA coordinator Tesia Bobrycki after the show, about tribal peoples’ rights. Simon McBurney is an acclaimed actor, writer, and director, and founder of the multi-award winning Complicite theater company. He became a Survival International ambassador in 2017.

Simon is a long-standing Survival supporter with an interest in indigenous rights and environmental causes. He devised 'The Encounter,' based on a book by Petru Popescu, after spending time in the Amazon with indigenous peoples. This experience developed his interest in Survival’s work.

'The Encounter' addresses many of the issues affecting the Matsés people from the Amazon Uncontacted Frontier, many of whom were forcibly contacted by missionaries in 1969. Some members of the tribe are still uncontacted.

The play traces a journey into the depths of the Amazon rainforest, using 3D audio technology to build an intimate and shifting world of sound.

Details can be found on the Curran theater website: https://sfcurran.com.
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.

Survival International is leading the global fight for uncontacted tribes’ right to determine their own futures.

Survival Director Stephen Corry said: 'The Encounter is a bravura piece of story-telling which plunges you deep into the Amazon. It’s an experience that brings the Amazon and its people – usually so remote from us – vividly to life, and we’re delighted to join up with the Curran Theater and Simon McBurney to bring our urgent message to a new audience.’”


According to Prensa Comunitaria, on January 17, 2017, Sebastián Alonzo Juan (age 72) was killed during manifestations in Yich K’isis, San Mateo Ixtatán, Huehuetenango. 'While the population manifested peacefully, according to the population and witnesses, the National Civil Police and private guard of the company began to shoot ... There were also soldiers present in this place. Since morning hours, people had been manifesting in several areas in northern Huehuetenango and there was a concentration of the population who went to the location of the facilities of the company, PDH. Among the demonstration were people who were in favor of the company according to witnesses. When the mobilization had ended and people were returning home, unidentified people burned objects that ended with machinery on fire. In the demonstration were minors, women and seniors. Mr. Sebastian Alonzo Juan was lying 10 meters from the Rio Negro, one of the rivers to be used for the hydroelectric project, located 100 meters from the construction where the dam is going to be built. In the midst of these shots were correspondents of Radio Sembrador, Telesur and Prensa Comunitaria.'

PDH has had a violent history in the community of San Mateo and has ignored the results of the community’s self-organized 2009 consultation in which they rejected any future transnational development projects on their land. The company has ties to the same Spanish development company behind the long disputed Hidro Santa Cruz hydroelectric project in neighboring Santa Cruz Barillas, Huehuetenango, which recently cancelled their contract as a result of losing financing from development banks.

We join the PAYXAIL YAJAWKONOB' CHUJ, AKATEKO, Q'ANJOB'AL, POPTI', International Maya League, and El Consejo de la Nación Maya Mam in demanding:

The State of Guatemala and Promociones de Desarrollo Hídrico S.A. immediately stop all violence against Indigenous peoples who are protecting their water, lands, environment and resources.

An immediate and thorough investigation of the murder of Sebastian Alonzo Juan is conducted.

Guatemala comply with their commitment to the ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples.

That the international community speak out against this tragedy and the injustices that are inflicted on the Maya and other Indigenous Peoples affected by development projects."
COPINH, “Berta lives on, COPINH is strong” - COPINH Calls for Month of Actions,
Cultural Survival, February 16, 2017, https://www.culturalsurvival.org/news/berta-lives-copinh-strong-copinh-calls-month-actions, stated, "On March 2nd, 2016 they assassinated our sister Berta Cáceres. They thought they would get rid not just of her as a leader recognized throughout Latin America and around the world, but also would end a struggle, a political project, that they would destroy the organization of which she was both founder and daughter, COPINH (the Civil Council of Popular and Indigenous Organizations of Honduras).

One year since she spread her wings, since the crime that tried to steal her clarity and leadership from us, the peoples of the world who recognize her legacy are here, walking in her footsteps, confronting the patriarchal, capitalist, colonial and racist system that is imposed upon our peoples. We have been and will continue confronting the deadly projects of transnational corporations and imperialism in every corner of the planet.

In March we won’t just painfully remember that horrendous crime, above all we will celebrate life: the life of Berta, who was born on March 4th and the life of COPINH, which was founded 24 years ago on March 27th.

For all of these reasons, we invite you to use every day of March to multiply:
• Actions of protest, resistance and struggle against the deadly policies of transnational corporations...
• Actions to defend the bodies and lives of women in the face of the patriarchal and colonial system...
• Actions against the criminalization of grassroots movements, against militarization and commodification of the lands and all dimensions of life...
• Actions to denounce the Honduran State in front of its embassies in every country of the world...
• Actions of solidarity with COPINH and with the organizations of the grassroots Honduran social movement...
• Actions to spread the thinking and example of Berta’s life...
• Moments of reflection and spirituality...

We call for these types of actions to be developed and spread through every corner of Abya Yala and the world. As movements, organizations and people, let’s accompany COPINH, embody it, multiply its march.

In all of these potential proposed actions, and all others that your creativity gives rise to, let the world shake with the cry of: 'Berta lives on, COPINH is strong!' In the face of militarization and criminalization, more struggle and organization! With the ancestral strength of Berta, Lempira, Icelaca, Mota and Etampica, we raise our voices full of life, justice, liberty, dignity and peace."


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.

**About Cultural Survival**

Cultural Survival’s goal is to support Indigenous Peoples self-determination and the advocacy of their Indigenous rights – the right to their lands and territories, the right to practice their cultures and speak their languages, and the right to control and sustainably manage their natural resources – so that they self-determine their own futures. Over 43 years of experience as a registered 501(c)(3) working with Indigenous communities has established Cultural Survival as a pre-eminent nonprofit organization experienced in global advocacy for Indigenous Peoples’ rights and with the expertise, partnerships, networks and communications to reach a global audience.

Our work on the front lines of advocacy with international Indigenous communities is predicated on the United Nations Declaration on the Rights of Indigenous Peoples and our programming works to inform Indigenous communities of their rights, issues and threats affecting their communities. Our programs come from an understanding that the principles of community ownership, self-determination, informed citizenry, access to information and the freedom to organize and shape the future in a way consistent with one’s tradition, language, culture and community are the foundations of vibrant and durable communities.

For more information, please visit www.cs.org or email at culturalsurvival@cs.org"


The Guna people of Guna Yala, Panama are joining the celebration of World Radio Day by commemorating the 92nd anniversary of the Guna Revolution and claiming their rights to freedom of expression and to community media. Article 16 of the UN Declaration on the Rights of Indigenous Peoples guarantees that Indigenous Peoples have the right to establish their own media in their own languages, and should have access to all forms of non-Indigenous media without discrimination.

In Panama, in theory, it is possible for non-profit organizations, including Indigenous organizations, to obtain radio broadcast licenses. However, the reality has proven to be extremely cumbersome and slow-moving. In partnership with Cultural Survival and AMARC (The World Association of Community Broadcasters), several Panamanian Indigenous organizations have recently applied for non-profit radio licenses with the Panamanian government. In November 2016, multiple community members travelled to Panama City during a three-day period when applications were being considered, only to find out at the last minute that they were rejected due to a bureaucratic technicality and would not be allowed to reapply for two years.
The experimental radio station, 'The Voice of the Guna People,' is risking sanctions by the Panamanian government by defiantly going on air on World Radio Day. February also marks the 92nd anniversary of the Guna revolution against the Panamanian state. The plan is to broadcast programs via an experimental community radio station to their region over a three-day period. The radio station has initiated a process of legalizing their operations, but are still waiting for a favorable response.

Cultural Survival staff spoke by phone with Anelio Merry, the head of the Guna General Congress’ Department of Communication, who explained the action. “In the month of February, the Guna people from Guna Yala commemorate one of the most important achievements to us in recent years: the revolution of the Guna people against the then existing oppression by colonial police, by the Panamanian State of that era, that wanted to get rid of Indigenous Peoples’ cultures, among them the people of Guna Yala.

'Every year, the Guna people commemorate the revolution with different activities. The Guna General Congress, through the Ministry of Information and Communication, have decided to also broadcast for three days of what we are calling ‘Experimental Radio: the Voice of the Guna People.’ It is the first initiative emerging in Guna Yala, to broadcast our information to our community via radio. Part of the commemoration is, of course, acknowledging the World Radio Day.

'We are taking on all the responsibility. Our experimental radio does not yet have the required authorization from the Panamanian government. However, we are claiming our right to freedom of expression and to access these frequencies and to use our transmission equipment to broadcast to our communities.

'We do not know what the national authorities’ reaction will be. We are going to broadcast in our territory which is legally constituted. Furthermore, our reach will be limited to the Guna Yala territory.'

The Second Sagla, the local authority of the Nalunega community in the Guna Yala region says, 'We consider communication among our communities of utmost importance.' “We should not have to go begging for frequencies because it is our right. It is a human right and we call on our governors and tell them that the democratization of communication is a basic right. We have the right to access these tools for our development.

'We are asking our peoples to stay united in order to have this right reach our communities. On World Radio Day, we, the people of Guna Yala, send greetings to all our brothers and sisters that work in radio,' says Merry.

Cultural Survival Deputy Executive Director, Mark Camp says, 'We stand with the people of Guna Yala and the Guna General Congress in their decision to exercise their right to establish their own media. Cultural Survival believes that community owned and run radio stations and other forms of media are critical to Indigenous communities’ self-determination.'


The Shuar have been organizing to defend their ancestral lands from the development of a Chinese copper mine. Under the San Carlos Panantza copper project, the Ecuadorian government conceded 41 thousand hectares of land to the Chinese mining company ECSA for a period of 25 years. The project, currently in the exploration phase, is estimated to deliver around $1200 million USD in annual profits.

To make way for the mine, the Shuar community of Nankints was evicted in August 2016 without their Free, Prior and Informed Consent, in violation of Convention 169 of the
International Labor Organization, the Ecuadorian constitution, and the UN Declaration on the Rights of Indigenous Peoples.

Since the evictions, violent clashes have broken out between individuals seeking to regain control of their homes and ancestral lands and military and police who are stationed to guard the property and employees of the mine. Now, the government has declared a “state of exception” in the province of Morona Santiago, and militarized the community of Nankints with hundreds of military personnel, tanks, and trucks, and helicopters. The state of exception strips Indigenous residents of the rights to freedom of movement, freedom of association, freedom of assembly and inviolability of the home, among others.

Cultural Survival joins COICA (Coordinadora de la Organizaciones Indígenas de la Cuenca Amazónica) in making the following demands:

We urge for intervention by neutral third parties in order to find a dialogue that does not deepen and aggravate the existing conflict.

We call for an immediate demilitarization of the community of Nankints, insuring the continued respect for human rights and collective rights of the Indigenous Shuar people, guaranteed by the Ecuadorian constitution in article 57. 20.

We demand the immediate release of Shuar leader and human rights and environmental defender Agustin Wachapa, and for him to be treated in accordance with the UN Declaration on Human Rights Defendants.

We condemn the Ministry of the Environment in Ecuador for their December 20th call to close the grassroots environmental organization Accion Ecologica.

Take Action: Defend Environmental Defenders! Stand with Acción Ecológica and the Shuar!

"Organizations denounce Peru government’s failure to protect uncontacted tribes," Survival International, March 9, 2017, http://www.survivalinternational.org/news/11608, reported, "In an open letter to the Peruvian authorities, Survival International, Rainforest Foundation Norway and Peruvian indigenous organization ORPIO have denounced the Peruvian government’s failure to protect uncontacted tribes. The organizations are calling for the government to create an indigenous reserve, known as Yavari-Tapiche, for uncontacted tribes along the Peru-Brazil border, and to put a stop to outsiders entering the territory.

In the letter the three organizations state: 'Uncontacted tribes are the most vulnerable peoples on the planet. They have made the decision to be isolated and this must be respected...

'The Yavari Tapiche region is home to uncontacted peoples. Despite knowing of their existence and enormous vulnerability, the government has failed to guarantee their protection...

'These tribal peoples face catastrophe unless their land is protected. Only by creating the proposed Yavari Tapiche indigenous reserve and implementing effective protection mechanisms that prevent the entry of outsiders, will the indigenous people be given the chance to determine their own futures...

'We are also concerned about the government’s refusal to exclude oil exploration within the proposed reserve.... No exploration or exploitation of oil should ever be carried out on territories inhabited by uncontacted Indians...

'We believe that the oil company Pacific Stratus is poised to begin operations this year in areas where there are uncontacted tribes...

'By failing to both create the reserve and to rule out oil exploration, Peru is violating both domestic and international law...

'If the government does not act urgently to protect the uncontacted peoples of Yavari Tapiche, we fear that they will not survive. Another tribe will disappear from the face of the earth, before the eyes of the world.'

Survival’s Director Stephen Corry said: ‘We’ve repeatedly called for the Yavari-Tapiche indigenous reserve to be created and for oil exploration to be ruled out, but the
government has dragged its feet. The lives of uncontacted Indians are on the line but once again, economic interests take priority.'

Background Briefing
- The Yavarí Tapiche region is part of the Amazon Uncontacted Frontier. This area straddles the borders of Peru and Brazil and is home to more uncontacted tribes than anywhere else in the world.
- Pacific Stratus, part of Canadian oil company Pacific E&P, began its first phase of oil exploration in 2012, despite protests from indigenous organizations and Survival International. It is believed that the company will begin its second phase soon.
- Oil exploration is devastating for uncontacted tribes. Over 50% of the Nahua tribe died as a result of exploration in the 80s.
- The indigenous organization ORPIO is suing the government over the threat of oil exploration.
- National indigenous organization AIDESEP has been calling for the creation of the reserve for over 14 years."


AIDESEP, Peru’s national indigenous organization, is taking Peru’s Ministry of Culture to court for failing to meet its legal obligation to map out and create five new indigenous reserves and to protect the highly vulnerable uncontacted peoples that live inside.

In 2007, Peru awarded Canadian oil company Pacific E&P the right to explore in Yavari Tapiche, a proposed indigenous reserve in the Amazon Uncontacted Frontier. AIDESEP has been calling for the creation of the reserve for 14 years, and Survival International has been leading the global campaign for uncontacted peoples’ right to determine their own futures.

Campaigners fear that uncontacted Indians in the area could be wiped out by violence from outsiders and diseases to which they have no resistance. Oil workers run the risk of coming into contact with uncontacted people, and the exploration process involves thousands of underground detonations which scare away the Indians’ game.

The Matsés tribe, who live near the proposed reserve, have been protesting against the government’s failure to bar oil exploration. At a recent tribal meeting, one man said: 'I don’t want my children to be destroyed by oil… That’s why we’re defending ourselves… and why we Matsés have come together. The oil companies… are insulting us and we won’t stay silent as they exploit us on our homeland. If it’s necessary, we’ll die in the war against oil.'

Another indigenous organization, ORPIO, is bringing another lawsuit over the threat of oil exploration.

Survival’s Director Stephen Corry said: 'Uncontacted tribes are the most vulnerable peoples on the planet, but Peru’s authorities seem to consider oil company profits more important than peoples’ land, lives and human rights. This failure to create indigenous reserves is not just an environmental catastrophe, it could also lead to entire peoples being wiped out forever.’"

Background briefing
- AIDESEP is Peru’s national organization for Amazon Indians. It lobbies for indigenous Peruvians’ human rights.
- AIDESEP filed the Legal Compliance Action with Lima’s Superior Court of Justice, with the support of legal organization IDL.
- The Peruvian Ministry of Culture is responsible for mapping out and protecting tribal territories. Uncontacted tribes are supposed to have their land protected under Peruvian law but, in reality, protection is often inadequate or non-existent.
- Peru has also ratified ILO 169, the international law for tribal peoples, which requires it to respect tribal peoples’ human and land rights.
- Uncontacted tribes in the Amazon Uncontacted Frontier that could be wiped out without robust land protection include uncontacted members of the Matsés tribe.
- Many of the Matsés were forcibly contacted by American missionaries in 1969, following violent clashes with settlers in the area. Contact brought violence and disease and killed many members of the tribe.
- The 5 proposed Reserves are Yavari Tapiche, Yavari Mirim, Sierra del Divisor Occidental, Napo Tigre and Cacataibo.

We know very little about uncontacted tribes. But we do know there are more than a hundred around the world. And we know 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.

Uncontacted tribes are not backward and primitive relics of a remote past. They are our contemporaries and a vitally important part of humankind’s diversity. Where their rights are respected, they continue to thrive.

Their knowledge is irreplaceable and has been developed over thousands of years. They are the best guardians of their environment, and evidence proves that tribal territories are the best barrier to deforestation."


Survival supporters and members of the public demonstrated at the Brazilian embassy in London, demanding land rights for the Guarani and other tribes across the country. They were joined by Guarani activist Ladio Veron.

Protest actions also took place in Brazil, the United States, Spain, Italy and Germany.

Ranchers and agribusiness have forced the Guarani off their ancestral land in central Brazil into lives of poverty. Many are forced to live on roadsides, drinking polluted water and living in makeshift camps. Their plight has been described by the UN as a humanitarian crisis. The tribe also suffers the highest suicide rate in the world.

Ladio Veron is currently touring Europe to raise awareness of his people’s plight. He said of the Guarani’s campaign to return to their ancestral land: 'We will resist at any price. All we have left to lose is our lives.'

The Guarani face harassment by gunmen hired by ranchers and other powerful vested interests on an almost daily basis. When they try to reoccupy the land which is rightfully theirs under Brazilian and international law, they frequently suffer violent reprisals.

Tribes nationwide are forcefully opposing a wave of anti-indigenous proposals currently being debated by politicians. If passed into law, they could give anti-Indian landowners the chance to block the recognition of new indigenous territories, and break up and steal existing ones. This would be disastrous for Brazilian tribes, and could lead to uncontacted tribes being wiped out.

Survival International is leading the global fight for tribal peoples’ land rights. The theft of tribal land destroys self-sufficient peoples and their diverse ways of life. It causes disease, destitution and suicide. The evidence is indisputable.

Survival’s Director Stephen Corry said: 'The assault on Brazilian Indians is back with a vengeance. Tribal people are dying as Brazilian politicians deliberately allow ranchers and soya barons to steal and destroy Indian territory. The key to tribal peoples’ survival
and prosperity is to ensure their land remains under their control. We are doing everything we can to secure it for them.'"


17 indigenous leaders, including Kayapó leader Raoni Metuktire, paraded with the Imperatriz Leopoldinense samba school in its ensemble which focused on the destruction of tribal territories in the Amazon rainforest.

The lyrics of the school’s songs expose the destruction Indians have faced since the colonization of Brazil, and criticize the ongoing theft of tribes’ land for the Belo Monte mega-dam and other projects.

The music has provoked outrage and anger among anti-indigenous politicians, and has led to racist comments by a TV presenter who said that Indians will 'have to die of malaria.'

Indigenous leader Sonia Guajajara said at Carnival: 'Thanks to the samba school for giving us another tool in our struggle, as we face powerful economic and political interests. Carnival can strengthen our fight.'

Attacks on indigenous peoples in Brazil are intensifying: Violence against their communities has increased, and Congress is debating several proposals which would drastically weaken indigenous peoples’ control of their lands. Tribal people and their allies, including Survival supporters around the world, are fighting the proposals.

Babau Tupinambá, an indigenous leader, said: 'Indigenous peoples will not stop fighting for our rights. We will not stop fighting to exist.'

Around the world, industrialized societies subject tribal peoples to genocidal violence, slavery and racism so they can steal their lands, resources and labor in the name of 'progress' and 'civilization.' The theft of tribal land destroys self-sufficient peoples and their diverse ways of life. It causes disease, destitution and suicide. The evidence is indisputable."
and Lloyd C. Blankfein of Goldman Sachs said the decision would ultimately harm the
economy by ceding the jobs of the future in clean energy and technology to overseas
competitors.

Mr. Musk, who had agreed to be a member of a two business-related councils that
Mr. Trump set up this year, wrote on Twitter that he would leave those panels."

Hiroko Tabuchi, and Henry Fountain, "Bucking Trump, These Cities, States and
Companies Commit to Paris Accord The New York Times, June 1, 2017,
https://www.nytimes.com/2017/06/01/climate/american-cities-climate-
standards.html?mabReward=CTM2&recp=2&module=WelcomeBackModal&contentCollection
=Business%20Day&region=FixedCenter&action=click&src=recg&pgtype=article, reported,
"Representatives of American cities, states and companies are preparing to submit a plan
to the United Nations pledging to meet the United States’ greenhouse gas emissions targets
under the Paris climate accord, despite President Trump’s decision to withdraw from the
agreement.

The unnamed group — which, so far, includes 30 mayors, three governors, more
than 80 university presidents and more than 100 businesses — is negotiating with the
United Nations to have its submission accepted alongside contributions to the Paris climate
deal by other nations.

'We're going to do everything America would have done if it had stayed committed,'
Michael Bloomberg, the former New York City mayor who is coordinating the effort, said in an
interview."

Under the rules President Trump said he would follow, the earliest any nation can
leave the Paris Climate Change Accord is November 4, 2020, almost at the end of
Trump's term. But he can do a great deal in the meantime to undercut U.S. participation in
the agreement (Brad Plumer, "U.S. Won't Actually Be Leaving the OParis Climate Deal Any

Canada's Climate Strategy is to go around the White House, and work directly with
U.S. states and municipalities (Ian Austen. "Canada's Climate Strategy: Work Directly with

India has switched energy policy, away from coal - cancelling some coal plant
construction - and rapidly electrifying rural areas with wind and solar panels (Greeta
Anand, "Until Recently a Coal Goliath, India Is Rapidly Turning Green," The New York Times,
June 3, 2017).

Justin Jillis, "Earth Sets a Temperature Record for the Third Straight Year," The New
temperature-record.html?ref=todayspaper&_r=0, reported, "Marking another milestone for a
changing planet, scientists reported on Wednesday that the Earth reached its highest
temperature on record in 2016, trouncing a record set only a year earlier, which beat one
set in 2014. It is the first time in the modern era of global warming data that temperatures
have blown past the previous record three years in a row."

The rate of increase from year to year has been rapid as well, alarming scientists who had
not expected such a rapid acceleration in increase of the Earth's temperature. One possibility for
the surprise to most scientist in the rapidity of the increase may be an underestimation in the
various positive feedbacks that have been occurring, including the rate of the ever increasing
release of extremely global warming methane as once frozen areas melt.

DarkSyde, "West Antarctica is cracking up, Daily Kos, January 19, 2017,
http://www.dailykos.com/stories/2017/1/19/1621165/-West-Antarctica-is-cracking-up, reported, "Temperature trends in West Antarctica (left) have greatly exceeded the global average. East Antarctica will soon join suit if present trends continue unabated.

A berg the size of Scotland is poised to break off the Larsen ice shelf in West Antarctica at any time. And in an ironic twist, a similar and no doubt climate related lead nearby may soon shut down the British Antarctic Survey team that monitors climate at the cutting edge Halley research station:

The highly unusual move is necessary because the Brunt Ice Shelf on which the research station sits has developed a big new crack. BAS officials say neither staff nor the base are in any immediate danger but believe it would be prudent to withdraw while the situation is assessed.

The plan would be to go back once the Antarctic winter is over, in November."

Oliver Milman, "A Third of the World Now Faces Deadly Heatwaves as Result of Climate Change: Study shows risks have climbed steadily since 1980, and the number of people in danger will grow to 48% by 2100 even if emissions are drastically reduced," Guardian UK, June 17, 2017, https://www.theguardian.com/environment/2017/jun/19/a-third-of-the-world-now-faces-deadly-heatwaves-as-result-of-climate-change, reports, "Nearly a third of the world’s population is now exposed to climatic conditions that produce deadly heatwaves, as the accumulation of greenhouse gases in the atmosphere makes it “almost inevitable” that vast areas of the planet will face rising fatalities from high temperatures, new research has found.

Climate change has escalated the heatwave risk across the globe, the study states, with nearly half of the world’s population set to suffer periods of deadly heat by the end of the century even if greenhouse gases are radically cut."

Scientists announced, in late May 2017, finding that ice in Antarctica melting much faster than anticipated. With 60 percent of the Earth’s fresh water frozen there, rapid melting poses major threats of horrendous flooding as oceans rise. Several ice sheets appear to be moving toward becoming unstable. There is considerable uncertainty at this point what the prognosis is for future melting. A preliminary worst scenario study suggests that the oceans could rise by six feet or more by the end of the century. Such a great and relatively rapid rise in the oceans would be terribly catastrophic. A great many of the worlds coastal areas, including their cities, and a great many islands would be underwater, or flooded so frequently that they would be uninhabitable. Aside from the deaths that could well occur, the flooding would cause huge migrations of people inland, as well as huge losses of productive land in manufacturing, energy production and agriculture bringing huge social, economic and political disruption, and likely a great deal of violence ("Antarctic Dispatches, Part I " The New York Times. May 18, 2017, https://www.nytimes.com/interactive/2017/05/18/climate/antarctica-ice-melt-climate-change.html).


The extent of ice cover — a record low for the third straight year — is another indicator of the effects of global warming on the Arctic, a region that is among the hardest hit by climate change, scientists said."
Large craters embedded with extremely atmospheric warming methane have been found within subglacial methane leaking sediments in the Bearing Sea, off Norway. It is hypnotized that thinning ice sheets at the end of recent glacial cycles lowered the pressure on pockets of hydrates in the sea floor, leading to explosive blowouts releasing large quantities of methane ("Methane takes the quick way out," *Science*, June 2, 2017).

The western Alaska Native Village of Newtok was seeking disaster designation, in February 2017, for help with relocation as six of its homes were expected to be lost to rising ocean by 2018 ("Eroding village seeks disaster designation for relocation as homes are lost to rising seas," *NFIC*, February 2017).

A study of data over a 50 year period has found that even a 1 degree rise in temperature raised the likelihood of mass heat related deaths in India by two and a half times. Even a small rise in the Earth's temperature has major health consequences (Mike Ives, "Study Finds Dire Effects from a Tad More Heat," *The New York Times*, June 9m, 2017).

Scientists found that a series of heat waves in South Eastern Australia, that reached 113 degrees Fahrenheit, during February and March 2017 were caused by global warming induced climate change (Henry Fountain, "Australia Heat Tied to Global Climate Shift," *The New York Times*, March 3, 2017).

"Environmental and Climate Related Migration," *Population Connection*, June 2017, reports that from 2008 to 2015 172.3 million people were forced to migrate because of global warming induced climate change, constituting 75% of all refugees or displaced persons. That averages out to 21.5 million climate change refugees created each year. In 2015, the last year for which there are figures, there were 14.7 million climate change related displacements of people. Of these, 8.3 million were displaced by floods, 6.3 million by storms, 87,000 by wildfires, 54,000 by wet mass movements (avalanches, landslides, sudden subsidences); and 2,000 by extreme temperatures.


"Isidro Baldenego López, an indigenous activist whose struggle to protect the pine-oak forests of Mexico's Sierra Madre range won him the prestigious Goldman Environmental Prize, has been killed by a gunman, the authorities said on Wednesday.

A leader of the Tarahumara people who live among the jagged peaks of the western Sierra Madre, Mr. Baldenegro defended the area’s old-growth forests against powerful local strongmen allied with drug traffickers and loggers.

The killing was the second of a Goldman prizewinner in less than a year. Last March, gunmen attacked and killed Berta Cáceres, who led her Lenca people of Honduras against a proposed dam."

Jugal K. Patel, "A Crack in an Antarctic Ice Shelf Grew 17 Miles in the Last Two Months," *The New York Times*, February 7, 2017, https://www.nytimes.com/interactive/2017/02/07/science/earth/antarctic-crack.html?ref=todayspaper, reported, "A rapidly advancing crack in Antarctica’s fourth-largest ice shelf has scientists concerned that it is getting close to a full break. The rift has accelerated this year in an area already vulnerable to warming temperatures. Since December, the crack has grown by the length of about five football fields each day."

The dispute opens an additional battle in the struggle over how to fashion a global response to climate change, one that corporate interests appear to be winning, for now.

Though companies are not permitted to participate directly in the climate talks, representatives from almost 300 industry groups are free to roam the negotiations in Bonn, Germany, as “stakeholders,” and to lobby negotiators on behalf of corporations that may seek to slow action, the developing nations and their allies say.

Negotiators from Uganda, Ecuador, the Philippines and other countries have proposed guidelines on lobbying and conflicts of interest that could help curb the corporate presence at the talks. They cite rules that reduced the role of cigarette companies in the global treaty on tobacco as a precedent."

Barack Obama, "The irreversible momentum of clean energy: Private-sector efforts help drive decoupling of emissions and economic growth," *Science*, January 18, 2017, reported, that the United States is demonstrating that mitigation of the production of greenhouse gasses (GHGs) does not have to conflict with economic growth. There is clear evidence that it can increase efficiency, productivity, innovation and well paying employment. From 2008 to 2015, the U.S. experienced a drop in energy sector GHC emissions of 9.5%, while the economy grew by over 10%, and the amount of energy consumed per dollar of real gross domestic product declined by 11%. During this period, the quantity of CO2 per unit of energy consumed fell by 8%, with the amount of CO2 emitted per dollar of GNP declined by 18%.

From 2008 to 2015, private sector energy efficiency has increased, partly from government regulation, but also because it saves money. Meanwhile, renewable energy costs have declined by 41% for wind, 54% for rooftop photovoltaic, and 64% for utility scale photovoltaic. This has resulted in increasing of investment in renewable energy world wide.

Slashdot, January 28, 2017, https://news.slashdot.org/story/17/01/28/0542239/solar-energy-now-employs-more-americans-than-oil-coal-and-gas-combined, reported. "Solar energy now accounts for 43% of the workers in the U.S. power-generating industry, surpassing the 22% from all workers in the coal, oil, and gas industries combined, according to new figures from the Department of Energy."

"Solar industry created jobs at a rate 20 times faster than the national average, according to the Energy Department, while 102,000 more workers also joined the wind turbine industry last year, a 32% increase. In fact, 93% of the new power in America is now coming from solar, natural gas, and wind -- but it's building out new solar-generating capacity that's causing much of the workforce increases, according to the Energy Department."

Electric Utilities in California, and elsewhere around the world, are beginning to put into practice ways of storing solar and wind electricity for when the sun is not shining and the wind not blowing. Examples include constructing storage facilities composed of huge numbers of newer batteries; building dams with upper and lower lakes so that water is pumped into the upper lake when solar or wind electricity is being generated, and when it
is not, having the water flow back down through hydro-electric generators; and having a large array of mirrors concentrating sun light heat salt to very high temperatures, which then boils water, continuing to do so when the sun is not shining as the salt remains quite hot for many hours (Diane Cardwell, "The Biggest, Strangest 'Batteries'," The New York Times, June 4, 2017).

With 30 hydrogen fuel cell automobile recharging stations now spread across the length of California, Air Liquide and Toyota plan to build 12 hydrogen fuel cell automobile recharging stations between New York City and Boston, making hydrogen fuel cell vehicles far more practical (Neal Boudetter, "Coming Soon to East Coast Highways: Clean, Quiet Hydrogen Cars," The New York Times, May 19, 2017).

Some Republican controled states were beginning to follow Georgia's lead in repealing a $5000 tax credit for purchasing electric cars and instituting a $200 registration fee for them (Hiroki Tabuchi, "The State-by-State Assault on Electric Cars," The New York Times, March 12, 2017).

New York City is joining others in beginning to recycle organics, including waste food and yard waste, composting them to produce methane which is captured and burned to produce energy, with much lower greenhouse gas emissions than letting the material rot in place, or in landfills, while reducing the need to burn fossil fuels to produce electricity (Emily S. Rueb, "The 'Final Recycling Frontier:' Organics," The New York Times, June 4, 2017).

The Sierra Club reported via E-mail, March 3, 2017, "Friends, If you've been paying attention to the EPA methane rules you'll remember that the rules that were enacted only cover new and modified sources. The agency had begun gathering data to deal with existing sources. Yesterday the EPA cancelled the information request of operators.

http://m.santafenewmexican.com/news/epa-halts-inquiry-into-oil-gas-industry-emissions-of-methane/article_6213a54e-68f2-5174-859c-5dd4070b7f35.html?mode=jqm" "The Environmental Protection Agency on Thursday announced it was withdrawing a request that operators of existing oil and gas wells provide the agency with extensive information about their equipment and its emissions of methane, undermining a last-ditch Obama administration climate change initiative.

The EPA announcement was a first step toward reversing an Obama administration effort — which only got underway two days after Donald Trump’s election — to gather information about methane, a short-lived but extremely powerful climate pollutant which is responsible for about a quarter of global warming to date.

The agency cited a letter sent by the attorneys general of several conservative and oil-producing states complaining that the information request 'furthers the previous administration’s climate agenda and supports … the imposition of burdensome climate rules on existing sites, the cost and expense of which will be enormous.'


Obama’s environmental legacy, the Senate voted on Wednesday to uphold an Obama-era climate change regulation to control the release of methane from oil and gas wells on public land.

Senators voted 51 to 49 to block consideration of a resolution to repeal the 2016 Interior Department rule to curb emissions of methane, a powerful planet-warming greenhouse gas. Senators John McCain of Arizona, Lindsey Graham of South Carolina and Susan Collins of Maine, all Republicans who have expressed concern about climate change and backed legislation to tackle the issue, broke with their party to join Democrats and defeat the resolution."

The Oregon legislature, in spring 2017, was considering, SB 557: Clean Energy Jobs bill (Cap, Trade, Invest):

"Summary
A cap and invest program (CIP) with trading is a flexible, market-based mechanism that reduces pollution at low cost. Regulated businesses must hold permits to pollute (allowances). Allowances are auctioned, raising proceeds, and may be traded between regulated entities. This creates value for reducing climate pollution by allowing business that can reduce pollution the quickest and fastest to sell (aka, trade) allowances to other businesses that need them. Proceeds can be reinvested to further reduce climate pollution, assist industry, create benefits for disproportionately impacted communities, retrain workers, and advance clean economic development.
Bill language:
https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/SB557/Introduced
Purpose
● The Purpose of the bill is to reduce greenhouse gas emissions and to promote adaptation and resilience by this state’s communities and economy in the face of climate change."


Berkeley Energy Group this month announced plans to put coal miners back to work by building the largest solar project in Appalachia on top of a closed mountaintop strip mine near the town of Pikeville. The Eastern Kentucky coal company is partnering with the Environmental Defense Fund, which has helped develop 9,000 megawatts of renewable energy, to bring jobs and clean energy to the region."


Numerous members of the Trump administration, with its multiple connections to fossil fuel interests, are deniers of climate change and moving to weaken and destroy environmental regulations, while removing environmental information from U.S. government web sites and databases. This includes head of the EPA, Scott Pruitt, who says that carbon dioxide does not contribute to global warming (Coral Davenport, "E.P.A. Chief Doubts Consensus View of Climate Change," The New York Times, March 9, 2017, https://www.nytimes.com/2017/03/09/us/politics/epa-scott-pruitt-global-
In line with that, a number of Republicans in Congress have been calling for the EPA and other agencies to make data underlying proposed new rules publicly available and to state how they pick scientists. While having the ability to see that "the best science" is actually used in decision making, the intent appears to be to bog down the regulatory process (David Malakoff, "A battle over the "best science," The Christian Science Monitor Weekly, February 13, 2017).


This unprecedented, illegal restriction would hamstring every federal agency's efforts to implement laws and dramatically curtail the federal government's ability to protect human health, wildlife and the environment from emerging threats."

President Trump signed an order, March 29, 2017, ordering the EPA to roll back Obama Administration clean air rules, which would allow for more coal to be used in energy production (Coral Davenport and Alissa J. Rubin, "Trump Signs Rule To Block Efforts on Aiding Climate," The New York Times, March 29, 2017.

President Trump, on April 25, 2017, was preparing a pair of executive orders to allow expanded offshore oil and gas drilling and to roll back conservation on public lands (Coral Davenport, "Trump to Sign Orders That Could Expand Access to Fossil Fuels," The New York Times, April 26, 2017).

With the Trump administration backing away from environmental protection and clean energy production, nearly half the Fortune Five Hundred companies in the U.S. are planning to move to 100% renewable energy with varying time tables (Hiroko Tabuchi, "With Government in Retreat, Companies Step Up Efforts on Emissions," The New York Times, April 26, 2017).


At the same time, the budget would cut $3.1 billion from energy research programs at the Energy Department, an 18 percent reduction from last year’s spending. These programs are aimed at developing innovative technologies like better batteries for electric vehicles or carbon capture for coal and gas plants — all of which could one day help reduce greenhouse gas emissions and combat global warming."

Friday’s executive order was aimed at rolling back the Obama administration’s attempts to ban oil drilling off the southeastern Atlantic and Alaskan coasts. It would erase or narrow the boundaries of some federally-protected marine sanctuaries, opening them up to commercial fishing and oil drilling.”

Warming and increasingly wetter climate has brought a shift in where tree species are growing in the eastern United States. The Eastern white pine has been extending its range to the west, while the Eastern cottonwood has expanded north, according to research published in May 2017. With drying in the Southeast and greater wetting in the northwestern areas of the Appalachians, the scarlet oak has been shifting from the southeast to the northwest of the region (“U.S. Forests Shifting With Climate Change, The New York Times, May 22, 2017, https://www.nytimes.com/2017/05/22/science/shifting-forests-climate-change.html?ref=todayspaper).

Richard Schiffman, "Amazon rainforest under threat as Brazil tears up protections," New Scientist, April 26 2017, https://www.newscientist.com/article/2129024-amazon-rainforest-under-threat-as-brazil-tears-up-protections/, reported, "The Amazon rainforest is facing a new threat: politics. Brazilian laws that protect the world’s largest rainforest are threatened by the country’s continuing political turmoil following the impeachment of former president Dilma Rousseff.

The so-called “ruralista” bloc in the National Congress of Brazil, which represents the interests of agribusinesses and large landholders, has been using the chaos in the political system as a cover to push through legislation to reverse longstanding protections for the rainforest, says Phillip Fearnside, an ecologist with the National Institute of Amazonian Research (INPA) in Manaus. These initiatives include a move to open portions of conservation areas in Para state to mining and agricultural activities.

The government of Rousseff’s successor, Michel Temer, is also fast-tracking major development projects that will lead to further deforestation, including hydroelectric dams and highways. For example, the proposed Cuiaba-Santarem road would “cut Amazon in the middle with a lot of additional deforestation”, says Adalberto Luiz Val, also at INPA. Fearnside worries about legislation that would eliminate Brazil’s longstanding environmental licensing process. He says that constitutional amendment 65, which is being considered by Congress, “would force government agencies to rubber stamp all infrastructure projects, regardless of their potential impact on the environment”. A three-fifths majority would be needed to pass this amendment.

Deforestation in Brazil has been rising after years of stability. In 2016, the rate of deforestation rose by 29% over 2015. Agriculture is the major force bringing about the clearing of forests, in response to rises in beef and soy on the world market. Cattle grazing and growing soy have been the main agricultural activities on the newly cleared lands.

The conservative post-impeachment administration has been contributing to the deforestation by cutting the nation’s Ministry of Environment budget by 43 percent and 44 percent cuts in its science research budget by 44 per cent. Among other results, this has gutted enforcement of laws regulating cutting of forests, and ended funding for fighting forest fires. This is especially serious, as with climate change large fires are anticipated in 2017.

”These destructive trends have been somewhat offset by the notable success of indigenous peoples in Brazil in protecting their own lands. A study published last year reported that deforestation rates in reserves under tribal control in Brazil were less than one tenth of the losses seen in other forest areas.

But the ability of indigenous Brazilians to safeguard their land is being challenged by 'a whole raft of constitutional amendments and draft laws', says Sarah Dee Shenker of the UK-based nonprofit Survival International."
Some 3000 Indigenous people from Brazil's Amazon Region joined protests in the Brazilian Capital, in late April 2017, against budget cuts to FUNAI, which oversees the government's Indigenous policies. The protests are also in opposition to proposed bill PEC 215, which would give Congress the power to indefinitely put off the demarcation and protection of their territories and prevent their further expansion.

Nika Knight, "Cities Worldwide Take on Climate Fight—And See Pushback From National Governments: Many cities are outpacing national governments in the climate fight, setting the stage for power battles," Common Dreams, March 13, 2017, http://www.commondreams.org/news/2017/03/13/cities-worldwide-take-climate-fight-and-see-pushback-national-governments, reported, "Cities worldwide are setting climate goals that are far more ambitious than the targets agreed upon by national governments, leading to clashes between urban leaders and national ones, Reuters reported Monday.

'Just over half the world's population lives in urban areas, meaning municipalities will help to determine whether the historic shift from fossil fuels to cleaner energy agreed in Paris succeeds or fails,' Reuters notes. 'But as many cities become more assertive, governments are reluctant to cede control.'

Oslo, for example, is battling Norway's right-wing coalition government to enact an aggressive plan to cut the city's carbon emissions.

The city is pushing 'to more than halve the capital's greenhouse gas emissions within four years to about 600,000 tons,' Reuters reports. 'The plan for the city of 640,000 people includes car-free zones, 'fossil-fuel-free building sites,' high road tolls, and capturing greenhouse gases from the city's waste incinerator.'

Yet the national government's 'Transport Ministry is dragging its feet' on the plan, introducing delays that have slowed the introduction of new tolls and car-free zones for months, Oslo's deputy mayor told Reuters.

It so happens that supporters of the far-right Progress Party, which together with the Conservative Party forms the ruling coalition, are deeply opposed to climate change policies.

In Denmark, meanwhile, Copenhagen's mayor is accusing the national government of levying unfairly high fees on the city for using the national grid to power its fleet of electric buses. And on the other side of the world, Sydney officials are battling the conservative Australian government for the city's right to power itself with its own solar panels without paying hefty fees.

And in the U.S., green-minded city leaders are taking to the frontlines of the climate fight in the face of a right-wing, climate change-denying Trump administration.

Cities are powerful players in the global effort to combat climate change. Urban dwellers consume 75 percent of the world's resources and are responsible for 60 to 80 percent of the planet's greenhouse gas emissions, according to Columbia University's Earth Institute. Because of their large and dense populations, locations, and infrastructure, cities are also most vulnerable to the effects of climate change.

'Cities are on the front line of both the cause and effect of climate change,' said Somayya Ali Ibrahim, program manager for the Urban Climate Change Research Network at the Earth Institute. 'Cause—because if there are so many people gathered in one spot, there are more emissions and more energy is used. And on the converse side, they will be most affected by climate change because of coastal flooding, heat waves, urban heat island effects, epidemics, [and impacts on] water and sanitation systems, and transport systems. So most of the people affected [by climate change] will be in cities.'"

Nika Knight, "This Is What It Will Look Like When New Orleans, New York City, and Mar-A-Lago Disappear Under Rising Seas: New research finds that most previous estimates for sea level rise were too conservative, while visualizations show what U.S. cities may

President Donald Trump's Mar-a-Lago resort would be completely drowned in the most extreme scenario for sea level rise. (Image: Climate Central)

"A new report shows that many previous estimates of global sea level rise by 2100 were far too conservative, the Washington Post reported Thursday, and the research comes as new maps and graphics from Climate Central vividly show how disastrous that flooding will be for U.S. cities.

The report, Snow, Water, Ice and Permafrost in the Arctic, found that previous estimates of sea level rise didn't account enough for the fast pace of melting ice in the Arctic and Greenland.

The Post writes:

'The assessment found that under a relatively moderate global warming scenario—one that slightly exceeds the temperature targets contained in the Paris climate agreement—seas could be expected to rise 'at least' 52 centimeters, or 1.7 feet, by the year 2100. Under a more extreme, 'business as usual' warming scenario, meanwhile, the minimum rise would be 74 centimeters, or 2.4 feet.

The report explored a minimum rise scenario, but not a maximum or worst-case scenario. However, a separate report (pdf) published at the end of the Obama administration by the National Oceanic and Atmospheric Administration (NOAA) did just that, and found that in the most extreme case, the sea in some locations will rise a stunning eight feet by the century's end.

Illustrating how devastating this would be, Climate Central created 3D visualizations of what U.S. cities will look like in NOAA's most extreme scenario.

Some cities, such as New Orleans, would simply be uninhabitable, the images show:
New Orleans, 2100
Extreme sea level scenario
Rising seas alone may displace over 13 million people in the U.S., dispersing climate refugees and reshaping inland cities, as Common Dreams reported last week.


The ominous new research come as President Donald Trump continues to dismantle climate policies, boosts the fossil fuel industry, and considers pulling out of the Paris climate accord.

But even Trump won't be spared from the looming disaster, Climate Central observes, showing that the projected sea level rise will completely flood the president's Mar-a-Lago resort.”

A group of Australian Scientists has built a group of mini-ocean ecosystems to test separately and together the impacts of increased carbon dioxide in the atmosphere and warming oceans. They found that increased carbon dioxide, though the increased acidity it brings is damaging to marine animals and plants, increased photo synthesis and growth in algae, providing more food for invertebrates whose population expanded, thus making available more food for predator fish, whose population also grew. However, when combining increased CO₂ with warming the water by 5 degrees (less than many scientists believe the ocean near Australia will warm), while the algae grew more rapidly, the invertebrates were stressed, and did not eat more, or expand population, while the predator fish had an increase in metabolism, necessitating them to eat more. This led to a continuing drop in the invertebrate population and ultimately a collapse of the ecosystem (Carl Zimmer, "To
Deforestation has been increasing greatly in Brazil and Bolivia, especially by giant agriculture firms, including Cargill, according to recent reports. In Bolivia estimates are that in the 1990s deforestation averaged some 266,000 acres a year. In the 2000's it rose to about 667,000 acres annually. As of 2016, reports are that deforestation had reached 865,000 acres a year. The number of acres deforested a year were not available for Brazil, but there were reports that there too, deforestation is greatly on the rise (Hiroko Tabuchi and Clare Rigby, "Deforestation Roars Back," The New York Times, February 26, 2017).

In China's Pearl River Delta, rapid development is beginning to suffer, and eventually will be overwhelmed by, climate change. In an area including the port city of Guangzhou, formerly known as Canton, that was once mostly farm land, frantic development has increased the population from one to 42 million people in and around several cities with a great deal of manufacturing. The low area has always been subject to flooding, but as the Pacific ocean rises floods have become more frequent and much more serious. The entire region will eventually come uninhabitable as the waters rise (Michael Kimmelman, "Rising Waters Threaten China’s Rising Cities: In the Pearl River Delta, breakneck development is colliding with the effects of climate change," The New York Times, April 7, 2017, https://www.nytimes.com/interactive/2017/04/07/world/asia/climate-change-china.html?ref=todayspaper).

"How to keep cool without costing the Earth: A film worth watching," The Economist, February 11, 2017, http://www.economist.com/sections/science-technology, reported, "About 6% of the electricity generated in America is used to power air-conditioning systems that cool homes and offices. As countries such as Brazil, China and India grow richer, they will surely do likewise. Not only is that expensive for customers, it also raises emissions of greenhouse gases in the form both of carbon dioxide from burning power-station fuel and of the hydrofluorocarbons air conditioners use as refrigerants.

As they describe in a paper in this week’s Science, Ronggui Yang and Xiaobo Yin of the University of Colorado, in Boulder, have a possible alternative to all this. They have invented a film that can cool buildings without the use of refrigerants and, remarkably, without drawing any power to do so. Better yet, this film can be made using standard roll-to-roll manufacturing methods at a cost of around 50 cents a square meter.

The new film works by a process called radiative cooling. This takes advantage of that fact that Earth’s atmosphere allows certain wavelengths of heat-carrying infrared radiation to escape into space unimpeded. Convert unwanted heat into infrared of the correct wavelength, then, and you can dump it into the cosmos with no come back."

"RISING VOICES: COLLABORATIVE SCIENCE WITH INDIGENOUS KNOWLEDGE FOR CLIMATE SOLUTION," Cultural Survival, April 20, 2017, https://www.culturalsurvival.org/news/rising-voices-collaborative-science-indigenous-knowledge-climate-solution, reported, "The 5th annual workshop of Rising Voices: Collaborative Science with Indigenous Knowledge for Climate Solutions held at the National Center for Atmospheric Research in Boulder, Colorado was organized in partnership with Cultural Survival and the National Center for Atmospheric Research (NCAR). The event was a collaboration between the National Center for Atmospheric Research (NCAR), Cultural Survival, Livelihoods Knowledge Exchange Network (LiKEN)
Inter-tribal Council on Utility Policy (ICOUP), Indigenous People’s Climate Change Working Group (IPCCWG), and the International Indian Treaty Council.

Indigenous people have drawn on Indigenous knowledge and science for millennia to understand and respond to climate and environmental change they faced. This knowledge is deeply embedded in our worldviews and relationship with the natural world as well in our cultural practices. What is different and challenging today is the rate of climate change occurring made by man and our ability to respond to it. We must correct the path we are walking on and return to the special relationships, the teachings, the knowledge and practice that maintains respect, honor and relationship with the natural world,' said Cultural Survival Executive Director Suzanne Benally (Navajo/Santa Clara Tewa).

The theme of the 5th Rising Voices workshop was 'Pathways from Science to Action.' Through collaborative research presentations and group discussions, participants worked on developing specific pathways to move from science to action for climate adaptation at local, national, and international levels. Rising Voices seeks to diversify scientific research and solutions to weather and climate extremes that includes Indigenous science. The fifth workshop was an opportunity to address the climate change issues impacting Indigenous communities globally.

Indigenous Peoples’ relationships with the natural environment are very much rooted in sacred connections to land, water, plants, and animals. Tsui Shortland from New Zealand said, “Our knowledge is based on not only on our own genealogical link to the environment, but also the environment as its own spiritual entity, with its own rights, and that needs to be respected. We look at a forest as a whole, as a whole living entity, in a holistic way.”

Presentations and discussions covered topics such as collaborative research; making links from local initiatives to international mobilization; the tensions and discrimination Indigenous science faces within the western science community; building collaborative knowledge about extreme weather, climate change, and disasters; and strategies for implementing knowledge into action and policy making. Climate change affects us all but Indigenous women are at the frontlines of those impacted. "Women are very strong voices in the work for the protection of the environment. The knowledge of Indigenous women in particular as food producers, as knowledge holders, as the first teachers of the children, plays a very key and central role. The cultural practices and traditions that Indigenous women keep alive and pass down generation to generation in Indigenous communities is being recognized very strongly all the way to the United Nations, but also in Indigenous communities and the broader movements addressing climate change. The importance of that knowledge and that role, in not only addressing the adaptation and mitigation, but also confronting the solutions to climate change,” said Andrea Carmen (Yaqui), executive director of International Indian Treaty Council.

Attendees from all over the world shared their experiences about the links between their cultures and the environment. Hindou Oumarou Ibrahim, from a Mbororo pastoralist community of Chad, also spoke on the role of women in confronting climate change and also its greater impact on them. 'Indigenous women are the most affected by the climate change firstly because they are the ones who are collecting food and water to feed their families and also their traditional medicine for the health of the communities. In my communities and in my regions, women have the knowledge of water protection and they also have the knowledge of food collection and of the land protections. [For example], through certain kind of trees that they have to harvest some times and in other seasons they have to feed these trees in order to get a good rainy season. Their roles are very important at the community level and also at the national level. The women of the communities understand climate change because they are seeing it through all the production that they’re having. In my peoples, because we are cattle herders, [the women] harvest milk. The women see during the dry season that the quantity of milk is reducing from one liter to becoming just one cup. They are not getting milk every day, [but rather] once every two days, and that’s affecting them.'
Kaimana Barcarse (Native Hawaiian) shared lessons about how the environment relates to language, 'I always say, watch what you say, because you can never take it back, and that’s not just to people, that’s also to the environment. We can use that mana, which is that spiritual power, and we can use that olelo, which is our language, but we have to use it in the right way.'

For information about Rising Voices, please visit the website (https://risingvoices.ucar.edu/) or contact: Heather Lazrus (hlazrus@ucar.edu); Julie Maldonado (jkmaldo@gmail.com); Bob Gough (gough.bob@gmail.com)

For information about Cultural Survival, please contact: Suzanne Benally (sbenally@cs.org); Danielle Deluca (danielle@cs.org)."

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).

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-Press* 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.'"


Specifically, the experts echoed a recent warning from the United Nations that without radical action to reduce greenhouse gas emissions, 'we will grieve over the avoidable human tragedy,' as the number of global climate refugees climbs.

'We're going to see refugee problems on an unimaginable scale, potentially above 30 million people,' Maj. Gen. Munir Muniruzzaman, chairman of the Global Military Advisory Council on climate change and a former military adviser to the president of Bangladesh, told the *Guardian*.

'Climate change could lead to a humanitarian crisis of epic proportions,' added Brig. Gen. Stephen Cheney, a member of the U.S. State Department's foreign affairs policy board and CEO of the American Security Project. "We're already seeing migration of large numbers of people around the world because of food scarcity, water insecurity, and extreme weather, and this is set to become the new normal.'

Such a crisis would serve 'as an accelerant of instability,' Cheney said—even more so than it has already.

As *Forbes* explained on Tuesday:

Natural disasters displaced 36 million people in 2009, the year of the last full study. Of those, 20 million moved because of climate-change related factors. Scientists predict natural disaster-related refugees to increase to as many as 50 to 200 million in 2050. This will cause increasing social stress and violence, mostly in developing nations without the resources to cope, such as in poorer coastal countries in Asia, and in regions of Africa subject to desertification.

Dozens of military and national security experts, including former advisers to Ronald Reagan and George W. Bush, issued a similar admonition in September, in the form of a *Briefing Book for A New Administration* (pdf) that warned of 'the potential for ongoing climatic shifts to contribute to near and/or over-the-horizon instances of instability,' including mass migration.

But it's not clear these words of caution will be absorbed or acted on by the incoming Trump administration.

As *Scientific American* pointed out this week, '[t]he military and intelligence communities may soon turn a blinder eye toward some climate change-related threats, indicated by President-Elect Donald Trump's recent choices of climate-change skeptics for national security jobs, along with his own dismissive comments."

With climate skeptics like Lt. Gen. Michael Flynn and Congressman Mike Pompeo (R-Kan.) nominated for high-profile national security positions, University of Texas at Austin professor Joshua Busby told the magazine, 'some of the gains made by the Pentagon and other executive agencies to prepare for the security consequences of climate change could be undone.'"

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

randym77, "Arctic stronghold of world’s seeds flooded after permafrost melts," Daily Kos, May 19, 2017, http://www.dailykos.com/story/2017/5/19/1664167/--Arctic-stronghold-of-world-s-seeds-flooded-after-permafrost-melts?detail=emailkre&link_id=18&can_id=2304a48b2891e77b9b6c14d1ce535f4f&source=email-check-this-outhouse-democrats-told-vp-mike-pence-about-flynn-and-they-kept-the-receipts-to-prove-it-3&email_referrer=check-this-outhouse-democrats-told-vp-mike-pence-about-flynn-and-they-kept-the-receipts-to-prove-it-3_217260&email_subject=trumpcare-the-cbo-score-is-more-important-than-you-might-think, reported, "It was designed as an impregnable deep-freeze to protect the world’s most precious seeds from any global disaster and ensure humanity’s food supply forever. But the Global Seed Vault, buried in a mountain deep inside the Arctic circle, has been breached after global warming produced extraordinary temperatures over the winter, sending meltwater gushing into the entrance tunnel.

The vault is on the Norwegian island of Spitsbergen and contains almost a million packets of seeds, each a variety of an important food crop. When it was opened in 2008, the deep permafrost through which the vault was sunk was expected to provide 'failsafe' protection against the challenge of natural or man-made disasters”.

Lauren McCauley, “Wild Fires and Rising Waters, Climate Impacts Coming to America's Door: Pair of new studies show how American climate refugees will 'reshape' population landscape of the nation," Common Dreams, April 18, 2017, https://www.commondreams.org/news/2017/04/18/wilder-fires-and-rising-waters-climate-impacts-coming-americas-door, reported, "Americans in many cases have been slow to acknowledge the real threats posed by global warming. But two new studies out Monday found that people living throughout the United States could soon see their communities forever altered by higher seas and raging forest fires.

While the United States has lagged in taking dramatic action to reduce greenhouse gas emissions or transform its power grid to accommodate renewable energy sources, other nations have taken the lead. Further, studies have historically shown (pdf) that Americans are generally reluctant to perceive climate change as anything more than a moderate risk, seeing it as something that impacts people in more vulnerable, developing nations.

The idea of a person becoming a climate change refugee seems similarly foreign.

However, Mathew Hauer, a demographer at the University of Georgia, estimates that by the end of the century as many as 13.1 million Americans could too find themselves displaced due to rising sea levels. His research is published in the journal Nature Climate Change and suggests those migrants will be forced to move to inland cities, ultimately "reshaping" the population landscape.

The report notes that unmitigated sea-level rise (SLR)—primarily seen as 'a coastal issue'—is 'expected to reshape the U.S. population distribution, potentially stressing landlocked areas unprepared to accommodate this wave of coastal migrants.' For instance, if seas rise the expected 1.8 meters by 2100, Texas could see a surge of nearly 1.5 million additional residents. Specifically, inland cities including Austin and Houston, Texas; Orlando, Florida; and Atlanta, Georgia could each see more than 250,000 people migrating from the imperiled coasts.

Meanwhile, Miami and New Orleans are expected to lose more than 2 million people each due to flooding, while nine states could experience declining populations: Virginia, South Carolina, Massachusetts, Georgia, North Carolina, New Jersey, Louisiana, California, and New York.
At the same time, residents who live near the sun-scorched valleys and drought-wracked forests of the western U.S. are going to increasingly see larger, more devastating forest fires—and researchers are beginning to recognize that the only way to deal with them is to get out of the way.

A study published at the Proceedings of the National Academy of Sciences says that typical methods of wildfire suppression and management are inadequate to address the threat posed by the 'new era of western wildfires' prompted by human-induced global warming.

'Neither suppression nor current approaches to fuels management adequately reduce vulnerability of communities to increasing wildfire,' said the study's lead author, Tania Schoennagel, a research scientist at the University of Colorado-Boulder's Institute of Arctic and Alpine Research. 'We've been very effective with fire suppression for many years, but wildfires are increasing beyond our capacity to control, especially with more people in fire's way.'

Alternately, the report recommends that affected states take steps to adapt by discouraging development in wildfire-prone areas and, in some cases, letting the fires rage with controlled burns.

InsideClimate News reported further on the study:

The report notes that a century of suppressing wildfires in the West has created a tinderbox because trees aren't being removed naturally by fire.

'Most people recognize that our forest systems have not had the fire they need,' Schoennagel said [...] The concept of allowing fires to burn is controversial, in part because of the risk it poses to people and structures, but also because of the carbon released into the atmosphere. Schoennagel argues, though, that prescribed burns ultimately could help ecosystems and species adapt to warming.

'Fire can be used as a tool for ecosystems to adapt to a changing climate,' she explained. 'It can allow species to migrate and help species keep pace with climate change.'

Park Williams, a bioclimatologist the Lamont-Doherty Earth Observatory at Columbia University who was unaffiliated with the study, told Climate Central, 'We now know that continued increases in fire activity are inevitable, but we've been able to come up with no other way forward other than to fight fires as hard as we can. All we're doing is paying huge amounts of money to deliver an even worse problem onto the next generation.'

And Schoennagel added, 'The first step is to expect that wildfire will come to your door rather than assume it will not.'

One could say the same for the seas.

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.


"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 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.'

Many cities around the world are being seriously impacted by climate change. One is Mexico City, whose sinking and water shortage has been greatly increased. Built over
what was once flat land, alternatively volcanic or clay soil, parts of the city are sinking at different rates as increased heat and drought dry the land and increase demand for water from the aquifer beneath the city. With more pumping of water, the subsidence increases, opening sinkholes, tilting and damaging thousands of buildings. It is also bringing a huge water crisis, with insufficient water in many, mostly poorer areas, and in worsening an inadequate sewer system. For many residents, water has to be trucked in. Deliveries for ordered water may be only once a week, and will be canceled if no one is home to receive them, pinning many women at home waiting. The water crisis is made worse by corruption, as ordered water may be sold enroute and never arrive (Michael Kimmelman, "Mexico City, Parched and Sinking, Faces a Water Crisis: Climate change is threatening to push a crowded capital toward a breaking point," *The New York Times*, February 17, 2017, https://www.nytimes.com/interactive/2017/02/17/world/americas/mexico-city-sinking.html?ref=todayspaper&_r=0).

Eduardo Porter, "To Curb Global Warming, Science Fiction May Become Fact," *The New York Times*, April 4, 2017, https://www.nytimes.com/2017/04/04/business/economy/geoengineering-climate-change.html?ref=todayspaper, reported, "News about the climate has become alarming over the last few months. In December, startled scientists revealed that temperatures in some parts of the Arctic had spiked more than 35 degrees Fahrenheit above their historical averages. In March, others reported that sea ice in the Arctic had dropped to its lowest level on record. A warming ocean has already killed large chunks of Australia’s Great Barrier Reef.

Let’s get real. The odds that these processes could be slowed, let alone stopped, by deploying more solar panels and wind turbines seemed unrealistic even before President Trump’s election. It is even less likely now that Mr. Trump has gone to work undermining President Barack Obama’s strategy to reduce greenhouse gas emissions.

That is where engineering the climate comes in. Last month, scholars from the physical and social sciences who are interested in climate change gathered in Washington to discuss approaches like cooling the planet by shooting aerosols into the stratosphere or whitening clouds to reflect sunlight back into space, which may prove indispensable to prevent the disastrous consequences of warming.

The world’s immediate priority may be to reduce greenhouse gas emissions to meet and hopefully exceed the promises made at the climate summit meeting in Paris in December 2015. But as Janos Pasztor, who heads the Carnegie Climate Geoengineering Governance Initiative, told me, 'The reality is that we may need more tools even if we achieve these goals.'

The carbon dioxide that humanity has pumped into the atmosphere is already producing faster, deeper changes to the world’s climate and ecosystems than were expected not long ago. [And methane entering the atmosphere, often the result of underestimated positive feedbacks of warming, has contributed greatly also, and may be a critical aspect of the ever increasing warming]. Barring some technology that could pull it out at a reasonable cost — a long shot for the foreseeable future, according to many scientists — it will stay there for a long time, warming the atmosphere further for decades to come."

Such engineering approaches are inherently dangerous, as they often have great unexpected and unwanted side effects. But as the global warming situation gets bad enough, there is an increasing temptation to use them.

Damian Carrington and Jelmer Mommers, '"Shell Knew': Oil Giant's 1991 Film Warned of Climate Change Danger," *Guardian*, March 1, 2017, reported, "The oil giant Shell issued a stark warning of the catastrophic risks of climate change more than a quarter of century..."
ago in a prescient 1991 film that has been rediscovered.

However, since then the company has invested heavily in highly polluting oil reserves and helped lobby against climate action, leading to accusations that Shell knew the grave risks of global warming but did not act accordingly."

Canada was moving to tax carbon emissions, in January 2017 ("Henry Gass, "Why Canada readies a 'carbon tax'," Science, January 2 and 9, 2017).


Now it is trying to extend that policy to an unlikely place: Wyoming, which produces more coal than any other state and has hardly welcomed the march of turbines across the country, even imposing a tax on wind-energy generation.

On Thursday at an energy conference in Wyoming, the company announced plans for a free training program for one of the nation’s fastest-growing jobs: wind farm technician. And it is aiming the program at coal miners having trouble finding work, as well as those from other industries."

China is producing a huge number of wind farms with more than 92,000 wind turbines, able generating 145 gigawatts of electricity. This is almost twice the capacity of wind farms in the United States. However, many of the wind turbines are idle. Among the many causes, two are paramount. First, many local officials favor coal and refuse to switch renewable energy. Second, the building of transmission lines to connect the generated electricity to users lags way behind the building of wind turbines (Javier C. Hernandez, "It Can Power a Small Nation. But This Wind Farm in China Is Mostly Idle," The New York Times, January, 15, 2017, https://www.nytimes.com/2017/01/15/world/asia/china-gansu-wind-farm.html?ref=todayspaper).


The ban takes effect on Sunday and will last until the end of the year, the Chinese Commerce Ministry said in a brief statement posted on its website on Saturday. Chinese trade and aid have long been a vital economic crutch for North Korea, and the decision strips North Korea of one of its most important sources of foreign currency."

As part of the move away from coal because of its relatively higher cost, in New Mexico, Kevin Robinson-Avila, "PNM plan calls for eliminating coal generation," Albuquerque Journal, April 21, 2017, reported, "Public Service Company of New Mexico is proposing to shed all of its coal-fired electricity in the next 14 years and replace it with solar, wind, natural gas and nuclear power.

The company’s latest integrated resource plan – which looks out over 20 years to determine the cheapest, most reliable and environmentally friendly mix of resources – has found that shutting down the coal-fired San Juan Generating Station near Farmington in 2022 and
relinquishing the utility’s 13 percent share in the nearby Four Corners Generating Station in 2031 would save consumers money in the long term. The company published a first draft of the resource plan late Thursday. It’s now open for public comment before a final version is filed with New Mexico Public Regulation Commission in July."

The question is what the new mix of natural gas, nuclear, wind and solar power will be. Environmentalists, including the intergroup energy committee that meets in Albuquerque at the Sierra Club (of which Stephen Sachs is a member) has been pushing for no nuclear, little natural gas, and as much wind and solar as possible.

California was beginning to install piezoelectric crystals to generate solar electricity on many of its freeways, in September 2016 (Christian Science Monitor, September 5, 2016).

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).

Another result of climate change: Jess Bidgood, Ticks, Thriving in Warm Weather, Take a Ghastly Toll on New England Moose," The New York Times, January 19, 2017, https://www.nytimes.com/2017/01/19/us/ticks-thriving-in-warm-weather-take-a-ghastly-toll-on-new-england-moose.html?ref=todayspaper, reported, "The moose is an iconic image in the Northeast and a crucial part of its tourism and recreational economy. But in parts of northern New England, researchers say moose are being killed by droves of winter ticks that thrive when the fall is warm and the winter comes late. By the thousands, the ticks attach themselves to moose — calves are the most vulnerable — and essentially drain their blood and strength.

Researchers say that over the last few years, ticks have killed about 70 percent of the calves they have tagged in certain regions, an indication that the tick is taking a significant toll."

Dan Levin, "Ice Roads Ease Isolation in Canada’s North, but They’re Melting Too Soon," The New York Times, April19, 2017, "In Canada’s northern latitudes, the frigid winter means freedom.

That is when lakes and rivers freeze into pavements of marbled blue ice. For a few months, trucks can haul fuel or lumber or diamonds or a moose carcass to the region’s remote communities and mines that are cut off by water and wilderness, reachable for most of the year only by barge or by air.

But Canada’s ice roads — more than 3,300 miles of them — have been freezing later and melting earlier, drastically reducing the precious window of time that isolated residents rely on to restock a year’s worth of vital supplies, or to simply take a road trip.

Two thirds of the states in the United States and an increasing number of counties have decoupled energy usage from economic growth. This is being achieved largely in moving away from coal to other forms of energy, so that GNP is now increasing while carbon emissions are dropping, according to a report from the Brookings Institution. Beyond that report, it is clear that the more the move is made to clean renewable energy, the less economic growth will be linked to carbon emitting ("Going Green and Still Seeing Growth," Christian Science Monitor, February 13, 2017).

major effort to dismantle environmental protections, President Donald Trump this week signed an executive order requiring all federal agencies to repeal two regulations before implementing a new rule.

This unprecedented, illegal restriction would hamstring every federal agency's efforts to implement laws and dramatically curtail the federal government's ability to protect human health, wildlife and the environment from emerging threats."

Even as the Trump proposed federal budget seeks to seriously cut all environmental and a host of other programs, as of mid-May 2017, under Scott Pruitt as head of EPA, the agency's move toward weaker environmental rules and less enforcement was already finding energy companies doing less to protect the environment, and more that is quite likely to damage it (For represented examples see, Hiroko Tabuchi and Eric Lipton, "How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas," The New York Times, May 20, 2017, https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html?ref=todayspaper&_r=0).


Friday’s executive order was aimed at rolling back the Obama administration’s attempts to ban oil drilling off the southeastern Atlantic and Alaskan coasts. It would erase or narrow the boundaries of some federally-protected marine sanctuaries, opening them up to commercial fishing and oil drilling.

But Mr. Trump also took aim at regulations on oil-rig safety. In the final years of the Obama administration, the Interior Department implemented several new rules aimed at improving the safety of specific pieces of offshore drilling equipment that had failed during the 2010 oil spill in the Gulf of Mexico, and were found to have been responsible for the deadly BP oil rig explosion that caused that spill."

350.org reported and commented, January 25, 2017, https://www.nrdc.org/experts/anthony-swift/significant-obstacles-remain-building-keystone-xl?utm_medium=email&utm_source=actionkit, "It's been 48 hours since Trump signed his executive actions on the Keystone XL and Dakota Access pipelines, and already more than 50,000 people have pledged to fight these projects to the end.

Trump made it seem like he was approving these pipelines, but he didn't. Both Dakota Access and Keystone XL face legal, procedural and financial hurdles -- not to mention the multi-million person opposition to his administration.

If you're ready and committed to take action to stop these projects, take the Pledge of Resistance to get plugged in to action opportunities to stop Keystone XL, Dakota Access and fossil fuel projects everywhere.

We've stopped these pipelines before, and we can do it again. Here's what you need to know about Trump's actions on Tuesday:

He did *not* approve Keystone XL or Dakota Access. He briefly succeeded in confusing a lot of people on this point (including me, I will admit).

On Dakota Access, he told the Army Corps of Engineers that the pipeline is in our "national interest" and told them to "consider" revoking the environmental review placed on it by the Obama Administration.

On Keystone XL, he invited TransCanada to re-apply and if they do, mandated a final
decision on the pipeline within 60 days and waived input from environmental agencies.

And when TransCanada does re-apply, they no longer have permits in Nebraska, and their permits in South Dakota are being challenged.

Trump also placed conditions on approval of the pipelines -- like limiting oil exports, and determining where the steel comes from -- that the oil companies might not accept.

And even if either pipeline moves forward, they will face a fierce, mobilized resistance from Indigenous communities and landowners who will bear the biggest impacts of spills and toxic pollution on their lands.

In other words: it ain't over until it's over -- and it's definitely not over. Every pledge is a demonstration that this mass movement is prepared and ready to resist. We, the signers, are a warning to any company, bank, or politician who chooses to support fossil fuel projects that will further tip our climate past its limits.

More than 50,000 people have already pledged. Together we can make a huge impact. Join the Pledge of Pipeline Resistance.

These pipelines will transport more oil that we don't need, and that our climate can't bear. We have the solutions to transform our energy system -- and we have the power and will to fight for them."

Lakota Peoples Law Project, February 1, 2017, http://lakotalaw.org/dapl-action, reported, "Early Wednesday morning, the acting secretary of the army—appointed two weeks ago by President Trump—ordered the Army Corps of Engineers to reverse course and grant the permits necessary for the Dakota Access Pipeline to be completed. Hours later, the barricades on Highway 1806 were taken down, possibly paving the way for a police raid of the Water Protectors’ camps. The moment for increased action is now."

The Lakota People's Law Project reported, February 2, 2017, http://lakotalaw.org/dapl-action, "Yesterday, as many of you already know, Chase Iron Eyes—Lakota People’s Law Project lead counsel and one of the most important spokespersons for our NoDAPL movement—was arrested along with 75 other Water Protectors. He was seized from Last Child’s Camp after militarized police conducted a raid on treaty land."

"The authorities are up to their usual nasty tricks. Chase reports from inside jail that law enforcement has unfairly delayed the hearing process for the Water Protectors, allowing many to suffer in inhumane conditions—some left for too long in locked vehicles without access to restrooms."

Food and Water Watch reported, June 12, 2017, https://secure.foodandwaterwatch.org/site/Donation2;jsessionid=00000000.app325a?idb=312733534&df_id=5864&5864.donation=form1&mfe_pref=T&NONCE_TOKEN=70E92DE78A2A62B36E69B4344626E0B8&autologin=true&idf=0&AddInterest=1963, "This is alarming — Internal documents, first leaked by The Intercept, reveal that Energy Transfer Partners, the company behind the Dakota Access Pipeline (DAPL), hired the private security firm TigerSwan to employ military-style, counterterrorist measures against the Indigenous-led movement to stop DAPL."

And Food & Water Watch was one of the organizations targeted by these operations. TigerSwan infiltrated our Chicago office and posed as volunteers, to spy and collect information about the work we and others were doing to fight the pipeline and all fossil fuel infrastructure.

We are being targeted, because we're effective — and we will NOT back down. Donate to Food & Water Action Fund today to fight back. Documents show that TigerSwan worked to create divisions between activists,
manipulate and discredit pipeline opponents, and collect evidence that law enforcement could use to prosecute Standing Rock activists.'

This is what we're up against: the industries that we're fighting have nearly unlimited resources to spy, lie and try to discredit us.

Donate today because we will never give into industry intimidation — we will always fight to put you before corrupt corporations.

Throughout the fight against the construction of DAPL, water protectors maintained a peaceful resistance, even as police used rubber bullets, bean bag pellets and water cannons against demonstrators. Now we are learning how Energy Transfer Partners shared the information gathered by TigerSwan with law enforcement in order to target the water protectors.

It's clear there is no limit to how low greedy corporations like Energy Transfer Partners will go to make some money — and it's absolutely disgusting.

But the reason Energy Transfer Partners has invested so much in targeting Indigenous water protectors and allies like Food & Water Watch and Black Lives Matter is because building people power and organizing works.

TigerSwan admitted it in one of the leaked reports: “[Food & Water Watch] is expending a large amount of resources and through a very organized and disciplined strategic messaging campaign, interest and participation is growing rapidly.”

Corporations are worried because they want to frack and build pipelines everywhere they can, but they know that when we work together we have the power to stop them in their tracks.

Will you stand with us and build the power it takes to stop these corporate bullies?

Last year, our research staff supplemented on-the-ground organizing against DAPL by releasing information about the banks financially backing the project. Our research showed that these banks were pushing decision makers to move the pipeline forward despite the impact it would have on Indigenous lives and the safety of their water.

We can't trust corporations to protect the interests of people — that's why we expose corporate greed and fight for you. Help us continue this work with a donation today.

Food & Water Action Fund doesn't take any money from corporations or the government so that we can remain truly independent and fight for what's best for people, without compromising on the things we can't live without. We rely on donations from our supporters like you to do the research, advocacy and build the people power that it takes to win.

It's moments like this that make it clear how hard corporations will work to oppose us and put the bottom line first. But trust me when I say: We will never back down.

Onward together,

Wenonah Hauter, Executive Director, Food & Water Action Fund, act(at)fwwatch(dot)org

The Sierra Club reported, February 7, 2017, reported, "The Trump administration just issued the final approval for the Dakota Access Pipeline, putting corporate profits above the safety and sovereignty of the Standing Rock Sioux. Trump is blatantly ignoring the environmental review and public comment period that the Army Corps of Engineers already started under the Obama administration.

The Standing Rock Sioux recently stated, 'We stand ready to fight this battle against corporate interest superseding government procedure and the health and well-being of millions of Americans.' We continue to stand with them."

The Dakota Access Pipeline leaked 84 gallons of oil, April 4, which was soon cleaned up (Blake Nicholson, "Dakota Access Pipeline leaked 84 gallons of oil in April," NFIC, May 2017).

“Today we begin to make things right,” President Trump said Friday morning shortly after the State Department granted the pipeline giant TransCanada a permit for Keystone construction, a reversal of Obama administration policy.

The pipeline would link oil producers in Canada and North Dakota with refineries and export terminals on the Gulf Coast. It has long been an object of contention, with environmentalists saying it would contribute to climate change and the project’s proponents — Republicans, some labor unions and the oil industry — contending that it would help guarantee national energy security for decades to come."


This comes just a week after documents were leaked by a TigerSwan contractor revealing that Energy Transfer Partners was involved in using counterterrorist tactics on non-violent Water Protectors. What’s more is that DAPL has already had three oil spills during test runs, this adds to ETP’s already bad track record of being responsible for oil spills, yet taking very little accountability clean spills up or prevent future spills.

While the pipeline is fully operational a federal Judge in the U.S. Court of Appeals still holds the power to halt the project.

Statement from the Indigenous Environmental Network:
'We must not lose sight of why the movement against the Dakota Access Pipeline began. The pipeline was originally set to go through Bismarck, ND but the community rejected that plan because they were afraid it would jeopardize the Bismarck water supply. Thereafter the pipeline was routed to pass thru treaty lands of the Oceti Sakowin, also known as the Great Sioux Nation, and within miles of the Standing Rock Sioux Tribe’s primary intake for drinking water, without proper consultation or free, prior and informed consent. Since day one, we have been standing up against this blatant act of environmental racism and social injustice towards Indigenous Peoples.'

'The Standing Rock Sioux Tribe's water supply is officially at risk with the pipeline being fully operational. Many other Native and non-Native allies will continue to stand with Standing Rock and continue to organize to ensure Energy Transfer Partners is held accountable for the human rights crimes they have committed, not just against Standing Rock but the many other Native nations along its path.'

Statement from Standing Rock Sioux Chairman, Dave Archambault II:
'Now that the Dakota Access Pipeline is fully operational, we find it more urgent than ever that the courts and administration address the risks posed to the drinking water of millions of American citizens.

'This pipeline became operational today, yet it has already leaked at least 3 times. This is foreboding as the company does not yet have a plan in place to address how they would contain and clean a serious spill.

'We will continue to battle the operation of this pipeline in court and remind everyone that just because the oil is flowing now doesn't mean that it can't be stopped. The courts can stop it by demanding that the administration be held accountable for the full Environmental Impact Statement it initiated and then abandoned.'
The Indigenous Environmental Network was formed by grassroots Indigenous peoples and individuals in 1990 to address environmental and economic justice issues across Turtle Island, also known as North America."

Coral Davenport, "E.P.A. Dismisses Members of Major Scientific Review Board," The New York Times, May 7, 2017, https://www.nytimes.com/2017/05/07/us/politics/epa-dismisses-members-of-major-scientific-review-board.html?ref=todayspaper&_r=0, reported, "The Environmental Protection Agency has dismissed at least five members of a major scientific review board, the latest signal of what critics call a campaign by the Trump administration to shrink the agency’s regulatory reach by reducing the role of academic research.

A spokesman for the E.P.A. administrator, Scott Pruitt, said he would consider replacing the academic scientists with representatives from industries whose pollution the agency is supposed to regulate, as part of the wide net it plans to cast."


"FERC is the little-known but powerful federal agency that regulates interstate transmission of natural gas, oil and electricity and approves construction of interstate natural gas pipelines and related infrastructure. That gives it a deciding voice in the drive to replace coal-fired power plants with fracked natural gas.

This week, FERC may try to rush through the approval of several pending permit applications. Due to the resignation of a FERC commissioner, FERC may lose by Friday the quorum they need to approve permits – leading to speculation that the industry is pushing FERC to approve several pending permit applications in the next two days. These pipelines would cross the states of MI, IL, OH, PA, NY, MD, VA, WV, NC and SC."

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).

The Obama Administration, in November 2016, banned all Arctic gas and oil drilling, which will likely be attempted to be reversed by the Trump Administration (Brady Denis and Steven Mufson, "Arctic offshore drilling banned, 'right path forward," Christian Science Monitor, November 19, 2016).

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).

Shusini Raj, "Oil Spill Near Chennai, India, Threatens Wildlife," The New York Times, February 3, 2017, https://www.nytimes.com/2017/02/03/world/asia/india-chennai-oil-spill.html?ref=todayspaper, "Thousands of volunteers and Indian Coast Guard personnel were working on Friday to clean sludge from shores near the southern city of Chennai nearly a week after an oil spill that activists said could have dire repercussions for wildlife and fishery.

Officials disagreed about who was to blame for the failure to contain the spill.
Commandant Rahul Dev Sharma, a local spokesman for the Coast Guard, said on Friday that at least 20 tons of oil had leaked into the Bay of Bengal.

The spill occurred before dawn last Saturday after two tankers, one empty and the other carrying petroleum, collided near Chennai, Commandant Sharma said.

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).

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).

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).

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).

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).

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 season. 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).


This engaging term refers to one river capturing and diverting the flow of another. It occurred last spring at the Kaskawulsh Glacier, one of Canada’s largest, with a suddenness that startled scientists.

A process that would ordinarily take thousands of years — or more — happened in just a few months in 2016.

Much of the meltwater from the glacier normally flows to the north into the Bering Sea via the Slims and Yukon Rivers. A rapidly retreating and thinning glacier — accelerated by global warming — caused the water to redirect to the south, and into the
Pacific Ocean.


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).

While agriculture accounts for about 25% of global warming (through livestock emissions, tilling practices, and deforestation) and farming around the world is being negatively impacted by global warming initiated climate change, to date only a few countries have done much assist farmers in adapting to climate change or to use agricultural practices to counter global warming. One of the nations that has is Morocco. There the government has supported a number of projects, including assisting cooperatives planting argan trees in further drying arid areas. The trees absorb carbon dioxide, are extremely drought resistant, and produce a nut with an oil in high demand, bringing a good price. There are a range of practices that are essential to adapt agriculture in most of the world to climate change and help it counter global warming. The particulars of what these are depend on the circumstance of each location. In general, they consist of reducing water use, switching to and diversifying climate appropriate crops, improving soil and land management, and working with natural landscapes to develop "green infrastructure", which is also important for pollinators, discussed below.

As of the beginning of 2017, only 2% of the $331 billion in global climate financing has been going to agriculture. Much more is needed. But a number of nations have taken steps that are good examples of what can be done. Mongolia, for example, is switching to growing crops in greenhouses and stopping grazing on disappearing grass lands. Similarly, Vietnam has introduced new rice seeds that sprout earlier in germination, making them more resistant to drought. In Sub-Saharan Africa, numerous governments and aid agencies are promoting appropriate fruit and other trees that are drought resistant and increase carbon absorption. [There is much that private farmers can do on their own, if they have the information and funding to do so. For example, many California farmers have met extreme drought, reducing water use, by watering through feed lines, often technologically controlled, rather than by spraying into the air which wastes a great deal of water through evaporation and putting water where it is not needed. But too many still water by spraying, and too often during the day where there is high evaporation loss] (Zac Coleman, "Climate: A Small Nut's Big Secret," Christian Science Monitor Weekly, February 13, 2017).

The U.S. Environmental Protection Agency has reversed its findings on fracking, reporting in December 2016 that fracking for oil and gas has contaminated some drinking water (Coral Davenport, "E.P.A. Shifts on Fracking, Citing Harm to Water," The New York Times, December14, 2016).
"Cambodia: Communities Key to Forest Conservation," Cultural Survival, January 26, 2017, https://www.nytimes.com/2017/05/23/world/europe/manchester-arena-attack-ariana-grande.html?ref=todayspaper, reported, "On January 11, 2017, the government of Cambodia signed a $1.5-million deal to launch the planning phase of a REDD+ carbon trading project involving Prey Lang forest, the largest remaining lowland evergreen forest on the Indochinese peninsula and home to approximately 200,000 Indigenous people.

REDD+ is a UN framework where investors can purchase carbon credits from developing country’s intact forests, effectively paying for the maintenance of forests based on how much carbon they prevent from entering the atmosphere. In the case of Prey Lang, the credits will be based on how much projected forest loss can be prevented.

However, REDD+ has been criticized by Indigenous Peoples globally for failing to channel funds in a way that benefits the local communities who have stewarded these forests and are responsible for their continued biodiversity. As REDD+ funds must be administered by the States, similar projects have proven the difficulty in ensuring that funds reach the community level. 'REDD+ puts a huge amount of trust in both expertise and the market. Yet it has proven itself incapable of tackling the inevitable political problems which arise when dealing with managing forests in Cambodia,' said researcher Timothy Fewer to the Phnom Penh Post. He added that large inputs had seen “only very modest outcomes.”

A case study on the effectiveness of REDD+ for Indigenous Peoples in Cambodia, published in 2014 by Asia Indigenous Peoples Pact, warns that many risks accompany the benefits of the project, such as the privatization of Indigenous lands leading to fencing or exclusion from conservation areas, and recommend Indigenous Peoples get involved at the earliest possible stages for their concerns to be addressed effectively.

Cultural Survival emphasizes that for REDD+ to effectively benefit communities and their forests, the project must take a rights-based approach, and keep the right to Free, Prior, Informed Consent central to its operations at every stage. The project must recognize land titling and Indigenous-led land management as keys to maintaining and strengthening the practices that have led to the forests being sustained thus far.

Cambodia has committed to prevent the loss of forest cover in the COP negotiations on climate change. Forest cover has been sharply declining in Cambodia in recent years, and was recorded at 57% in 2010. Under the Cambodia’s implementation plan for the COP21’s Paris Climate Treaty, the government’s Intended Nationally Determined Contribution, or INDC, outlines a goal to not just prevent deforestation but to increase forest cover to 60% by 2030. Cambodia reiterated these goals at the November 2016 COP in Marrakesh, but noted that their ability to work towards deforestation is dependent on aid from developed countries, those largely responsible for carbon emissions and climate change. In Marrakesh, Cambodian officials asked for a commitment of U $1 billion dollars per year from developed to developing nations for mitigation, adaptation and loss. “Our INDCs focus on both mitigation and adaptation, but with our mitigation projects, the commitment is conditional. We will implement them if there is financial support,” Ponlok said, according to the Phnom Penh Post. So far developed nations have committed to $1 billion by 2020, but have actually provided only a fraction of that amount. This may be a driving force to look for private-sector funding through projects like REDD+.

On the ground in Prey Lang, data from Indigenous community monitors show that illegal logging remains a problem despite promises from Cambodian Prime Minister Hun Sen to act aggressively against loggers in the Prey Lang forest one year ago in January 2016. With new tracking technology in a smartphone app developed specifically to their needs, forest patrollers from the Prey Lang Community Network (PCLN) have been able to compare data to show that although decreases were seen in initially, illegal logging
increased by 14 percent between April and July of 2016 compared to the previous four-month period.

This finding comes despite large areas of Prey Lang Forest being declared conservation land in May 2016 by the government, and the government's stated goals to crack down on illegal loggers. The data showed that illegal logging has continued to occur in both protected and unprotected areas. Sao Sopheap, spokesman for the Ministry of the Environment, said the government was working with conservationists to prevent forest crimes, but admitted that its strategy had yet to see an end to illegal logging and forest clearance, according to Cambodia. Prey Lang Community Network has acknowledged and thanked the government for its strides in protecting Prey Lang, but notes that for more progress to be made, local Indigenous community monitors must be actively involved in management of the Prey Lang forest.

Prey Lang Community Network has requested the following of the Cambodian government, among other points:
The inclusion of Prey Lang Community Network in a joint committee to monitor the work towards protecting Prey Lang forest.
Financial support for trainings on natural resource protection to members of the PLCN
Better cooperation between PLCN and government ministries such as the Ministry of the Environment

Monitor the effectiveness of government officials and institutions charged with the environment and natural resources, and when necessary, take legal actions against officials and local authorities who are involved in illicit activities related to logging or intimidation of forest patrollers.

Inclusion of the significance and inclusion of Prey Lang forest in the Cambodian national curriculum.

Confiscation of all chain saws around the Prey Lang area.

Ban the selling of all types of wood and wood crafts around Prey Lang, as well as saw mills

Observe and investigate the land concessions around Prey Lang areas.


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.

350.org reported and commented, January 25, 2017, https://www.nrdc.org/experts/anthony-swift/significant-obstacles-remain-building-keystone-xl?utm_medium=email&utm_source=actionkit, "It's been 48 hours since Trump signed his executive actions on the Keystone XL and Dakota Access pipelines, and already more than 50,000 people have pledged to fight these projects to the end.

Trump made it seem like he was approving these pipelines, but he didn't. Both Dakota Access and Keystone XL face legal, procedural and financial hurdles -- not to mention the multi-million person opposition to his administration.

If you're ready and committed to take action to stop these projects, take the Pledge of Resistance to get plugged in to action opportunities to stop Keystone XL, Dakota Access and fossil fuel projects everywhere.
We've stopped these pipelines before, and we can do it again. Here's what you need to know about Trump's actions on Tuesday:

He did *not* approve Keystone XL or Dakota Access. He briefly succeeded in confusing a lot of people on this point (including me, I will admit).

On Dakota Access, he told the Army Corps of Engineers that the pipeline is in our "national interest" and told them to "consider" revoking the environmental review placed on it by the Obama Administration.

On Keystone XL, he invited TransCanada to re-apply and if they do, mandated a final decision on the pipeline within 60 days and waived input from environmental agencies.

And when TransCanada does re-apply, they no longer have permits in Nebraska, and their permits in South Dakota are being challenged.

Trump also placed conditions on approval of the pipelines -- like limiting oil exports, and determining where the steel comes from -- that the oil companies might not accept. And even if either pipeline moves forward, they will face a fierce, mobilized resistance from Indigenous communities and landowners who will bear the biggest impacts of spills and toxic pollution on their lands.

In other words: it ain't over until it's over -- and it's definitely not over. Every pledge is a demonstration that this mass movement is prepared and ready to resist. We, the signers, are a warning to any company, bank, or politician who chooses to support fossil fuel projects that will further tip our climate past its limits.

More than 50,000 people have already pledged. Together we can make a huge impact. Join the Pledge of Pipeline Resistance.

These pipelines will transport more oil that we don't need, and that our climate can't bear. We have the solutions to transform our energy system -- and we have the power and will to fight for them."

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).


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).

Daphne Wysham, "This City Just Banned Virtually All New Dirty-Energy Infrastructure: Portland, Oregon has adopted a first-of-its-kind offensive strategy to prevent new oil, gas, and coal export facilities from being built," Institute for Policy Studies, December 21, 2016, http://www.ips-dc.org/%EF%BB%BF-city-just-banned-virtually-new-dirty-energy-infrastructure/, reported, "On December 14, the city council in Portland, Oregon, voted unanimously to set "the first stone in a green wall across the West Coast," in the words of Mayor Charlie Hales. He was referring to a groundbreaking new zoning ordinance that effectively bans all new fossil-fuel-export infrastructure within the city’s limits—including
new port facilities for shipping coal, and holding tanks for oil and natural gas—and prevents existing facilities from expanding. The vote marks a hard-fought victory for local activists and environmental groups. And, in anticipation of the Trump administration’s pro–fossil fuel agenda, it signals to other cities that innovative action to counter climate change is still possible at a local level."

Clifford Kraus, "BP Struggles to Control Damaged Well in Alaskan Arctic," *The New York Times*, April 16, 2017, https://www.nytimes.com/2017/04/16/business/bp-damaged-oil-well-alaskan-arctic.html?ref=todayspaper, reported, "The British oil giant BP worked through the weekend to control a damaged oil well on Alaska’s remote North Slope that had started spewing natural gas vapors on Friday morning, the company and Alaska officials said. ‘There have been no injuries or reports of damage to wildlife, but crews trying to secure the well have failed amid frigid winds gusting to 38 miles an hour.”

A rise in oil prices has brought increased production in Texas, but with increased automation there has not been a corresponding increase in jobs. [Expansion of wind and solar power, in contrast, has been, and is expected to continue to, greatly increase employment] (Clifford Krauss, "Texas Oil Fields Rebound From Price Lull, but Jobs Are Left Behind: The industry is embracing technology, and finding new ways to pare the labor force. But as jobs go away, what of presidential promises to bring them back?" *The New York Times*, February 19, 2017, https://www.nytimes.com/2017/02/19/business/energy-environment/oil-jobs-technology.html?ref=todayspaper&_r=0).

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).


The government of Great Britain, in June 2017, approved the building of a nuclear electric generating plant, the Hinkley Point C generating station, on the Somerset Coast (Stephen Castle, "Britain Gives O.K to Build Nuclear Plant Tied to China.," *The New York Times*, June 16, 2016).

Kimiko de Freytas-Tamura, "Radioactive Boars in Fukushima Thwart Residents’ Plans to Return Home," *The New York Times*, March 9, 2017, https://www.nytimes.com/2017/03/09/world/asia/radioactive-boars-in-fukushima-thwart-residents-plans-to-return-home.html?ref=todayspaper, reported, "Hundreds of toxic wild boars have been roaming across northern Japan, where the meltdown of the Fukushima nuclear plant six years ago forced thousands of residents to desert their homes, pets and livestock. Some animals, like cattle, were left to rot in their pens. As Japan prepares to lift some evacuation orders on four towns within the more than 12-mile exclusion zone around the Fukushima plant later this month, officials are struggling to clear out the contaminated boars. Wild boar meat is a delicacy in northern Japan, but animals slaughtered since the disaster are too contaminated to eat. According to tests conducted by the Japanese government, some of the boars have shown levels of radioactive element cesium-137 that are 300 times higher than..."
Japan continues to struggle with the remnants of the Fukushima nuclear disaster. Among the ongoing problems are enormous amounts of highly radioactive waste. This encompasses: 400 tons of highly radioactive water produced every day, currently 3,519 containers of radioactive sludge, radioactive branches and logs from 220 acres of deforested land, 200,400 cubic meters of radioactive rubble (which may increase), 3.5 billion gallons of radioactive soil, 1,573 Nuclear Fuel Rods that have to be kept cool, and an increasing amount continually being discarded protective clothing - as of March 2017 having reached 64,700 cubic meters (Motoko Rich, "Struggling With Japan’s Nuclear Waste, Six Years After Disaster," The New York Times, March 11, 2017, https://www.nytimes.com/2017/03/11/world/asia/struggling-with-japans-nuclear-waste-six-years-after-disaster.html?ref=todayspaper&_r=0).

Tatiana Schlossberg, "In Reversal, E.P.A. Eases Path for a Mine Near Alaska’s Bristol Bay," The New York Times, May 12, 2017, https://www.nytimes.com/2017/05/12/climate/in-reversal-epa-eases-path-for-a-mine-near-alaskas-bristol-bay.html?ref=todayspaper, "In another reversal of Obama administration policy, the Environmental Protection Agency announced Friday that it had settled a lawsuit over a mine on Alaska’s Bristol Bay, one of the world’s most productive salmon fisheries."

"Friday’s settlement allows the company [Pebble Limited Partnership], to file a new application for a permit, which it has said it will do. That effectively undercuts the E.P.A.’s previous determinations, based on years of scientific study, that the proposed mine on state land would be a risk to the long-term health of the fishery and wider ecosystem." Development of the Pebble Mine, which would involve using highly toxic chemicals, would also be a direct threat to the Native population living near where the mining would take place.

The Tennessee Valley Authority's Gallatin Fossil Fuel Plant produces a good deal of electricity from burning coal, with an annual residue of 200,000 tons of coal ash. The toxic ash is mixed with water and stored in pits and ponds. It has been leaking into ground water and the river, potentially threatening water supplies, according to two law suits. over all, more than 100 million tons of coal ash is produced in the U.S. each year, creating a huge hazardous waste problem (Iatania Schlossberg, "Hidden Peril of Coal Ash To Water Many Drink," The New York Times, April 16, 2017).

Cambodia's lime stone karsts are home to unique plants and animals, as well as small temples and shrines, but the karsts are being destroyed to use the limestone to make cement and the entire habitat and the cultural and sacred sites are being destroyed in the process (Julia Wallace, "Ground to Dust," The New York Times, April 30, 2017).


In a study published Wednesday in Science Advances, a group of researchers from the University of Cádiz in Spain and several other institutions show that a major ocean current is carrying bits of plastic, mainly from the North Atlantic, to the Greenland and Barents seas, and leaving them there — in surface waters, in sea ice and possibly on the ocean floor.

Because climate change is already shrinking the Arctic sea ice cover, more human
activity in this still-isolated part of the world is increasingly likely as navigation becomes easier. As a result, plastic pollution, which has grown significantly around the world since 1980, could spread more widely in the Arctic in decades to come, the researchers say."

Long Island's Great South Bay, once the source of 90% of the U.S. shellfish consumed in the U.S., has become increasingly polluted, causing the collapse of its shellfish industry. New York State recently passed the Clean Water Infrastructure Act, with a $2.5 billion appropriation, that among other things aims to clean up sewage and septic systems polluting the bay, as well as protecting drinking water (Lisa Foderaro, "Long Island Sees Its Water Go From Bad To Alarming," The New York Times, May 9, 2017).

Danny Hakim, "Monsanto Weed Killer Roundup Faces New Doubts on Safety in Unsealed Documents," The New York Times, March 15, 2017, https://www.nytimes.com/2017/03/14/business/monsanto-roundup-safety-lawsuit.html?ref=todayspaper&r=0, reported, "The reputation of Roundup, whose active ingredient is the world's most widely used weed killer, took a hit on Tuesday when a federal court unsealed documents raising questions about its safety and the research practices of its manufacturer, the chemical giant Monsanto."

"The court documents included Monsanto’s internal emails and email traffic between the company and federal regulators. The records suggested that Monsanto had ghostwritten research that was later attributed to academics and indicated that a senior official at the Environmental Protection Agency had worked to quash a review of Roundup’s main ingredient, glyphosate, that was to have been conducted by the United States Department of Health and Human Services.

The Cast of the court also revealed that there was some disagreement within the E.P.A. over its own safety assessment."


In greenlighting the dangerous chemical, the EPA defied its own research—and acquiesced to Dow Chemical, the maker of chlorpyrifos, which has been lobbying the agency for years to allow the pesticide's continued use.

'Without the ban, farmworkers, their children, and others can't escape exposure because the poison is in [the] air they breathe, in the food they eat, the soil where children play.'

—Erik Nicholson, United Farm Workers

As the Natural Resources Defense Council (NRDC) observed: 'The Trump EPA's denial of the NRDC and Pesticide Action Network 2007 petition to ban chlorpyrifos contradicts EPA's own analysis from November 2016 (just five months ago!) that found widespread risk to children from residues of the pesticide on food, in drinking water, and in the air in agricultural communities. Up until last night, EPA explained that because of these risks a ban was needed to protect children's health.'

Environmental law group Earthjustice listed the risks the EPA discovered through its own research into chlorpyrifos:

All exposure to chlorpyrifos through food exceeds safe levels of the chemical. The most
exposed population is children between one and two years of age. On average, this vulnerable group is exposed to 140 times the level of chlorpyrifos the EPA deems safe.

Chlorpyrifos contaminates drinking water.

Chlorpyrifos drifts to schools, homes, and fields in toxic amounts at more than 300 feet from the fields.

Workers face unacceptable risks from exposures when they mix and apply chlorpyrifos and when they enter fields to tend to crops.

There is little doubt about the science. *Mother Jones* Tom Philpott reported that 'Stephanie Engel, an epidemiologist at the University of North Carolina and a co-author of [a major study on chlorpyrifos at Mount Sinai], says the evidence that chlorpyrifos exposure causes harm is 'compelling'—and is 'much stronger' even than the case against BPA (bisphenol A), the controversial plastic additive. She says babies and fetuses are particularly susceptible to damage from chlorpyrifos because they metabolize toxic chemicals more slowly than adults do. And 'many adults' are susceptible, too, because they lack a gene that allows for metabolizing the chemical efficiently, Engel adds.'

And the *New York Times* reported that 'Jim Jones, who ran the chemical safety unit at the EPA for five years, and spent more than 20 years working there until he left the agency in January when President Trump took office, said he was disappointed by Mr. Pruitt's action. *They are ignoring the science that is pretty solid,*' Mr. Jones said.'

The decision is in line with Pruitt's anti-science, pro-corporate stance. Yet advocates and researchers who have followed the years-long campaign to end the use of chlorpyrifos were still shocked by Pruitt's outrageous move.

As a result of Pruitt's decision, children and farmworkers nationwide are endangered, rights advocates and environmental groups charge.

'Without the ban, farmworkers, their children, and others can't escape exposure because the poison is in [the] air they breathe, in the food they eat, the soil where children play,' observed Erik Nicholson, national vice president of United Farm Workers. 'We all have a basic right to a healthy life.'

Some further argued that the decision breaks the law.

'We have a law that requires the EPA to ban pesticides that it cannot determine are safe, and the EPA has repeatedly said this pesticide is not safe,' Patti Goldman, managing attorney at Earthjustice, told the *New York Times.*

Earthjustice has vowed to fight Pruitt's decision in court, reported *NPR.*"

"Argentina: Harvard 'Pauses' Investments in Certain Fossil Fuels," Cultural Survival, May 08, 2017, https://www.culturalsurvival.org/news/argentina-harvard-pauses-investments-certain-fossil-fuels, reported, "After years of pressure from students and community groups, In April 2017, Harvard University announced that it will 'pause' its investments in certain fossil fuel interests - including minerals, oil, and gas - citing the pressing problem of climate change as a reason to reevaluate their investment portfolio. This so-called "pause" in investment does not necessarily guarantee the freezing of new investments, and divestment from all indirect ties - two things that student activist group Divest Harvard has been calling for. However, it is still an important breakthrough in pushing Harvard to invest its 36-billion dollar endowment according to standards of environmental and social responsibility.

Harvard’s statement stopped short of addressing concerns on the environmental and social impact of its other investments. Aside from heavy investment in fossil fuels, Harvard also invests over 10% of its endowment, approximately $3 billion, in natural resource projects across the world. With a move away from fossil fuels, Harvard may be doubling down on this 'green' investment area of its portfolio. According to a piece in the"
Harvard Crimson entitled “Harvard’s Timber Empire”. The timber holdings in particular include plantations in Argentina, New Zealand, Romania, Brazil, Chile, Uruguay, and Ecuador.

Harvard Management Company is the largest shareholder in two Argentinian timber companies, Empresas Verdes Argentinas Sociedad Anonima and Las Misiones S.A., which control hundreds of square miles of monocropped pine and eucalyptus plantations in the Iberá wetlands of Argentina, developed without the Free, Prior, Informed Consent of the Guaraní Indigenous communities who call the area home.

The Iberá wetlands system, protected under the Ramsar Convention, in Northern Argentina in the Corrientes province, is one of the world’s largest freshwater bodies and is home to 30% of Argentina’s biodiversity. Many endangered species, including the maned wolf, caimans, pampas deer, neo-tropical river otter, and marsh deer, all depend upon the wetlands for survival. It is the ancestral territory of the Guaraní Indigenous Peoples, who have lived in and around the Iberá wetlands for generations, their livelihoods dependent upon the wetlands. The monocropped timber plantations have destroyed their ancestral land, which holds cultural and spiritual significance, changing the water table dramatically and creating water shortages in nearby communities. The invasive plantations have destroyed the biodiversity in over half of the wetlands.

In April 2014, Adrián Obregón, a Guaraní community leader, met with the Harvard Management Company to ask them to divest from the plantations and invest in responsible and sustainable initiatives. Kevin Galvin, a spokesman from the university, alluded to their Forest Stewardship Council (FSC) certification to justify their investments in timber companies and other plantations. This certification does not require Harvard to comply with Indigenous Peoples’ right to free, prior and informed consent, however, and so it does not justify the violation of this right.

In his meeting with the Harvard Management Company, Adrián Obregón said “Many of the residents of Montaña have the plantations right on top of them. Around the Ipacarapá Lagoon, which forms part of our ancestral territory - my grandfather’s house was on the edge of it - the whole area is planted with pine trees now, right up to the water. There is only a small area of native forest left and we can’t access it without ‘intruding’ on private property.”

Harvard students have joined the throng of outraged voices after a report from the Responsible Investment at Harvard Coalition and the Oakland Institute illuminated the environmental concerns and levels of poverty caused by the plantations. Protests outside of University President Drew Faust’s office have called for an end to these investments.

It remains to be seen how Harvard’s so called pause in fossil fuel investment may impact the rest of their portfolio. But activists are to see that Harvard’s establishment politics may be moving in the direction of divestment, and that their portfolio is not immune to public pressure.

Bill McKibben, co-founder of climate campaign group 350.org, told the Guardian: 'The significance is enormous: the richest and most famous educational institution on our planet is now siding with the future, not the past.'"

The economically fairly poor island of Samso, Denmark, has become a model of green energy, selling its surplus of solar and wind power to the Danish mainland, as described in Tom A. Peter, "An Island of Green," Christian Science Monitor Weekly, April 17, 2017.

A move to switch from gasoline to diesel powered vehicles, together with the burning of wood in private homes, has caused record levels of pollution during the winter in London, England. Unlike the great smog of 1952, and other previous years of "London fog", the current pollution is largely toxic nitrogen-dioxide, estimated to kill 23,500 people in Britain a year (Kimoko de Feyatas-Tamura, "A Push for Diesel Leaves London Gasping Amid Record Air Pollution," The New York Times, February 18, 2017).
Climate Change appears to be increasing the terrible smog in China, that the government has been trying to decrease. Studies show that winds have been lessening in Northern China that reduce the amount of smog over urban areas as they blow some of it away (Javier C. Hernandez, "Climate Change May Be Intensifying China’s Smog Crisis," The New York Times, March 24, 2017, https://www.nytimes.com/2017/03/24/world/asia/china-air-pollution-smog-climate-change.html?ref=todayspaper).

An increase in steel pollution in China - despite promises to reduce it - is reported by Greenpeace to have significantly increased sickening air pollution in northern China, especially around Beijing (Edward Wong, "Greenpeace Links Beijing Pollution to Steel Plants," The New York Times, February 17, 2017).


To adapt, he has embraced an environmentally conscious way of farming that guards against soil erosion and conserves precious water. He can talk for hours about carbon sequestration — the trapping of global-warming-causing gases in plant life and in the soil — or the science of the beneficial microbes that enrich his land.

In short, he is a climate change realist. Just don’t expect him to utter the words “climate change.”


In what is likely another example of climate change, Nicholas Fandos, "Cherry Blossoms in Washington Could Peak Early," The New York Times, March 2, 2017, https://www.nytimes.com/2017/03/02/us/politics/cherry-blossoms-washington.html?ref=todayspaper, reported, "The iconic blossoming cherry trees that ring the Tidal Basin here have symbolized the arrival of spring for nearly a century. This year, they will be one more sign of wacky and warming weather.

The National Park Service, which maintains the trees, said on Wednesday that the pink and white blossoms could reach their peak as soon as March 14, a full three weeks earlier than normal. If the flowers indeed pop on that date, it will be the earliest bloom on record."

Also an example of climate change is, by previous standards, an unusual late winter storm and cold snap that could bring East Coast temperatures below freezing as far south as Northern Florida, among other things threatening to kill the DC Cherry blossoms just as they are reaching their height (The weather section of The New York Times, March 15, 2017).

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 Rosailie, AL.

The unusually strong thunder storm weather continuing, Richard Fausset and Jonah Engel Bromwich, "At Least 18 Die as Tornadoes Sweep Southeast U.S.," The New York Times, January 22, 2017, https://www.nytimes.com/2017/01/22/us/tornadoes-southeast-georgia-mississippi-death.html?ref=todayspaper&_r=0, — "At least 18 people were killed and 43 more injured in Georgia and Mississippi after thunderstorms and tornadoes roared through the South this weekend, leaving some things standing and some things fallen, some lives whole and others blown to bits."

Several days of heavy rain resulted in flash flooding across the Carolinas during the week of April 23, 2017, closing roads and raising river levels that were still rising on April 23 (Acuweather.com, April 23, 2017, http://www.accuweather.com).


The continuing set of storms caused flooding, destruction and at least nine deaths from tornados and flooding across the Midwest and South, while Kansas suffered a late season blizzard, closing roads. In Texas four tornados swept an area 35 miles long and 15, and one tornado may have been on the ground for 40 miles! There was flooding or wind damage in Texas, Arkansas, Missouri, Louisiana, Mississippi, and Alabama ("Tornadoes and Flooding in South and Midwest Kill at Least 9," The New York Times, April 30, 2017, https://www.nytimes.com/2017/04/30/us/deadly-tornadoes-floods-south-midwest.html?ref=todayspaper).

As climate change brings larger and larger storms more often: Richard Perez-Pena, "Destructive Storm System Bruises the Nation’s Midsection," The New York Times, May 4, 2017, https://www.nytimes.com/2017/05/04/us/flooding-missouri-arkansas-storms-weather.html?ref=todayspaper, reported, "Across a broad swath of the nation’s midsection, people fought on Thursday to hold back floodwaters, repair tornado damage and dry out homes and businesses, after a powerful storm front stretching nearly a thousand miles breezted through, bringing destructive winds and more than a foot of rain in places. Over several days, punishing weather from that system struck from Texas to Michigan, with the heaviest downpours in eastern Arkansas and eastern Missouri; at least 20 deaths have been traced to the storms, which have also flooded thousands of homes and displaced their occupants. By Thursday, as the storms moved eastward, flood warnings were in effect across Illinois, Indiana and Missouri, and on Friday, the front was expected to drench a region spanning from Tennessee, across the Ohio River Valley, the Carolinas, the Northeast and into Canada.

Hundreds of roads were closed by flooding and debris, and several small communities were the hardest hit, leaving some accessible only by boat."

About 70 percent of the 2017 Texas peach crop was lost, as early hot weather brought the peach trees into bloom early, with a freeze following killing many of the

Jack Healy, "Burying Their Cattle, Ranchers Call Wildfires ‘Our Hurricane Katrina’" *The New York Times*, March 20, 2017, https://www.nytimes.com/2017/03/20/us/burying-their-cattle-ranchers-call-wildfires-our-hurricane-katrina.html?ref=todayspaper&_r=0, reported, "Death comes with raising cattle: coyotes, blizzards and the inevitable trip to the slaughterhouse and dinner plate. But after 30 years of ranching, Mark and Mary Kaltenbach were not ready for what met them after a wildfire charred their land and more than one million acres of rain-starved range this month.

Dozens of their Angus cows lay dead on the blackened ground, hooves jutting in the air. Others staggered around like broken toys, unable to see or breathe, their black fur and dark eyes burned, plastic identification tags melted to their ears. Young calves lay dying.

Ranching families across this countryside are now facing an existential threat to a way of life that has sustained them since homesteading days: years of cleanup and crippling losses after wind-driven wildfires across Kansas, Oklahoma and the Texas panhandle killed seven people and devoured homes, miles of fences and as much as 80 percent of some families’ cattle herds."

The outbreak of a great many wild fires in the western United States, in late spring 2017, especially in Arizona, was causing major air quality problems from the smoke in the western portions of the Navajo Nation (Krista Allen, "Smoke from wild fires is concern in Western Navajo," *Navajo Times*, June 15, 2017).

Global warming induced climate change continues to bring more extreme weather, sometimes in pairs of opposites as hit the U.S. west coast in January when somewhat eased severe long term drought, especially in California, was broken by a series of storms with tremendous rains and snow bringing floods from Southern California to Portland Oregon. On one day, Long Beach, CA received a record 1.54" while record snows brought many feet snow pack to the Sierra Nevada, quickly going from very little to 163% of normal. 12 feet of snow fell at the ski area at Taho, while Crater Lake in Oregon received some 8 feet of snow, and a foot fell in southwest Washington, that normally receives precipitation as rain. There was severe flooding, evacuations and rescues in some areas, including near Sacramento, CA (Adam Nagourney, "It Never Rains in California (It Pours)," *The New York Times*, January 14, 2017; and Marcio J. Sanchez and Janie Har, "Drought-ending storms swamp Northwest," *Albuquerque Journal*, January 12, 2017).

With the continued switch of extremes, drought to flood, the Oroville Dam, in Oroville, CA went from perhaps record low to record high, necessitating emergency water release to keep the reservoir from overflowing. That brought: Mike McPhate and Jess Bidgood, "In Shadow of California Dam, Water Turns From Wish to Woe," *The New York Times*, February 13, 2017, https://www.nytimes.com/2017/02/13/us/oroville-dam-california-spillway.html?ref=todayspaper&_r=0, reported, "It wasn’t so long ago that residents here had to drag their houseboats into a dusty field from the barren banks of Lake Oroville, which had almost no water left to keep them afloat.

Now after weeks of rain, that dusty field is swelling with water and nearly 200,000 people had to evacuate the area when the state’s second-largest reservoir developed a hole in its auxiliary spillway and threatened to catastrophically flood nearby towns."

Amid one of the wettest winters in decades, more heavy rainfall was due to strike Northern California starting on Sunday.

'I've been a meteorologist here for 25 years and I personally can’t remember a storm that had that much wind with it,' said David Sweet in the Los Angeles office of the National Weather Service. “It was a very impressive storm.”

Parched for the past five years, California now finds itself in some areas with too much water.

Workers have rushed to fix the damaged embankment of the Oroville Dam north of Sacramento, which this past week was weakened by water discharged from an emergency spillway. Some forecasts said that the area could be hardest hit by the new round of rainfall on Sunday.

At the Port of Los Angeles, winds reached 75 miles an hour on Friday, just above the threshold to be considered a hurricane, Mr. Sweet said. Rainfall on some inland mountain slopes reached nine inches, the same amount of precipitation that would normally fall during an entire winter month.

Mr. Sweet described a plume of moisture extending from Hawaii to Southern California, bringing with it tropical moisture. 'It was an atmospheric river,' he said.

The combination of wind and rain knocked down trees across the Los Angeles area, prompted mudslides, flooded freeways and opened up a sink hole in the San Fernando Valley large enough to almost swallow two cars.

Tens of thousands of Southern California residents lost power during the storm, portions of Amtrak train service were suspended and dozens of flights were canceled or delayed."

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 once every 200 years ("Storms in Succession The New York Times, September 13, 2016).

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).


Russell Goldman, "Mudslide in Colombia: Death Toll Surges to More Than 230)," The New York Times, April 1, 2017, https://www.nytimes.com/2017/04/01/world/americas/colombia-flood-mudslide-mocoa.html?ref=todayspaper, reported, "More than 230 people were killed, many of them asleep in their beds, when a giant wall of water carrying tons of mud and debris surged through a city in southwest Colombia on Saturday after heavy rains caused a nearby river to overflow, officials said."

The Columbia mudslide was one of many caused by widespread far from what has been normal very heavy rains. Nicholas Casey and Andrea Zarate, "Mud Erased a Village in Peru, a Sign of Larger Perils in South America," The New York Times, April 6, 2017, https://www.nytimes.com/2017/04/06/world/americas/peru-floods-mudslides-south-america.html?ref=todayspaper, reported, "A catastrophic mudslide essentially erased Barba Blanca from the map last month. Yet somehow all 150 people who lived here in this Peruvian village managed to escape."
"Large parts of South America have been pummeled for weeks by torrential rains that are wreaking havoc throughout the western region of the continent. Floods and destructive mudslides in Peru, Ecuador and Colombia have killed hundreds and displaced thousands more."

Jonathan Watts, and Mauricio Weibel, "Deadly wildfire razes entire town in Chile: 'Literally like Dante's Inferno': One body found in smoldering ruins of Santa Olga, the worst-hit of several smaller communities, as hot, dry weather fuels fiercest fires in recent history," *The Guardian*, January 26, 2017, https://www.theguardian.com/world/2017/jan/26/chile-wildfires-destroy-town-santa-olga, reported, "An entire town has been consumed by flames in Chile as unusually hot, dry weather undermined efforts to combat the worst forest fires in the country’s recent history.

More than 1,000 buildings, including schools, nurseries, shops and a post office were destroyed in Santa Olga, the biggest of several communities to be reduced to ashes in the Maule region."


The rains caused flooding and destructive mudslides on vulnerable mountainsides near the city over the weekend, killing at least three people, with 19 more reported missing.

The mudslides and floods in turn contaminated the Maipo River, a main source of drinking water for much of Santiago and the surrounding metropolitan region. The water utility Aguas Andinas, whose plants draw from the river, suspended service on Sunday for about 1.5 million customers, affecting a total of about five million residents."

Northern North Korea suffered severe rains bringing the worst flooding in many years, in September 2016, causing tens of thousands of people to lose homes (Choe Sang-Hun, "North Korea Draws Aid In Response To Flooding: Emergency Food For Over 140,000," *The New York Times*, September 15, 2016).

Jeffrey Gettleman, "Drought and War Heighten Threat of Not Just 1 Famine, but 4," *The New York Times*, March 27, 2017, https://www.nytimes.com/2017/03/27/world/africa/famine-somalia-nigeria-south-sudan-yemen-water.html?ref=todayspaper, reported that climate change combined with war are having a deadly impact, "Another famine is about to tighten its grip on Somalia. And it’s not the only crisis that aid agencies are scrambling to address. For the first time since anyone can remember, there is a very real possibility of four famines — in Somalia, South Sudan, Nigeria and Yemen — breaking out at once, endangering more than 20 million lives."


A major cyclone in the area of Bangladesh, where most of the Rohingya refugees from Myanmar were living, destroyed 17,000 homes and damage 35,000 others. Authorities evacuated 450,000 people before the storm hit (Nida Najar and Maher Sattar, "Cyclone in Bangladesh Wreaks Havoc on Rohingya Migrants Camps," *The New York Times*, May 31, 2017).

"Her analysis, conducted with a loose-knit group of researchers called World Weather Attribution, was made public on Thursday. Their conclusion was that climate change made maximum temperatures like those seen in January and February at least 10 times more likely than a century ago, before significant greenhouse gas emissions from human activity started warming the planet.

Looked at another way, that means that the kind of soaring temperatures expected to occur in New South Wales once every 500 years on average now may occur once every 50 years. What is more, the researchers found that if climate change continued unabated, such maximum temperatures may occur on average every five years."


The Category 4 storm, named Cyclone Debbie, battered the tourist islands off the coast before hitting the mainland with its full fury, gathering enough force that officials feared the potential for widespread damage. Aggravating the situation was the storm’s slow, potent march onto the coastline.

'Debbie is a very large, slow-moving system,' said John Fowler, a spokesman for Ergon Energy, noting that 48,000 customers were without power in the Bowen, Whitsunday and Mackay areas. “This one is actually taking its time, so the longer it takes, the more damage it will do — not just to our network but obviously to property as well.”

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).

Studies have found that the world's oceans have always been near the point of anoxia, oxygen depletion to the point that they cannot support life, and past environmental crises have caused very widespread anoxia. Currently, oxygen levels in the oceans are dropping, partly as the result of human activity that has increased the nutrients flowing down rivers into oceans, but more importantly as a direct result of global warming (Andrew J. Watson, "Oceans on the edge of anoxia," Science, December 23, 2016).

Rising global temperatures are reducing ocean fish populations. A study of 892 ocean species finds that, over fishing and other factors aside, a rise in atmospheric
temperature of 1.5 degree C. would cause global fish losses of 2.5%. At 3.5 degrees increase in global temperature, fish losses would rise 8% over all, but in tropical locations fish declines would be between 20% and 80% (Elizabeth A. Fulton, "A stich in time saves nine...billion," Science, December 23, 2016).

Kelsey J. Pieper, Min Tang, and Marc A. Edwards, "Flint Water Crisis Caused By Interrupted Corrosion Control: Investigating “Ground Zero” Home," ACS Publications, February 1, 2017, http://pubs.acs.org/doi/abs/10.1021/acs.est.6b04034, reported, **Flint, Michigan switched to the Flint River as a temporary drinking water source without implementing corrosion control** in April 2014. Ten months later, water samples collected from a Flint residence revealed **progressively rising water lead levels (104, 397, and 707 μg/L)** coinciding with increasing water discoloration. An intensive follow-up monitoring event at this home investigated patterns of lead release by flow rate—all water samples contained lead above 15 μg/L and several exceeded hazardous waste levels (>5000 μg/L). Forensic evaluation of exhumed service line pipes compared to water contamination 'fingerprint' analysis of trace elements, revealed that the immediate cause of the high water lead levels was the destabilization of lead-bearing corrosion rust layers that accumulated over decades on a galvanized iron pipe downstream of a lead pipe. After analysis of blood lead data revealed spiking lead in blood of Flint children in September 2015, a state of emergency was declared and public health interventions (distribution of filters and bottled water) likely averted an even worse exposure event due to rising water lead levels."

**Ben Panko,** "Scientists Now Know Exactly How Lead Got Into Flint's Water: New report points blames corrosion and warns that fixing lead poisoning nationwide will require more work than we hoped," Smithsonian.com, February 3, 2017, http://www.smithsonianmag.com/science-nature/chemical-study-ground-zero-house-flint-water-crisis-180962030/?utm_source=smithsoniantopic&utm_medium=email&utm_campaign=20170205-Weekender&spMailingID=27750822&spUserID=NzY1MjY2NzA4MTkS1&spJobID=980569374&spReportId=OTgwNTY5Mzc0S0, reported further, "This suspicion isn't limited to Flint. Guyette says that on his travels across the country, he's encountered many Americans who now know and worry about lead in their own drinking water. 'What this study does is only add to the evidence of how widespread the concern should be,' he says. Edwards is now working to study the efficacy of Flint's citywide efforts to replace lead pipes, and says this study is just the first step in getting the full picture.

'A lot of work still needs to be done to better understand the origins of this manmade disaster,' Edwards says.

**While Flint is also planning to replace galvanized iron pipes as well as lead pipes,** Guyette says, there are thousands of cities across America where lead and iron pipes have been and are still being used together. While Walters had plastic pipes inside of her house, many older homes have galvanized iron pipes in their walls, meaning that removing any chance of lead contamination would take costly renovations."

A meeting of the Gold King Mine Spill Citizens Advisory Committee, held almost two years after the spill from the mine in Colorado into the Animas and San Juan Rivers, was told by experts that the condition of the rivers in the aftermath was complex, and the degree of safety or usability of the river and its waters depended on the specific use (Alysa Landry, "Are the rivers safe yet? It's complicated, committee hear," Navajo Times, May 28, 2017).

Faced with the shrinking of Ponyang, China's largest freshwater lake, the local government has proposed building a 10,000 foot slice gate, to keep more water in the lake
in the winter. But environmental scientists object, saying that damming the lake in that way would interrupt regular water cycles and cause great ecological damage (Mike Ives, "As China's Largest Freshwater Lake Shrinks, a Solution Faces Criticism," The New York Times, December 29, 2016).


Such storms have become an increasingly common phenomenon for the region, as China’s deserts expand by gobbling up roughly 1,300 square miles a year. A half-century ago, such storms happened every seven or eight years; now they are an annual occurrence.

The storms typically happen in the spring, as strong winds send soil and sand from the Gobi Desert over northern China and even the Korean Peninsula.

This week’s dust storms led to the cancellation of scores of flights and caused pollution in northern China to soar. Beijing’s air-quality index hit a dangerous level of 623 on Thursday; the United States government rates readings above 200 as ‘‘very unhealthy’ and 301 to 500 as 'hazardous.'

Experts tie the problem to the rapid urbanization of northern China, deforestation and climate change. The government has spent billions of dollars to plant forests to stop the creeping desertification, but some experts have questioned whether it has been effective enough in doing so."


Residents of Ahvaz, a city with a majority Arab population near the border with Iraq, had been protesting for five days in increasingly large gatherings, shown in cellphone video clips shared on social media.

The region around Ahvaz is a center of oil production in Iran, and since economic sanctions were lifted, Iran’s government has been hoping for foreign investment in the area to update refineries and power stations and fix deepening ecological problems."

"Demonstrators can also be heard shouting, 'Unemployment, unemployment,' another big problem in the region, and urging their countrymen to offer assistance."

Oil production was also affected, with the Ministry of Petroleum reporting that production had temporarily fallen by 700,000 barrels a day.

In addition to the short-term effects of the dust storm, the city is wrestling with long-term environmental challenges.

Ahvaz, home to around one million people, is surrounded by petrochemical factories that emit pollutants on a large scale.

A 15-year drought, in combination with poorly planned dam building, has caused local marshes to dry up, increasing the level of dust particles in the air to record highs.

"The World Health Organization said in 2015 that Ahvaz was the most polluted city in the world."

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 Provence (Andrew Jacobs, "Xinjiang's Ancient Water Tunnels Are
Catastrophic dam inaugurated today in Ethiopia," Survival International, December 17, 2016, http://www.survivalinternational.org/news/11544, reported, "One of the most controversial dams in history is to be inaugurated today. The Gibe III dam has put an end to the natural flooding of Ethiopia’s Omo River, on which 100,000 indigenous people depend and a further 100,000 rely indirectly.

Experts have warned that this could also mean the end for Lake Turkana in Kenya – the world’s largest desert lake – and disaster for the 300,000 tribespeople living along its shores.

The dam was built by Italian engineering giant Salini Impregilo, against which Survival has filed a formal complaint that is still ongoing. Plans are now underway to build the Gibe IV and Gibe V dams downriver.

The Ethiopian government and Salini claimed that artificial floods would replace the natural floods, but for the past two years the authorities have failed to release enough water to sustain people’s livelihoods.

Many are now reliant on food aid, which has not been delivered regularly or in sufficient quantities. One witness told a board member of International Rivers in November: 'The river does not provide for us anymore. My people are facing a big problem. The aid isn’t enough to live on.

'The river continues to go down. The crocodiles are still in the river, but having problems. The fish are having trouble laying their eggs. Less and less fish each year'

The region is one of the most important sites in early human evolution, and an area of exceptional biodiversity, with two World Heritage Sites and five national parks. The head of Kenya’s national conservation agency said in March that the dam was unleashing 'one of the worst environmental disasters you can imagine.'

Survival’s Director Stephen Corry said today: 'What is really being inaugurated today? Mounting hunger, insecurity and environmental destruction. For years experts urged the government and Salini to take caution – but they paid no heed. They may try to frame the ensuing famine as a natural disaster but this misery is of their own making.'"

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).

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).
The chemical industry in China suffered almost one accident a day from January to August 2016, with 232 reported, mostly involving highly toxic substances, killing 199 people and injuring 400, according to Chinese government data studied by Greenpeace (Javier Hernandez, "Grim Toll in China Chemical Accidents," The New York Times, September 22, 2016).

Evidence that Monsanto's weed killer Roundup may pose health hazards, and that the company's research methods may be improper became public, in March, with the release of court documents in a case challenging Roundup's safety (Danny Hakim, "Herbicide Is Facing New Doubt on Safety," The New York Times, March 15, 2017).

At least 2 million bees were killed by spraying of insecticide intended to kill mosquitos 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).


The rusty-patched bumblebee, once common across the continental United States, has been designated an endangered species by the Fish and Wildlife Service: the country’s first bumblebee, and the first bee from the lower 48 states, to be added to the register. Seven bees were previously listed as endangered, but they are found only in Hawaii."

As the Chinese middle class grows and demands more protein, including fish, China's world wide fishing fleet contributes to diminishing fish stocks around the world. 90% of the world's fisheries are fully exploited or facing collapse (Andrew, "China’s Appetite Pushes Fisheries to the Brink," The New York Times, April 30, 2017, https://www.nytimes.com/2017/04/30/world/asia/chinas-appetite-pushes-fisheries-to-the-brink.html?ref=todayspaper&_r=0).

There are now only 30 vaquita porpoises left in the Gulf of Mexico, and the species seems on the brink of extinction (Elizabeth Malkin, "Little Hope for Tiny Porpoise," The New York Times, February 2, 2017).

Ten Fishers, the second largest Weasel, were reintroduced to Mount Rainier National Park in Washington, and thus to Washington State, December 2, 2016, a culturally important event to Tribes in the state, as well as a conservation advance ("Fishers Return to Washington State," Christian Science Monitor, December 26, 2016).

Lynn V. Dicks, et al, "Ten policies for pollinators: What governments can do to safeguard pollination services," Science, November 2016, discusses the following "Ten pollinator policies" to protect bees and other pollinators: 1. Raise pesticide regulatory standards; 2. Promote integrated management (IPM); 3. Include indirect and sublethal effects in GM crop assessments; 4. Regulate movement of managed pollinators; 5. Develop incentives, such as insurance schemes, to help farmers benefit from ecosystem services instead of agrochemicals; 6. Recognize pollination as an agricultural input in extension services; 7. Support diversified farming systems; 8. Conserve and restore "green infrastructure" (a network of habitats that pollinators can move between) in agricultural and urban landscapes; 9. Develop long term monitoring of pollinators and pollinating; 10. Fund participatory research on improving yields in organic, diversified and ecologically
intensified farming.

Another result of climate change: Jess Bidgood, "Ticks, Thriving in Warm Weather, Take a Ghastly Toll on New England Moose," The New York Times, January 19, 2017, https://www.nytimes.com/2017/01/19/us/ticks-thriving-in-warm-weather-take-a-ghastly-toll-on-new-england-moose.html?ref=todayspaper, reported, "The moose is an iconic image in the Northeast and a crucial part of its tourism and recreational economy. But in parts of northern New England, researchers say moose are being killed by droves of winter ticks that thrive when the fall is warm and the winter comes late. By the thousands, the ticks attach themselves to moose — calves are the most vulnerable — and essentially drain their blood and strength.

Researchers say that over the last few years, ticks have killed about 70 percent of the calves they have tagged in certain regions, an indication that the tick is taking a significant toll."


The price of ivory in China, the world's biggest market for elephant tusks, has fallen sharply, which may spell a reprieve from the intense poaching of the past decade.

According to a report released on Wednesday by Save the Elephants, a respected wildlife group in Kenya, the price of ivory is less than half of what it was just three years ago, showing that demand is plummeting.

Tougher economic times, a sustained advocacy campaign and China's apparent commitment to shutting down its domestic ivory trade this year were the drivers of the change, elephant experts said."

A court in South Africa has overturned the nation's ban on selling rhinoceros horns (Russell Goldman, "Court Says Rhino Horns May be Sold," The New York Times, April 6, 2017).

A variety of new tools have begun to be employed against invasive species. Among them are a robot that traps lion fish in the waters of Bermuda, a helicopter that drops poison bated dead mice on trees in Guam to rid them of brown tree snakes, and boats with very large outstretched nets that stun and capture Asian carp in the U.S. Midwest (Beth Borenstein, "Nee tools deployed against invasive species, Albuquerque Journal, April 29, 2017).

The Environmental Protection Agency issued a final report, in January 2017, finding that water quality in the affected rivers, including the San Juan, have returned to their state before the Gold King Mine Spill of August 2015 (Donovan Quintero, "EPA final report: Water back to pre-spill state," Navajo Times, January 12, 2017).

Aurora Almendral, "Philippines Moves to Shut Mines Accused of Polluting," The New York Times, April 27, 2017, https://www.nytimes.com/2017/04/27/world/asia/philippines-mining-environment.html?ref=todayspaper, reported, "In February, Gina Lopez, the acting secretary of the environment, said she was shutting down the operations of 28 of the country's 41 mining companies. Those companies, which account for about half of
Philippine nickel production, have been accused of leaving rivers, rice fields and watersheds stained red with nickel laterite.

And on Thursday, she said she would soon issue an order banning open-pit mines, calling the pollution of rivers with heavy metals "a perpetual liability."

President Obama established the first U.S. Atlantic marine monument, preserving an area of underwater mountains and canyons off the coast of New England, in September, as the Northeast Canyons and Seamounts Marine National Monument It is an area about the size of Connecticut, about 130 miles from Cape Cod (Julie Hirshfield Davis, "Obama Protects an Area Of Canyons and Peaks In The Warming Atlantic," *The New York Times*, September 16, 2016).


Forty-one whales have died in the past 15 months along the Atlantic coast from North Carolina to Maine. In a news conference on Thursday, officials from the National Oceanic and Atmospheric Administration Fisheries said that they had not identified the underlying reason for the mass death, but that 10 of the whales are known to have been killed by collisions with ships."


**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**

"Executive Order on Review of National Monuments, especially Bears Ears; Public Comments Requested by May 26 on Bears Ears," Hobbs-Straus General Memorandum 17-027, May 11th, 2017, http://www.hobbstraus.com/general-memorandum-17-027, reported, "On April 26, 2017, the Trump Administration released Executive Order 13792, "Review of Designations under the Antiquities Act," which directs the Secretary of the Interior to conduct a review of national monuments established or expanded since January 1, 1996. 82 Fed. Reg. 20429 (May 1, 2017). The scope of this review is to include all such monuments that are larger than 100,000 acres plus any other monuments which the Secretary determines to have been designated or expanded "without adequate public outreach and coordination with relevant stakeholders." The stated purpose of this review is "to determine whether each designation or expansion conforms to the policy set forth" in section 1 of the order. That policy statement asserts that national monument designations..."
may "create barriers to achieving energy independence, restrict public access to and use of Federal lands, burden State, tribal, and local governments, and otherwise curtail economic growth." The policy statement concludes: "Designations should be made in accordance with the requirements and original objectives of the Act and appropriately balance the protection of landmarks, structures, and objects against appropriate use of Federal lands and the effects on surrounding lands and communities." The Order may be found here: https://www.gpo.gov/fdsys/pkg/FR-2017-05-01/pdf/2017-08908.pdf.

The Order directs the Secretary to produce an interim report within 45 days and a final report within 120 days. In both the interim and final report, the Secretary is directed to make recommendations for "such Presidential actions, legislative proposals, or other actions" to carry out the policy stated in section 1 of the Order. The interim report will focus on the Bears Ears National Monument, which was established by presidential proclamation on December 28, 2016. 82 Fed. Reg. 1139 (Jan. 5, 2017), see our General Memorandum 17-004 (Jan. 10, 2017). Other national monuments may be included in the interim report, but Bears Ears is the specific target. The Office of the Secretary has published a notice in the FEDERAL REGISTER inviting written comments for the review. 82 Fed. Reg. 22016 (May 11, 2017). The notice lists 22 national monuments that are being reviewed. The deadline for filing comments on the review of Bears Ears is May 26; the deadline for comments relating to the other national monuments is July 10.


National monuments are established under the authority of the Antiquities Act of 1906, 54 U.S.C. § 320301, which authorizes the President to proclaim national monuments on lands owned or controlled by the federal government in order to preserve "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." Designation as a national monument provides enhanced protection for lands that are already under federal control, putting these lands off-limits for new claims under the federal mining laws and from other kinds of extractive resource development under the public land laws. Valid existing rights are not affected. The statute does not give the President authority to abolish a national monument, although Congress can, and, through the appropriations process, place restrictions on allowable uses that can be rendered unenforceable.

The driving force in the establishment of Bears Ears National Monument was a coalition led by five tribes: the Hopi Tribe, Navajo Nation, Ute Indian Tribe of the Uintah and Ouray Reservation, Ute Mountain Ute Tribe, and Zuni Tribe. It is the first national monument established at the behest of Indian tribes, and the proclamation creating it also established the Bears Ears Commission, consisting of one elected officer from each of the five tribes, to ensure that decisions made by the federal land-managing agencies are informed by tribal traditional and historical knowledge. On April 26, the date the Executive Order was signed, the Bears Ears Commission sent a letter to the Secretary of the Interior, renewing the requests for meetings previously made by the tribes that comprise the Bears Ears Inter-Tribal Coalition and inviting him to the next meeting of the Commission on May 17. The letter may be found here: http://bearsearscoalition.org/wp-content/uploads/2017/04/Letter-to-Sec-Z....

In both the interim and final report, the Secretary is directed to consider six factors, plus "such other factors as the Secretary deems appropriate." The first listed factor appears to be intended to build a case for reducing the size of specific national monuments. This factor quotes statutory language providing that the land area set aside be "the smallest area compatible with the proper care and management of the objects to be protected." The second factor calls for an examination of whether the designation of any given national monument was appropriate. The third and fourth factors call for looking into possible interference with the "multiple-use policy" applicable to most federal public lands and effects on non-federal land. The fifth factor calls for considering the concerns of state, tribal, and local governments, particularly fiscal impacts and the effects on economic development."
"Bears Ears and Gold Butte National Monuments Established by Presidential Proclamation," Hobbs-Straus General Memorandum 17-04, January 10th, 2017, http://www.hobbsstraus.com/general-memorandum-17-004, reported, "On December 28, 2016, President Obama issued proclamations establishing two new national monuments, Bears Ears in Utah and Gold Butte in Nevada, both of which are important to Indian tribes for cultural and religious purposes. These proclamations were issued under the authority of the Antiquities Act of 1906, 54 U.S.C. § 320301, which provides that the President may establish national monuments on lands owned or controlled by the federal government in order to preserve "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." Both proclamations were published in the FEDERAL REGISTER on January 5, 2017, and are available at https://www.gpo.gov/fdsys/pkg/FR-2017-01-05/pdf/2017-00038.pdf and https://www.gpo.gov/fdsys/pkg/FR-2017-01-05/pdf/2017-00039.pdf.

Bears Ears National Monument encompasses approximately 1.35 million acres of federal land administered by the Bureau of Land Management (BLM) in the Department of the Interior and the U.S. Forest Service in the Department of Agriculture. As described in the proclamation, the diverse topography of the Bears Ears landscape supports a wide variety of vegetation and wildlife. There is abundant evidence of human habitation for thousands of years. The driving force in the establishment of this national monument was a coalition led by five tribes: the Hopi Tribe; Navajo Nation; Ute Indian Tribe of the Uintah and Ouray Reservation; Ute Mountain Ute Tribe; and Zuni Tribe. As described in the first paragraph of the proclamation, this is 'one of the densest and most significant cultural landscapes in the United States' which contains rock art, cliff dwellings, ceremonial sites, and countless artifacts. Acknowledging that the 'extraordinary archaeological and cultural record' is important to all Americans, the proclamation adds, 'most notably the land is profoundly sacred to many Native American tribes.'

Gold Butte National Monument encompasses approximately 296,937 acres, mostly administered by BLM. The Gold Butte proclamation cites evidence of human habitation for at least 12,000 years, and notes that, when Spanish explorers arrived in the eighteenth century, it was part of the homeland of the Southern Paiute people, 'who to this day, retain a spiritual and cultural connection with the land and use it for traditional purposes such as ceremonies and plant harvesting.' The coalition that advocated for creating this national monument included the Las Vegas Tribe of Paiute Indians and Moapa Band of Paiute Indians. In addition to its importance for present-day tribal traditions and for evidence of past human habitation, the Gold Butte landscape provides habitats for many species of vegetation and wildlife, which are described at length in the proclamation. The area has also become important for paleontological research.

The main legal consequence of both these proclamations is to put these lands off-limits for new claims under the federal mining laws and from other kinds of extractive resource development under the public land laws. Valid existing rights are not affected.

Each of these proclamations provides for the land-managing agencies to 'ensure protection of Indian sacred sites and traditional cultural properties in the monument and provide for access by members of Indian tribes for traditional and customary uses.' The Bears Ears proclamation expressly adds 'collection of medicines, berries and other vegetation, forest products, and firewood for personal noncommercial use.' The Gold Butte proclamation allows for 'traditional tribal collection of seeds, natural materials, salt, or materials for stone tools.'

When the President proclaims a national monument, the standard practice is to direct the land-managing agency with jurisdiction over the federal lands to develop a management plan to carry out the proclamation, providing for public involvement and for consultation with state, tribal, and local governments. Each of these proclamations calls for the development of such a management plan, as well as for the establishment of an advisory committee to provide information and advice in developing and carrying out the management plan. The Bears Ears proclamation adds that the advisory committee 'shall consist of a fair and balanced representation
of interested stakeholders, including State and local governments, tribes, recreational users, local business owners, and private landowners.’

The Bears Ears proclamation goes beyond the standard practice for seeking input into the management plan by establishing the Bears Ears Commission, consisting of one elected officer from each of the five tribes. The reasons for establishing this Commission are to recognize 'the importance of tribal participation to the care and management of the objects identified [in the proclamation] and to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge.'"

In a substantively related development, on January 13, the Office of Management and Budget (OMB) and the Council on Environmental Quality (CEQ) released a guidance document titled 'Guidance to Federal Agencies Regarding the Environmental Review and Authorization Process for Infrastructure Projects' (available, as of this date, at: https://www.permits.performance.gov/sites/permits.performance.gov/files/...).

The OMB/CEQ guidance document was developed pursuant to Title 41 of the Fixing America's Surface Transportation Act of 2015 (FAST-41). PL 114-94 (42 U.S.C. §§ 4370m – 4370m-12). The guidance document also builds on an Executive Order and two Presidential memoranda issued during the Obama administration.

The Trump executive order provides for the designation of 'high priority' infrastructure projects, to be made by the Chairman of CEQ in response to requests from state governors or the heads of federal departments and agencies. For any project so designated, CEQ is directed to coordinate with the relevant federal agency and establish expedited procedures and deadlines for completing environmental reviews and approvals 'in a manner consistent with law.' If the deadlines are not met, the agency head must provide a written explanation to CEQ. This executive order does not mention FAST-41 or the OMB/CEQ guidance document.

FAST-41 applies to a wide range of infrastructure projects that are subject to review under the National Environmental Policy Act (NEPA) and other federal laws. The OMB/CEQ guidance document addresses the statutory requirements of FAST-41, which are intended to achieve: increased predictability through project-specific timetables, with processes for resolving issues and modifying timetables; increased transparency and accountability in the federal environmental review process; and improved early consultation among federal agencies. The guidance also explains the federal Permitting Dashboard, which is an online framework for tracking covered projects: https://www.permits.performance.gov/. FAST-41 established a Federal Permitting Improvement Council (Council) comprised of an Executive Director appointed by the President and members designated by the heads of ten federal departments (Agriculture, Army, Commerce, Defense, Energy, Environmental Protection Agency, Housing and Urban Development, Homeland Security, Interior, Transportation) and three independent agencies (Federal Energy Regulatory Commission, Nuclear Regulatory Commission, Advisory Council on Historic Preservation). The Chairman of CEQ and Director of OMB are also members of the Council. The scope of FAST-41 is governed by the statutory definition of the term 'covered project':

The term 'covered project' means any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that—

(i)(I) is subject to NEPA; 
(II) is likely to require a total investment of more than $200,000,000; and
(III) does not qualify for abbreviated authorization or environmental review processes under any applicable law; or
(ii) is subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require—

(I) authorization from or environmental review involving more than 2 Federal agencies; or

(II) the preparation of an environmental impact statement under NEPA.

The extent to which the Trump executive order overlaps or adds to the FAST-41 process is not readily apparent. Most projects that could be treated as 'high priority' under the executive order are likely 'covered projects' for FAST-41. One difference is that, under the executive order, a state governor can designate a project high priority. Under FAST-41, if a project does not meet the $200 million threshold, the decision to treat it as covered is made by the Council."

Fernanda Santos, "Border Wall Would Cleave Tribe, and Its Connection to Ancestral Land," The New York Times, February 20, 2017, https://www.nytimes.com/2017/02/20/us/border-wall-tribe.html, reported, "The phone calls started almost as soon as President Trump signed his executive order, making official his pledge to build a wall to separate the United States from Mexico. Verlon M. Jose, vice chairman of the Tohono O'odham Nation, whose reservation extends along 62 miles of the border, heard from people he knew and those he had never heard of. All of them were outraged and offered to throw their bodies, Standing Rock-style, in the way of any construction that would separate the tribe’s people on the north side of the border and the south side, where they live in six villages within the boundaries of the group’s ancestral lands."

"Then there are the 62 miles belonging to the Tohono O’odham, a tribe that has survived the cleaving of its land for more than 150 years and views the president’s wall as a final indignity.

A wall would not just split the tribe’s traditional lands in the United States and Mexico, members say. It would threaten an ancestral connection that has endured even as barriers, gates, cameras and Border Patrol agents have become a part of the landscape.

"Our roots are here," Richard Saunders said, standing by a border gate in San Miguel, which he and his wife pass through — when it is open — to visit her grandparents’ graves, 500 yards into Mexico. "Our roots are there, too, on the south side of this gate."


[T]o ensure that all Americans have the opportunity to experience and enjoy our public lands and waters, that all segments of the population have the chance to engage in decisions about how our lands and waters are managed, and that our Federal workforce—not just the sites it manages—is drawn from the rich range of the diversity in our Nation.

Section 1 of the memorandum addresses diversity and inclusion in the federal workforce. Each covered agency is directed to carry out a number of activities, consistent with
existing legal authorities, to 'prioritize building a more diverse and inclusive Federal workforce reflective of our Nation and its citizens.' Obviously, agencies will be constrained by the hiring freeze imposed by President Trump's memorandum of January 23, 2017. 82 Fed. Reg. 8493 (Jan. 25, 2017), available at https://www.gpo.gov/fdsys/pkg/FR-2017-01-25/pdf/2017-01842.pdf. Nevertheless, many of the activities set out in section 1 address matters other than initial hiring, such as taking steps to enhance opportunities for professional development and upward mobility.

Section 2, 'Enhancing Opportunities for all Americans to Experience Public Lands and Waters,' directs each covered agency to develop an action plan to: 1) improve access for diverse populations—particularly for minority, low-income, and disabled populations and tribal communities—to experience and enjoy our Federal lands and waters, and 2) address barriers to their participation in the protection and management of important historic, cultural, or natural areas.

In developing their action plans, covered agencies are encouraged to draw on external perspectives. The memorandum suggests several kinds of activities that could be included in agency action plans, such as conducting 'active outreach' to diverse populations, including tribal communities. Another suggested activity is to forge 'new partnerships with State, local, tribal, private, and non-profit partners to expand access for diverse populations, particularly those in the immediate vicinity of a protected area.' Similarly, agencies are encouraged to 'increase opportunities for diverse populations to provide input and recommendations on protecting, improving access to, or otherwise managing important historic, cultural, or natural areas.'

Tribes who are concerned regarding access for tribal members to particular places on public lands may want to initiate communication with the relevant land-management agencies and express interest in providing input. In contacting these land-management agencies, tribes may want to make reference to relevant agency policies on relations with tribes, such as Secretarial Order 3342 titled "Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources" (see our General Memorandum 16-071 of October. 31, 2016); the revised regulations of the National Park Service on gathering plants or plant parts by federally recognized Indian tribes for traditional purposes, 81 Fed. Reg. 45024 (July 12, 2016) (see our General Memorandum 16-044 of July 12, 2016); and the regulations of the Forest Service on providing forest products to tribes for traditional and cultural purposes. 81 Fed. Reg. 65891 (see our General Memorandum 16-063 of October 20, 2016)."

Congressional Developments


"IT’S IMPOSSIBLE TO DEFY GRAVITY #NATIVEPOLICY

Federal Indian programs have been added to the “high-risk” category by the Government Accountability Office. That designation could not come at a worse time. The details. This is how the GAO defines its high risk identification: 'The federal government is
one of the world’s largest and most complex entities: about $3.9 trillion in outlays in fiscal year 2016 funded a broad array of programs and operations. GAO’s high-risk program identifies government operations with greater vulnerabilities to fraud, waste, abuse, and mismanagement or the need for transformation to address economy, efficiency, or effectiveness challenges.'

The GAO said it added federal Indian programs to its high risk category because 'we have found numerous challenges facing Interior’s Bureau of Indian Education and Bureau of Indian Affairs and the Department of Health and Human Services’ Indian Health Service in administering education and health care services, which put the health and safety of American Indians served by these programs at risk. These challenges included poor conditions at BIE school facilities that endangered students, and inadequate oversight of health care that hindered IHS’s ability to ensure quality care to Indian communities. In addition, we have reported that BIA mismanages Indian energy resources held in trust and thereby limits opportunities for tribes and their members to use those resources to create economic benefits and improve the well-being of their communities.'

More from the GAO: 'Congress recently noted, ‘through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indians.’ In light of this unique trust responsibility and concerns about the federal government ineffectively administering Indian education and health care programs and mismanaging Indian energy resources, we are adding these programs as a high-risk issue because they uniquely affect tribal nations and their members.'

The three agencies are lumped together as one in this report, yet the causes of what makes the agencies high risk are considerably different, requiring solutions that go well beyond what the agencies themselves can accomplish.

So let’s break it down.

First: GAO complains that the BIA has a problem quickly approving energy projects. This is Congress’ favorite problem. Congress can’t wait to solve this one by making the approval process faster than filling your car with a tank of gas. But the solutions ahead will also have unintended consequences for the very notion of trust lands, tribal control of energy projects, and the challenge of global warming. What happens when a tribe says, 'hell no!' to say, the Keystone XL pipeline? That is a policy question that this Congress has all but answered.

Next the GAO says the Bureau of Indian Education “improves how it manages Indian education … including that Indian Affairs develop a strategic plan for BIE that includes goals and performance measures for how its offices are fulfilling their responsibilities to provide BIE with support; revise Indian Affairs’ strategic workforce plan to ensure that BIA regional offices have an appropriate number of staff with the right skills to support BIE schools in their regions; and develop and implement decision-making procedures for BIE to improve accountability for BIE schools.” My translation: Measure what works. Make better hires (with the right skills). And improve the decision-making process. Easy, right? Only hiring for BIE schools is easier said than done and the decision-making process is complicated by community priorities.

There is another problem at play: Conservative think-tanks have targeted BIE as operating 'failing schools' and would replace them with a whacky scheme to create Education Savings Accounts. (Previous: Day One. Dramatic restructuring of government.) This whole notion is written by people who have no understanding of the geography of Indian Country or the makeup of the Native students. The BIE has unique challenges and there are many, many improvements that could be made. So adding to this discourse a GAO high-risk warning is, well, not helpful.

The third high-risk agency identified by the GAO is the Indian Health Service. The report says: 'To help ensure that Indian people receive quality health care, the Secretary of HHS should direct the Director of IHS to take the following two actions: as part of
implementing IHS’s quality framework, ensure that agency-wide standards for the quality of care provided in its federally operated facilities are developed and systematically monitor facility performance in meeting these standards over time; and develop contingency and succession plans for replacing key personnel, including area directors.

My translation: Measure what works. Make better hires (with the right skills). And improve the decision-making process. Easy, right? Again, it’s not as if the IHS is not trying to hire people. The problem is funding and a hiring process that is both cumbersome and required by law.

What I don’t get is why the GAO doesn’t see that the IHS mission has changed dramatically. One part of the agency is a funding mechanism, directing resources to tribal, nonprofit, and urban health care facilities. The report alludes to that fact with this recommendation: ‘To help ensure that timely primary care is available and accessible to Indians, IHS should: develop and communicate specific agency-wide standards for wait times in federally-operated facilities, and monitor patient wait times in federally-operated facilities and ensure that corrective actions are taken when standards are not met.’ The key phrase here is ‘federally-operated’ because many of the tribal and nonprofit centers have solved this problem. GAO should have said this and focused on what works and why.

Another GAO recommendation about IHS might be the most tone deaf. It says, “we recommend that IHS realign current resources and personnel to increase capacity to deal with enrollment in Medicaid and the exchanges and prepare for increased billing to these payers.”

Clearing my throat here. Umm. Congress is going in exactly the opposite direction. The serious questions — the ones that Congress ought to be answering — are how much will it cost IHS when Medicaid is turned into a block grant? What replaces Medicaid expansion funding at the local unit level? And, will states even fund a federal health care delivery system?

The GAO report makes a big deal about IHS developing a fair method for how it spends money on purchased and referral care. What the report should have said is that Congress is to blame. The problem is not the architecture; it’s the funding. No federal agency. No state agency. Hell, no private medical system spends less than the Indian health system. The real problem here is that it’s impossible to defy gravity.

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.

The Senate Committee on Indian Affairs approved a bill, February 8, sponsored by Montana’s two senators, that would recognize the Little Schell Tribe (Matthew Brown, "Senate committee supports tribal recognition of Little Shell, NFIC, February 2017).


The Rural Educator Support and Training (REST) Act would address teacher shortages in rural America by providing scholarships, loan forgiveness, and professional development opportunities to educators who commit to work in rural schools."

"Teachers working at a rural school for five consecutive years will be eligible for up to $17,500 in federal student loan forgiveness. The REST Act would provide scholarships to undergraduate and graduate students working on degrees in education or school administration who contract with rural schools for at least three years to cover tuition, fees,
books, and a living stipend.

The second bill introduced by Sen. Jon Tester is the Native Educator Support and Training (NEST) Act, which will help recruit and retain teachers in Indian country by providing new scholarships, federal student loan forgiveness, and teacher development courses to prospective and existing educators who are either Native American or who commit to teaching at schools that have a high population of Native American students."

Chelsey Luger, "Hoeven, Udall to Lead Senate Committee on Indian Affairs: Hoeven’s track record shows support and disregard for Native issues," ICTNM, January 9, 2017, https://indiancountrymedianetwork.com/news/native-news/hoeven-udall-lead-senate-committee-indian-affairs/, reported, "U.S. senators John Hoeven (R – North Dakota) and Tom Udall (D – New Mexico) have been elected to serve as Chairman and Vice Chairman, respectively, of the Senate Committee on Indian Affairs for the 115th Congress. Both Hoeven and Udall have served as members of the Committee before.

While Udall maintains a reputation for staunch commitment to tribal nations, with a record of bolstering tribal sovereignty and improving the well-being of Native communities, Hoeven is considered a controversial figure for tribes due to his support of the Dakota Access Pipeline and the Keystone XL pipeline. Both senators have expressed a bipartisan commitment to improving the economies and overall well-being of tribal nations."

Federal Agency Developments

"OMB Releases Memorandum on Reforming and Reducing the Federal Civilian Workforce; Hiring Freeze Lifted," Hobbs-Straus General Memorandum 17-025, April 14th, 2017, http://www.hobbsstraus.com/general-memorandum-17-025, reported, "On April 12, 2017, Office of Management and Budget (OMB) Director Mulvaney issued a Memorandum to Heads of Executive Departments and Agencies entitled "Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce" (Memorandum). The Memorandum addresses issues of: 1) immediate workforce reductions and cost-savings; 2) maximizing employee performance; and 3) long-term agency reform and workforce reductions which will be encompassed in a "Government-wide Reform Plan." The Memorandum is a follow-on to President's Trump's hiring freeze order of January 23, 2017, which required a long-term plan to reduce the size of the federal workforce and his March 13, 2017, Executive Order 13781 which required a reorganization of executive branch departments and agencies. The 14-page OMB Memorandum is here: https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017...

The Memorandum lifts the hiring freeze but requires that agencies, in making near-term decisions, adhere to the Administration's proposed FY 2018 preliminary or "skinny" budget recommendations regarding budget cuts. OMB Director Mulvaney cautioned that lifting the freeze does not mean that agencies can "hire people willy nilly." For instance, the preliminary FY 2018 budget proposes to reduce funding for the Department of Health and Human Services (HHS) by 17.9 percent; the Department of Interior (DOI) by 12 percent; and the Environmental Protection Agency (EPA) by 31 percent. At the same time, the FY 2018 proposal is supportive of the Indian Health Service (IHS), referring to it as a "high priority" and the DOI section states that the Administration supports tribal sovereignty and self-determination while proposing to reduce funding for initiatives that serve only a few tribes. For more information see our General Memorandum 17-020 of March 20, 2017, regarding the Administration's preliminary proposed FY 2018 budget. The detailed proposed FY 2018 budget is expected in mid-May.

The Memorandum requires with regard to employee performance that agencies develop and begin instituting plans to ensure enhanced employee performance oversight,
including appropriate and rigorous training for managers and the ability, when necessary, to remove poor performing staff from their jobs. Each agency is also directed to create an "Agency Reform Plan" which will identify how the efficiency, effectiveness, and accountability of their respective agency can be improved. As part of this process, agencies are to determine whether their agency should or should not be performing certain activities, and whether such activities are correctly aligned with the mission and role of the agency. This review is to result in proposals in four categories: 1) eliminate; 2) restructure or merge; 3) improve organizational efficiency and effectiveness; and 4) workforce management. As part of this analysis, agencies are to consider whether an office, program or activity: is duplicative; is non-essential; is efficient and effective; could be better performed by a non-federal entity; what the cost-benefit is; and whether good customer service is provided. OMB will have a crucial role in working with agencies on these matters, including coordinating crosscutting proposals that may involve multiple agencies.

Looking further down the road, it will be the FY 2019 proposed budget that will contain the Government-wide Reform Plan. The Government-wide Reform Plan will encompass both agency-specific reforms and crosscutting reforms and will provide the significant detail with regard to budget reductions and the means (administrative actions and proposed legislative language) to make the proposals reality. The Memorandum provides that the FY 2019 budget is to align with the Government Performance and Results Act (GPRA) Modernization Act of 2010 in development of the Agency Reform Plans.

The Memorandum sets forth the following deadlines:

**June 12, 2017** – OMB has established a website for the public to weigh in on the proposed workforce reduction and agency reorganization. The website prompts respondents to share which federal agencies and programs they think should be eliminated and why. Respondents are also encouraged to provide ideas on management reform, including procurement reform. Comments are due by June 12, 2017. The website is here: https://www.whitehouse.gov/reorganizing-the-executive-branch

**June 30, 2017** – Agencies are to submit to OMB: 1) an "initial, high-level draft" of their Agency Reform Plan; 2) a report on near-term workforce reductions actions; and 3) a plan to maximize employee performance.

**September 2017** – Agencies submit their proposed FY 2019 budgets and Agency Reform Plans to OMB.

**Early 2018** – The Administration submits to Congress its Government-wide Reform Plan as part of the proposed FY 2019 budget and will begin tracking progress on the Plan.

Federal government reorganization is something many Administrations take an interest in, with varying degrees of success. In order to be fully implemented, this Memorandum would need substantial buy-in from Congress.

On January 20, 2017, President Trump issued a White House Memorandum requiring federal agencies to temporarily postpone the effective date of certain rules that had been published in the FEDERAL REGISTER but had not yet taken effect within 60 days of the date of the Memorandum. The FEHB final rule fell within the scope of President Trump’s mandate. The effective date for the final rule is now March 21, 2017.

The regulations incorporate statutory eligibility provisions that extend the right to offer FEHB coverage to Indian tribes and tribal organization administering programs under the Indian Self-Determination and Education Assistance Act (ISDEAA) and urban Indian organizations carrying out programs under Title V of the IHCIA. See 25 U.S.C. § 1647b. A tribal employer who purchases FEHB coverage for at least one billing unit carrying out at least one program under the ISDEAA or Title V of the IHCIA is able to offer FEHB coverage to other billing units regardless of the type of programs offered by those other units. However, tribal employers cannot contribute toward or offer an alternative employer-sponsored health insurance plan for tribal employees within FEHB-covered billing units, with the exception of a collectively bargained alternative plan. 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 are permitted to vary their contribution amount by enrollment type or by billing unit.

Consistent with existing FEHB and federal tax standards, the regulations define the term "tribal employee" to mean a common law employee of a tribal employer. Intermittent, seasonal, and temporary tribal employees are treated similarly to their federal counterparts; although a tribal employer may choose not to extend coverage to such employees if written notice is provided to the Director of the OPM. Eligible tribal employees have the same plan options and be entitled to choose from available FEHB health plans to the same extent as federal employees in the same geographic area, namely, "self only," "self plus one," or "self and family" enrollment options.

In order to purchase FEHB coverage, the regulations 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 also include eligibility determinations, enrollment, and notification requirements.

Among other things, the regulations 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."

"Department of the Interior Accepting Applications to Begin Participation in the Tribal Self-Governance Program," Hobbs-Straus General Memorandum 16-079, December 22nd, 2016, http://www.hobbsstraus.com/general-memorandum-16-079, reported, "The Department of the Interior Office of Self-Governance (OSG) has established that March 1, 2017, is the deadline for Indian tribes or consortia to submit an application to begin participation in the tribal self-governance program in fiscal year 2018 or calendar year 2018. The OSG may select up to 50 additional tribes and consortia per year to participate in the tribal self-governance program and negotiate and enter into a written funding agreement with each participating tribe. The regulations at 25 CFR 1000.10 to 1000.31 will govern the application and selection process for tribes or consortia to begin their participation in the tribal self-
governance program. The FEDERAL REGISTER notice announcing this deadline is here: https://www.federalregister.gov/documents/2016/12/22/2016-30829/notice-o...

Other Key Dates. OSG estimates that initial negotiations with a tribe or consortium located in a region and/or agency which has not previously been involved with self-governance negotiations will take approximately two months from start to finish. Agreements for an October 1 to September 30 funding year need to be signed and submitted by July 1. Agreements for a January 1 to December 31 funding year need to be signed and submitted by October 1.

Application. Application packages should be sent to: Ms. Sharee M. Freeman, Director, Office of Self-Governance, Department of the Interior, Mail Stop 355-G-SIB, 1951 Constitution Avenue NW., Washington, DC 20240."


"Indian Trader Regulatory Update Announced by Interior: Comments Requested and Tribal Consultations Scheduled," Hobbs-Straus General Memorandum 16-077, December 22nd, 2016, http://www.hobbsstraus.com/general-memorandum-16-077, reported, "December 9, 2016, the Department of the Interior (DOI) published an Advance Notice of Proposed Rule Making (ANPRM) in the FEDERAL REGISTER seeking comments on whether and if so, how, to comprehensively update the Indian Trader regulations (25 CFR part 140) in a manner that is consistent with the federal policies of tribal self-determination and self-governance. The Indian Trader regulations are among DOI's most outdated: they were promulgated in 1957 and have not been comprehensively updated since 1965. Tribal consultation sessions have been scheduled across the country for February and March of 2017 on the dates listed below. A copy of the FEDERAL REGISTER notice with information on how to submit comments is attached. Comments on the ANPRM are due April 10, 2017. DOI explains 'The Department recognizes that many Tribes have enacted comprehensive laws concerning economic activity occurring on Tribal lands and that Tribal courts often retain jurisdiction over Indian traders. This ANPRM solicits information regarding current Tribal regulatory activity over trade occurring within Indian Country. Additionally, the Department recognizes that dual taxation on Tribal lands can undermine the Federal policies supporting Tribal economic development, self-determination, and strong Tribal governments. Dual taxation of traders and activities conducted by traders and purchasers can impede a Tribe's ability to attract investment to Indian lands where such investment and participation are critical to the vitality of Tribal economies. Tribal communities continue to struggle with unmet needs, such as in their schools and housing, as well as economic development, to name a few. Moreover, beyond the operation of their governments, Tribes continually pursue funding for infrastructure, roads, dams, irrigation systems and water delivery. Thus, the Department solicits information under this ANPRM about how revisions to the regulations could promote economic viability and sustainability in Indian Country.' DOI seeks comments on the following seven questions:

1. Should the Federal government address trade occurring in Indian Country through an updated 25 CFR part 140, and why?
2. Are there certain components of the existing rule that should be kept, and if so, why?
3. How can revisions to the existing rule ensure that persons who conduct trade are
reputable and that there are mechanisms in place to address traders who violate Federal or Tribal law?

4. How do Tribes currently regulate trade in Indian Country and how might revisions to 25 CFR part 140 help Tribes regulate trade in Indian Country?

5. What types of trade should be regulated and what type of trader should be subject to regulation?

6. How might revisions to the regulations promote economic viability and sustainability in Indian Country?

7. What services do Tribes currently provide to individuals or entities doing business in Indian Country and what role do tax revenues play in providing those services?

Tribal Consultation Schedule. DOI will be hosting tribal consultation sessions on the ANPRM at the following dates and tentative locations. Specifics on the venue for each location will be provided in a subsequent FEDERAL REGISTER notice.

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<th>Date</th>
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"BIA Office of Trust Services Initiates Tribal Consultation on Safety of Indian Dams," Hobbs-Straus General Memorandum 17-015, February 3rd, 2017, http://www.hobbsstraus.com/general-memorandum-17-015, reported. On February 2, 2017, the Water and Power Division of the Bureau of Indian Affairs Office of Trust Services (BIA) published a notice in the FEDERAL REGISTER initiating tribal consultation to determine deferred maintenance needs and funding prioritization criteria for Indian dams (dates and times listed below). A second notice was published announcing a public teleconference to solicit comments and recommendations from landowners served by relevant Indian dams. Written comments must be received by March 3, 2017.

Background. The poor condition of Indian dams and the levels of deferred maintenance were the impetus for Senator Barrasso's (R-WY) introduction of S 2717, the Dam Repairs and Improvements for Tribes Act of 2016 (DRIFT Act). Ultimately, the DRIFT Act was incorporated as Sec. 3101 of the Water Infrastructure Investments for the Nation Act (WIIN Act, PL 114-322, signed December 16, 2016), the most recent Water Resources Development Act reauthorization. Section 3101 of the WIIN Act establishes a program to address the deferred maintenance needs of Indian dams and authorizes $32.75 million per year ($22.75 million designated for high- and significant-hazard potential dams and $10 million designated for low-hazard potential dams), plus accrued interest, for each of the fiscal years 2017 through 2023. Subject to appropriations, the funds would be available to carry out maintenance, repair, and replacement activities for qualified Indian dams. Section 3101 also requires the BIA to (1) consult with tribes and solicit comments from landowners served by relevant Indian dams within 60 days of the Act's passage; and (2) submit a report to Congress within 120 days of the law's enactment (by April 14, 2017). Purpose. The purpose of initiating consultation and soliciting comments is to determine how to address the deferred maintenance needs of Indian dams and funding prioritization criteria for distributing funds from the High-Hazard Indian Dam Safety Deferred Maintenance Fund and the Low-Hazard Indian Dam Safety Deferred Maintenance Fund.

Eligibility. The WIIN Act defines eligible dams as those that are included under the Indian Dams Safety Act of 1994 and that are: (1) Owned by the Federal Government (per
Executive Order 13327) and managed by the BIA, including dams managed under Indian Self-Determination contracts or compacts; or (2) have deferred maintenance identified by the BIA. BIA explains that all tribes are potentially affected by the Indian Dam Safety component of the WIIN Act because while BIA has an inventory of high-hazard potential dams, no such inventory yet exists for low-hazard potential dams. For this reason, BIA also asks that Tribes notify Yulan Jin, Division Chief, Water and Power, (202) 219-0941, yulan.jin@bia.gov of any low-hazard potential dams subject to the Indian Dams Act of 1994.

Tribal Consultation Sessions. The BIA will be hosting three in-person tribal consultation sessions. Additionally, two webinars will be held for tribes unable to make an in-person session. BIA is developing drafts of the programmatic goals and funding prioritization criteria for discussion at the consultation sessions, available at: https://www.bia.gov/WhoWeAre/BIA/OTS/IPSOD/index.htm

FEDERAL REGISTER notice: https://www.federalregister.gov/documents/2017/02/02/2017-02200/water-in...

Date Time Location
Monday, February 6, 2017 1 p.m.-5 p.m. Local Time Bureau of Indian Affairs, Medicine Wheel Room—Third Floor, 2021 4th Avenue North, Billings, MT 59101.
Wednesday, February 8, 2017 1 p.m.-5 p.m. Local Time Indian Pueblo Cultural Center, Silver/Turquoise Conference Room, 2401 12th Street NW, Albuquerque, NM 87104.
Friday, February 10, 2017 1 p.m.-5 p.m. Local Time Bureau of Indian Affairs, Federal Building Auditorium, 911 NE 11th Avenue, Portland, OR 97232.
Monday, February 13, 2017 1 p.m.-4 p.m. Eastern Time Call-in number: (888) 810-4934, Passcode: 7199390.
Wednesday, February 15, 2017 1 p.m.-4 p.m. Eastern Time Call-in number: (888) 810-4934, Passcode: 7199390.

Public Teleconference. The BIA will be hosting a public meeting by teleconference on Tuesday, February 14, 2017, from 1 p.m. to 4 p.m., Eastern Time. The call-in number is (800) 857-9738 and the passcode is 7199390.

FEDERAL REGISTER notice: https://www.federalregister.gov/documents/2017/02/02/2017-02201/water-in...

"BIA Issues New Indian Child Welfare Act Guidelines; HHS Issues Final Rule Which Includes Collection of ICWA Data," Hobbs-Straus General Memorandum 17-002, January 6th, 2017, http://www.hobbsstraus.com/general-memorandum-17-002, reported, "In the past year, long-term efforts by tribes, Indian organizations and child welfare advocates to improve the implementation of the Indian Child Welfare Act (ICWA) were realized when federal agency regulations were finalized regarding both ICWA implementation and inclusion of ICWA data in the federal child welfare placement database. The Bureau of Indian Affairs (BIA) issued its ICWA Proceedings Final Rule on June 14, 2016 (to take effect December 12, 2016) followed by issuance of Guidance for that Rule on December 30, 2016. The Department of Health and Human Services (HHS) issued on December 14, 2016, a new Adoption and Foster Care Analysis and Reporting System (AFCARS) Final Rule which for the first time will require state Title IV-E Foster Care and Adoption agencies to report on data elements specific to ICWA.

BIA ICWA Implementation Rule and Guidance. The BIA Rule on ICWA proceedings addresses state court implementation of ICWA in Indian child welfare proceedings and the required state maintenance of ICWA records. It also provides clarity regarding numerous matters including: identification early in the proceedings as to whether a child is Indian; notice to parents and tribes in involuntary proceedings; standards for denial of transfer of cases to tribal court; expert witness criteria; placement preferences; rights of adult adoptees to information from the state; emergency
proceedings; and clarification regarding what some courts have deemed the 'existing Indian Family exception'. (See our General Memorandum 16-038 of June 20, 2016.)

The BIA Guidance for this Rule was issued on December 30, 2016. The Guidance does not have the effect of law. Rather, it includes explanatory information about the ICWA statute and regulations and provides concrete examples for consideration by state agencies and state courts when implementing ICWA. The Department of Interior press release of December 30, 2016, notes that state agencies and state courts have 'sometimes differed in their interpretations of the law and been inconsistent in their implementation of it. To address this problem, the updated guidelines provide information for them to consider in carrying out the Act's and the final rule's requirements, often drawing upon approaches states have already used.'

The BIA Rule may be found here: https://www.gpo.gov/fdsys/pkg/FR-2016-06-14/pdf/2016-13686.pdf

The BIA Guidance may be found here: http://bia.gov/WhoWeAre/BIA/OIS/HumanServices/IndianChildWelfareAct/inde...

You may also access the Guidance by going to www.bia.gov and clicking on "Indian Child Welfare Act" on the right-hand side of the page.

HHS Adoption and Foster Care Analysis and Reporting System Rule. The HHS Rule on AFCARS was issued December 14, 2016. AFCARS provides national information on children in foster care and children who are adopted and is used to inform national policies and to guide child welfare practices. The data is made available in a Child Welfare Outcomes Annual Report. This Rule replaces the one issued in 1993.

Of significance is that the Rule incorporates over 30 ICWA-related data elements that are to be collected and reported on to HHS by state Title IV-E (Foster Care and Adoption Assistance) agencies in an effort to have more comprehensive national data on the status of American Indian/Alaska Native children to whom ICWA applies. Among the ICWA data elements are: whether a child is a member of, or eligible for, membership in a federally recognized tribe; efforts made at family reunification; whether the placement was an ICWA preferred placement; and the status of transfer of the case to tribal court. The National Indian Child Welfare Association will be making available a detailed paper on the various ICWA-related data elements in the AFCARS Rule.

The AFCARS Rule may be found here: https://www.gpo.gov/fdsys/pkg/FR-2016-12-14/pdf/2016-29366.pdf.


The FEDERAL REGISTER notice can be found here: https://www.gpo.gov/fdsys/pkg/FR-2017-01-26/pdf/2017-01806.pdf

The purpose of the cooperative agreement is to:
1) Increase the understanding of the injury problem;
2) Promote tribal capacity to implement effective strategies to prevent injuries; and
3) Improve the quality of life of American Indian/Alaska Native people.

Eligible applicants are tribes, tribal organizations, and urban Indian organizations who are administering health programs and do not have a current IHS injury prevention
cooperative agreement. There is no IHS user population requirement. Funds are for three-year projects. The IHS expects to make 15 awards, ranging from $10,000 to $25,000 each. The application package and detailed instructions for this announcement can be found at http://www.Grants.gov or https://www.ihs.gov/dgm/funding/.

The Glen Canyon National Recreation Area Superintendent, William Schott, stated, in late February 2017, that he wants to upgrade the collaboration between the Area administration and neighboring tribes, so that the tribes are "true partners." "Right now, we're consulting with numerous tribes on our volunteer agreement for air tour management." The Area intends soon to hire a tribal liaison (Krista Allen, "Glen Canyon seeks better partnership with tribes," Navajo Times, March 2, 2017).

"Administration for Children and Families Reminds Tribes/Tribal Organizations of May 9 Deadline for Comments on ACF Grant Programs," Hobbs-Straus General Memorandum 17-024, April 12th, 2017, http://www.hobbsstraus.com/general-memorandum-17-024, reported, "This week the Administration for Children and Families (ACF) sent out a reminder about the May 9, 2017, deadline for tribes, tribal organizations and others to provide comments on the challenges they face in working with ACF and in the implementation of ACF programs. ACF originally posted a notice regarding this solicitation on January 9, 2017, in the FEDERAL REGISTER and had a comment deadline of March 10. Since then they extended the comment period to May 9. We reported on the March 10 notice in our General Memorandum 17-017 of February 17, 2017. The original ACF notice can be found here: https://www.gpo.gov/fdsys/pkg/FR-2017-01-09/pdf/2017-00111.pdf

Programs. ACF administers a wide array of programs directly impacting tribes, including:
- Title IV-B, Subparts 1 and 2, Child Welfare and Promoting Safe and Stable Families
- Title IV-E Foster Care and Adoption Assistance
- Child Support Enforcement
- Child Care and Development Block Grant
- Head Start
- Temporary Assistance for Needy Families
- Native American Employment Works Program
- Family Violence and Prevention Services/Battered Women's Shelters
- Low Income Housing Energy Assistance Program
- Administration for Native Americans grant programs (including Environmental Regulatory Enhancement; Native American Language Preservation and Maintenance; and Social and Economic Development Strategies for Native Americans)

Questions. The ACF poses nine questions covering the following areas and asks that responses be as specific as possible to programs and processes. Tribal comments could prove helpful in improving policy and practices with regard to ACF programs which tribes' access.
- Challenges posed by non-federal match or cost sharing requirements
- Challenges posed by administrative costs caps
- Expansion of waiver authority
- Streamlining existing waiver authority processes
- Regulatory or administrative barriers to program implementation
- Identification of ACF practices, policies and procedures that are particularly effective
- Recommended data collection and analysis
- Suggestions for better sharing of data related to AI/AN grantee performance, outcomes, and sustainability
- Application eligibility processes that may discourage application for programs."

The purpose of this cooperative agreement is to provide planning resources to tribes interested in participating in the TSGP. Under the agreements tribes may undertake planning such as legal and budget research that leads to a greater understanding of which programs, functions, activities, and services they may want to assume and any organizational changes that may be necessary to do so. They may also be used to help identify programmatic alternatives that will better meet tribal needs. Receipt of a planning grant is not a pre-requisite to enter the TSGP. There is $600,000 available to fund up to five tribes to enter the TSGP planning process. Accepted tribes would be awarded up to $120,000 for a 12-month project period (August 15, 2017 to August 14, 2018).

To be eligible for the planning agreement, the applicant must be a tribe, tribal organization or inter-tribal consortium; and demonstrate financial stability and management capability by having had no significant and material audit exceptions for three previous fiscal years. Alaska Native Villages or Village Corporations are not eligible to apply for this funding if they are located within an area served by an Alaska Native regional health entity (including the Native Village of Eyak, the Eastern Aleutian Tribes, and the Council for Athabascan Tribal Governments which have been deemed Alaska Native regional health entities and are eligible to apply) already participating in the Alaska Tribal Health Compact.

With regard to the submission of resolution authorizing the application, the IHS states: An Indian Tribe or Tribal organization that is proposing a project affecting another Indian Tribe must include resolutions from all affected tribes to be served. Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities. The solicitation also provides that "an official signed Tribal resolution must be received by the Division of Grants Management prior to a Notice of Award being issued to any applicant selected for funding".

Applications are to be submitted electronically via www.Grants.gov. If a tribe/organization needs to submit a hardcopy/paper application, they must obtain a waiver from the IHS. Detailed eligibility, application criteria and contact information are contained in the announcement."

"IHS FY 2017 Self-Governance Program Negotiation Cooperative Agreement," Hobbs-Straus General Memorandum 17-029, May 22nd, 2017, http://hobbsstraus.com/general-memorandum-17-029, reported, "On May 22, 2017, the Indian Health Service (IHS) published in the FEDERAL REGISTER a notice of the availability of FY 2017 cooperative agreements for negotiation under the Tribal Self-Governance Program (TSGP). This competitive grant program is authorized by Title V, Tribal Self-Governance Amendments of 2000, of the Indian Self-Determination and Education Assistance Act, PL 93-638, as amended. The TSGP is designed to promote self-determination by allowing tribes to assume more control of IHS programs and services through compacts negotiated with the IHS. Applications are

The purpose of the negotiation cooperative agreement is to defray some of the costs tribes incur in preparing for and negotiating compacts and funding agreements. A tribe is not required to have had a negotiation agreement in order to enter the TSGP.

There is $240,000 available to fund approximately five tribes to enter the TSGP negotiation process for compacts. Awards are expected to be $48,000 each for a 12-month project period (August 15, 2017 to August 14, 2018).

To be eligible for a negotiation cooperative agreement, the applicant must be a tribe, tribal organization or inter-tribal consortium; and demonstrate financial stability and management capability by having had no significant and material audit exceptions for three previous fiscal years. Alaska Native Villages or Village Corporations are not eligible to apply for this funding if they are located within an area served by an Alaska Native regional health entity (including the Native Village of Eyak, the Eastern Aleutian Tribes, and the Council for Athabascan Tribal Governments which are deemed Alaska Native regional health entities and are eligible to apply) already participating in the Alaska Tribal Health Compact.

With regard to the submission of resolutions the IHS states:

An Indian Tribe or Tribal organization that is proposing a project affecting another Indian Tribe must include resolutions from all affected tribes to be served. Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities.

The solicitation also provides that 'an official signed Tribal resolution must be received by the Division of Grants Management prior to a Notice of Award being issued to any applicant selected for funding'.

Applications are to be submitted electronically via www.Grants.gov. If a tribe/organization needs to submit a hardcopy/paper application, they must obtain a waiver from the IHS. Detailed eligibility, application criteria and contact information are contained in the notice."

"Indian Health Service Soliciting Applications for FY 2017 Loan Repayment Program," Hobbs-Straus General Memorandum 17-006, January 12th, 2017, http://www.hobbsstraus.com/general-memorandum-17-006, reported, "The Indian Health Service (IHS) is soliciting applications, via the attached January 11, 2017, FEDERAL REGISTER notice, for the repayment of health professions educational loans. Under the Loan Repayment Program (LRP), authorized under Section 108 of the Indian Health Care Improvement Act, the IHS may make awards to persons for the repayment of health professions educational loans in return for full-time clinical service in Indian health programs. The IHS is currently being funded via a Continuing Resolution at FY 2016 levels and final amounts for the FY 2017 loan repayment program are subject to the final appropriations of funds.

The IHS estimates that it will provide $18.40 million in FY 2017 funds for the LRP, which will support 'approximately 400 competing awards averaging $46,000 per award for a two-year contract.' Applications for the FY 2017 LRP will be evaluated monthly beginning January 15, 2017, and will continue to be accepted each month thereafter until all funds are exhausted for FY 2017. Subsequent monthly deadline dates are scheduled for Friday of the second full week of each month until August 15, 2017.

In addition, $9.32 million is estimated to be available for 'approximately 373 competing awards averaging $25,000 per award for a one-year extension.'

The attached notice contains a list of priority health professions that will be considered in making awards under the LRP. Loan repayment awards will be made "only to those individuals serving at facilities which have a site score of 70 or above through March 1, 2017, if funding is
available." In addition to the level of need for specific disciplines, factors that will be taken into consideration are: 1) an applicant's length of current employment in the IHS, tribal, or urban program; 2) availability for service earlier than other applicants; and 3) date of receipt of the individual's application. Tribally and urban-administered program staffing needs are to be considered on an equal basis with those of the IHS-administered programs.

The IHS Area Offices and Service Units are authorized to provide supplemental funds for LRP participants for use in their areas, but the total amount cannot exceed the amount authorized by statute plus tax assistance.

Application materials may be obtained here: http://www.ihs.gov/loanrepayment.

Additional information regarding this program may be obtained from:

Jacqueline Santiago
Chief, IHS Loan Repayment Program
5600 Fishers Lane
Mail Stop: OHR (11E53A)
Rockville, Maryland 20857
301-443-3396"

"Indian Health Service FY 2017 Scholarships," Hobbs-Straus General Memorandum 17-005, January 10th, 2017, http://www.hobbsstraus.com/general-memorandum-17-005, reported, "The Indian Health Service (IHS) is soliciting applications, via the attached January 10, 2017, FEDERAL REGISTER notice for FY 2017 full- and part-time scholarships. American Indians and Alaska Natives are invited to apply under the three programs described below. The funding is $13.7 million for continuation and new awards combined, the same as in FY 2016, although funding is contingent upon final appropriations. No more than five percent of funds may be used for scholarships for part-time students. The deadline for applications for continuation awards is February 28, 2017 and the deadline for applications for new awards is March 28, 2017.

• Health Professions Preparatory Scholarships and Health Professions Pregraduate Scholarships. Approximately 20 new and 10 continuing awards will be made for these 2 programs combined (compares to 80 awards in FY 2016). The average award for a full-time student is approximately $31,919. The IHS is allocating in FY 2017 a smaller portion of the scholarship funds for these programs, electing to direct more funding into the Indian Health Professions program. Eligible applicants are members of federally (including those from tribes terminated since 1940) or state recognized tribes and first and second degree descendants of federal or state recognized tribal members and Alaska Natives. Applicants for the Preparatory program must have been accepted for enrollment in a compensatory, pre-professional general education course or curriculum. Applicants for the Pregraduate program must have been accepted for enrollment in an accredited pregraduate program leading to a baccalaureate degree in pre-medicine, pre-dentistry, pre-optometry or pre-podiatry.

• Indian Health Professions. An estimated 263 awards will be made (compares to 245 in FY 2016). This scholarship is available only to members of federally recognized tribes who are enrolled in an appropriately accredited school and pursuing a course of study in a health profession as defined by section 1603(10) of the Indian Health Care Improvement Act. The average award for a full time-student is approximately $48,500.

The attached notice provides IHS contact information for questions regarding the scholarship programs. It also describes the eligibility requirements and lists the health profession priority areas by type of scholarship. The IHS provides the following instructions for obtaining and filling out applications:

Applicants must go online to: www.ihs.gov/scholarship/online_application/index.cfm to apply for an IHS scholarship and access the Application Handbook instructions and forms for submitting a properly completed
application for review and funding consideration. Applicants are strongly encouraged to seek consultation from their Area Scholarship Coordinator (ASC) in preparing their scholarship application for award consideration. ACS's are listed on the IHS Web site at: http://www.ihs.gov/scholarship/contact/areascholarshipcoordinators/.

The attached notice also includes contact information for IHS Area Scholarship Coordinators."

"Indian Health Service Issues Reimbursement Rates for Calendar Year 201," Hobbs-Straus General Memorandum 17-008, January 19th, 2017, http://www.hobbsstraus.com/general-memorandum-17-008 reported, "The Indian Health Service (IHS) issued in a January 18, 2017, FEDERAL REGISTER notice its Calendar Year (CY) 2017 reimbursement rates applicable to Medicare and Medicaid services provided by IHS-funded health programs (operated by IHS and tribes/tribal organizations). These rates are set annually by IHS, with the concurrence of the Office of Management and Budget, and are based on cost reports compiled by IHS. The notice may be found here: https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-01075.pdf.

Medicare Part A (Inpatient Services) rates are not included in the notice as they are paid based on the prospective payment system. A comparison of the 2016 and 2017 rates follows:

<table>
<thead>
<tr>
<th>Rate Type</th>
<th>CY 2016</th>
<th>CY 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inpatient Hospital Per Diem Rate</td>
<td>$2,655</td>
<td>$2,933</td>
</tr>
<tr>
<td>Alaska</td>
<td>$3,335</td>
<td>$3,235</td>
</tr>
<tr>
<td>Outpatient Per Visit Rate (Excluding Medicare)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower</td>
<td>$368</td>
<td>$391</td>
</tr>
<tr>
<td>Alaska</td>
<td>$603</td>
<td>$616</td>
</tr>
<tr>
<td>MEDICARE Part B Inpatient Ancillary Per Diem Rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower</td>
<td>$324</td>
<td>$349</td>
</tr>
<tr>
<td>Alaska</td>
<td>$582</td>
<td>$577</td>
</tr>
<tr>
<td>MEDICARE Part B Inpatient Ancillary Per Diem Rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower</td>
<td>$637</td>
<td>$679</td>
</tr>
<tr>
<td>Alaska</td>
<td>$1,082</td>
<td>$1,046</td>
</tr>
</tbody>
</table>

The Outpatient Surgery Rates for Medicare are the established Medicare rates for freestanding Ambulatory Surgery Centers."

"Department of Health and Human Services Issues Hiring Freeze Guidance," Hobbs-Straus General Memorandum 17-016, February 10th, 2017, http://www.hobbsstraus.com/general-memorandum-17-016, reported, "This Memorandum updates our General Memorandum 17-014 (February 3, 2017) on the Presidentially-ordered federal hiring freeze with information about the guidance issued this week by the Department of Health and Human Services (HHS) detailing the occupational exemptions that may be granted to the federal hiring freeze, including for the Indian Health Service (IHS).

On February 6, HHS Acting Deputy Secretary Colleen Barros signed a Memorandum (HHS Memorandum), which added welcome detail to the President's January 23 hiring freeze order and the two subsequent guidance documents regarding the categories of HHS personnel to be exempted from the hiring freeze. We attach as one document the HHS Memorandum, the previous Office of Management and Budget/Office of Personnel Management (OMB/OPM) guidance of January 31, and the HHS listing of occupations exempt from the hiring freeze.
The OMB/OPM guidance of January 31 had, via reference to a 1981 OMB Memorandum, exempted from the freeze personnel undertaking "medical care of inpatients and emergency outpatient care" but with no further detail. The February 6 HHS Memorandum attached a list of 78 occupations which goes beyond direct medical care and includes critical support such as food service, housekeeping, medical records administration, security, and social services. The HHS Memorandum notes that it "specifically includes Indian Health Service Critical Hire appointments, which are temporary excepted service appointments under Schedule A, section 213.3102(i)(2)."

There are seven occupations which require pre-approval from HHS to ensure that the work is for "recruitment and placement activities directly related to public safety and national security" and they are also listed in the attached chart. The HHS Memorandum notes that the Commissioned Corps is in the exempted category (they had been listed as exempt in previous guidance as well). HHS also notes that "additional guidance for requesting further exemptions will be forthcoming."

The HHS Memorandum should go a long way in helping IHS programs make plans during the duration of the hiring freeze. There is, at this time, no end point specified for the hiring freeze. The President's Memorandum of January 31 provides that it would end upon implementation of a plan to reduce the size of the federal government's workforce through attrition."

"DOJ says the United States Retains Concurrent Jurisdiction in 'optional' PL 280 States," Hobbs-Straus General Memorandum 17-012, February 3rd, 2017, http://www.hobbsstraus.com/general-memorandum-17-012, reported, "On January 18, 2017, the United States Department of Justice through John C. Cruden, Assistant Attorney General, and Sam Hirsch, Principal Deputy Assistant Attorney General, sent a memorandum to all U.S. Attorneys in so-called 'optional' PL 280 states (Washington, Idaho, Montana, and Florida) advising them that the official position of the Justice Department is that the United States retains concurrent criminal jurisdiction in those states. The memorandum resolves "a longstanding question" as to whether the United States has concurrent jurisdiction to prosecute crimes under federal criminal statutes in states such as Washington, Idaho, Montana, and Florida, which "opted in" to criminal jurisdiction in Indian country under Section 7 of Public Law 83-280 (PL 280).

The memorandum clarifies that the Justice Department 'no longer adheres to the position [the Office of the Solicitor General] took more than 35 years ago on this issue.' In Washington v. Confederated Bands and Tribes of the Yakima Indian Nation, 439 U.S. 463 (1979) (Yakima), DOJ argued that the United States had ceded federal jurisdiction to Washington, an optional PL 280 state. A year later, the Office of the Solicitor General declined to authorize an appeal in a criminal case against an Indian in Washington because the State had optional jurisdiction under PL 280.

In support of its position the Justice Department cited the DOJ manual as well as a provision of its regulations codified at 28 C.F.R 50.25(a)(2) that states that its 'view' is that concurrent jurisdiction exists in optional PL 280 states. More importantly, the Justice Department interprets the text of PL 280 to suspend federal criminal jurisdiction in Indian country only in the "mandatory" states. The Justice Department also concludes that its position of concurrent jurisdiction is supported by the well-established presumption against implied repeals. Finally, the Justice Department argues that while the "mandatory" PL 280 states were consulted prior to passage of the law, the 'optional' PL 280 states were not. This distinction supports the argument that Congress intended to treat criminal jurisdiction in 'mandatory' and 'optional' PL 280 states differently."

General Memorandum 17-007, January 12th, 2017, http://www.hobbsstraus.com/general-memorandum-17-007, reported, "On December 15, 2016, the U.S. Forest Service, Department of Agriculture, published a final rule revising the regulations governing amendments to land management plans for the National Forest System. 81 Fed. Reg. 90723. This final rule, which adopts revisions proposed on October 12, 2016, will be useful for tribes who wish to see their priorities better reflected in forest land management plans. See our General Memorandum 16-063 (Oct. 20, 2016). The final rule may be found here: https://www.gpo.gov/fdsys/pkg/FR-2016-12-15/pdf/2016-30191.pdf.

Many National Forest System lands are adjacent to tribal lands; encompass parts of sacred landscapes and sacred sites; and contain culturally-important plants and other natural resources. In addition, overgrown federal forests can pose a fire risk to adjacent tribal forests. The Forest Service has a statutory duty under the National Forest Management Act of 1976, 16 U.S.C. § 1604, 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). The purpose of the final rule is to make it easier for the Forest Service to make relatively minor amendments to these land management plans, without going through the cumbersome process of fully revising the plan, which can take years and requires the preparation of an environmental impact statement (EIS). One reason this final rule is important is that all of the plans now in effect were adopted before the Forest Service regulations required consultation with tribes in the development of land management plans. By promulgating a final rule which expedites the process for amending plans, the Forest Service has given tribes an opportunity to shape land management plans in ways that take their priorities into account.

Background. As discussed in the preamble to the final rule, 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 governing land management plans. 77 Fed. Reg. 21161 (36 C.F.R. part 219). The 2012 rule includes provisions for outreach to, and consultation with, Indian tribes and Alaska Native corporations, including a requirement that, as part of tribal participation and consultation, the responsible Forest Service official "shall request information about native knowledge, land ethics, cultural issues, and sacred and culturally significant sites." 36 C.F.R. § 219.4.

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 in which the Forest Service may "amend" a plan at any time in order to keep it current. The rule distinguishes between "amendment" of a plan and "revision." A plan revision, required by statute at least once every 15 years, is a comprehensive process that, in effect, creates a new plan. 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.

Changes Made by the Final Rule. A plan amendment does not create a new plan, but, rather, leaves the underlying plan in effect except to the extent changed by the amendment. The regulatory changes made by the December 2016 final rule are intended 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. 36 C.F.R. §§ 219.8-219.11. The December 2016 final rule provides that, in a plan amendment, the responsible official 'must determine which substantive requirements within §§ 219.8 through 219.11 of the 2012 rule
are directly related to the plan direction being added, modified or removed by the amendment, and apply those requirements to the amendment' (Emphasis added.) Substantive requirements that are not directly related need not be addressed. In contrast, a new plan or plan revision must bring the plan into compliance with every requirement within §§219.8 through 219.11. As explained in the preamble, the final rule adopts the basic approach that had been set out in the proposed rule, although a number of minor changes in wording were made in response to comments to clarify various points.

How This Helps Tribes. As noted in our General Memorandum 16-063, the changes in the rules to expedite the adoption of plan amendments can work to the benefit of tribes. For example, a tribe may seek to obtain trees, portions of trees, and forest products from National Forest System land for traditional and cultural purposes, as authorized by section 8105 of the law commonly known as the "2008 Farm Bill" (Food, Conservation, and Energy Act of 2008, PL 110-246 (25 U.S.C. § 3055)) and the recently issued final rule implementing that law. 81 Fed. Reg. 65891 (to be codified at 36 C.F.R. § 223.15). In such a case, if the tribe's interests were 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, without having to wait years for a plan revision.

"HUD Establishes Tribal Intergovernmental Advisory Committee; Seeks Nominations," Hobbs-Straus General Memorandum 16-078. December 22nd, 2016, http://www.hobbsstraus.com/general-memorandum-16-078, reported, "On December 21, 2016, the Department of Housing and Urban Development (HUD) published a notice in the FEDERAL REGISTER establishing the Tribal Intergovernmental Advisory Committee (TIAC, or Committee) and soliciting nominations for tribal leaders (or their designees) to serve on the Committee. The purpose of the TIAC is to further communications between HUD and federally recognized Indian tribes on HUD programs, make recommendations to HUD regarding current program regulations, and provide advice in the development of HUD's American Indian and Alaska Native housing priorities. Nominations are due February 21, 2017. Further information on submitting nominations is in the attached FEDERAL REGISTER notice.

Role of the TIAC. The TIAC is intended to enhance the government-to-government relationships, communications, and mutual cooperation between HUD and tribal governments. HUD notes that several other federal agencies have established similar tribal advisory committees, including the Environmental Protection Agency, the Department of Health and Human Services, and the Department of the Treasury. As is the case with these other tribal advisory committees, the TIAC is not intended to take the place of tribal consultation and nor is it intended to be a body that negotiates any changes to regulations which are subject to negotiated rulemaking. Specifically, the TIAC is not intended to and will not replace the negotiated rulemaking process for Native American Housing Assistance and Self Determination Act (NAHASDA) regulations.

Structure of the TIAC. The TIAC will be composed of up to six HUD officials (including the Secretary and his or her designee, as well as the Assistant Secretaries for Public and Indian Housing; Policy Development and Research; and Community Planning and Development). The TIAC will be composed of up to fifteen tribal representatives. Up to two tribal members will represent each of the six HUD Office of Native American Programs (ONAP) Regions. Up to three tribal members will serve at-large. Only tribal leaders may serve as members of the TIAC; however, once selected, a tribal leader may designate an alternate who is a tribal employee and has the authority to act on their behalf. The TIAC will develop its own ruling charter and protocols and HUD will provide staff for the TIAC. Members will serve staggered terms of two years. The Secretary will appoint the members of the TIAC from among the nominations received. Members will be selected based on proven experience and interest in American Indian
and Alaska Native housing and community development matters. One of the tribal members will be selected by the TIAC to serve as the chairperson.

TIAC Meetings. Subject to the availability of federal funding, the TIAC will meet in-person at least once a year and may meet on a more frequent basis by conference call. HUD may pay for these meetings, including travel costs. The TIAC will convene after October 1, 2017.


The Policy Statement includes the following six principles:

1) The NRC Recognizes the Federal Trust Relationship With and Will Uphold Its Trust Responsibility to Indian Tribes
2) The NRC Recognizes and Is Committed to a Government-to-Government Relationship With Indian Tribes
3) The NRC Will Conduct Outreach to Indian Tribes
4) The NRC Will Engage in Timely Consultation
5) The NRC Will Coordinate With Other Federal Agencies
6) The NRC Will Encourage Participation by State-Recognized Tribes

The NRC is an independent federal regulatory agency with jurisdiction over activities involving uranium recovery, commercial nuclear power, and nuclear waste transportation, disposal, and storage. As an independent agency, it is not covered by certain executive orders, including EO 13175, 'Consultation and Coordination with Indian Tribal Governments.' The FEDERAL REGISTER notice provides extensive information regarding the lengthy process that the NRC carried out in adopting the Tribal Policy Statement. Prior to its adoption, the NRC had not formalized an agency-wide policy regarding tribes. Rather, its interactions with tribal governments had been conducted on a case-by-case basis. As recounted in the FEDERAL REGISTER notice, NRC staff had recommended against adopting a formal policy, preferring to continue conducting relations with tribes case-by-case. The Commission, however, declined to accept that advice and, in May 2012, decided to proceed with development of a formal policy.

"IRS Publishes Final Rule on the Reporting of Gaming Winnings; Tribal Comments Reflected," Hobbs-Straus General Memorandum 17-003, January 6th, 2017, http://www.hobbsstraus.com/general-memorandum-17-003, reported, "On December 30, 2016, the Internal Revenue Service (IRS) published in the FEDERAL REGISTER a Final Rule on the reporting of winnings from bingo, keno, and slot machines (pari-mutuel gambling winnings are addressed in a separate rulemaking process). The Rule did not adopt the proposed lower threshold for reporting slot winnings and electronic player tracking provisions which were identified as overly burdensome. The new Rule is effective immediately. A copy is available here: https://www.federalregister.gov/documents/2016/12/30/2016-31575/informat...

The publication of the Rule finalizes a rulemaking process that began in March 2015. The final regulations incorporate changes from the proposed rule that reflect these tribal and commercial gaming industry concerns. We briefly describe these provisions of the Rule below.

• Reporting Thresholds. The Rule does not adopt a lower reporting threshold for gaming winnings.
• Electronically Tracked Slot Machine Play. The Rule does not adopt the proposal of
creating rules for electronically tracked slot machine play (through the use of a player reward card or similar system) to record the amount a specific individual wins and wagers on slot machine play.

- Optional Aggregate Reporting Method. While the reporting of gambling winnings is required each time a payor makes a payment that meets the reporting threshold, the Rule creates a new optional aggregate reporting method, allowing payors under certain conditions to report the aggregate amount of such reportable gambling winnings on one Form W–2G.

- Payee Identification Requirements. The Rule retains the requirement that the payor must obtain two forms of identification from the payee to verify the payee's identity. However, the Rule broadens the list of acceptable identification to include W-9 forms as well as tribal member identification cards issued by a federally recognized Indian tribe.

Our firm prepared and submitted comments on behalf of several of our tribal clients on the proposed rule. Please let us know if we may provide additional information on the IRS Final Rule on Information Returns; Winnings from Bingo, Keno, and Slot Machines.

Konnie LeMay, "Census Bureau Launches My Tribal Area for Indian Country: My Tribal Area is a statistical one-stop shop that pinpoints facts on reservation, trust lands," ICTMN, May 18, 2017, https://indiancountrymedianetwork.com/news/native-news/census-bureau-launches-tribal-area-indian-country/, reported, "A new online tool, My Tribal Area, launched the first week of May by the U.S. Census Bureau, intends to offer easy access to statistics about population, jobs, housing, economy, and education within reservation and trust-held lands for 618 federally or state-recognized tribes. The one-stop statistical shop includes a small map showing each area covered and a glossary explaining the different statistical designated areas.

In a blog about the new launch, Census Director John H. Thompson said My Tribal Area was developed after 18 consultations with 18 tribal leaders.

The U.S. Census Bureau, in February 2017, expanded the number of polling places in Alaska at which ballots will be in Native languages ("Feds expand areas in which ballots will be in native languages," NFIC, February 2017).

The National Museum of the American Indian (NAMI has held 35 consultation sessions around the United States on the establishment of the Native American Veterans Memorial to be unveiled on the grounds of NAMI on Veterans Day 2020 (Sacha Smith, "Vets, NAMI talk national Memorial," Southern Ute Drum, May 12, 2017)

"Notice of Violation and Closure Order Issued Against the Nooksack Tribe," National Indian Gaming Commission, June 15, 2017, https://www.nigc.gov/news/detail/notice-of-violation-and-closure-order-issued-against-the-nooksack-tribe, announced, "Chairman of the National Indian Gaming Commission (NIGC), Jonodev O. Chaudhuri, issued a Notice of Violation (NOV) and immediate Closure Order against the Nooksack Tribe’s gaming operation, the Northwood Casino, in Washington. The NOV resulted from a thorough and multi-faceted investigation by the NIGC that identified numerous violations of the Indian Gaming Regulatory Act (IGRA), NIGC regulations and the Nooksack Tribal Gaming Ordinance. The NOV details the violations as:

- The Tribe failed to maintain its sole proprietary interest and responsibility for the conduct of any gaming activity.
- The Tribe failed to submit the required attestation certifying that the construction and maintenance of the gaming facility adequately protects the environment and public health and safety.
- The Tribe failed to maintain and operate the gaming facility in a manner that adequately protects the environment and public health and safety, which is evident in orders issued by the
Environmental Protection Agency (EPA) detailing significant deficiencies of the Safe Drinking Water Act that have occurred at six water systems, including the Northwood Casino Water System.

The Tribe failed to perform required licensing actions for members of the Nooksack Business Corporation II (NBCII) who are primary management officials of the Northwood Casino.

'We do not take lightly the issuance of notices of violation and closure orders against tribal gaming operations. We are taking this significant enforcement action only after a complete analysis of the unique circumstances involved, including a full review of the structure of the Tribe’s governing and business bodies. The violations set forth in the Notice compromise the integrity of the Northwood Casino and the gaming industry as a whole, diminish the sole proprietary interests of the Tribe, threaten the health and safety of the public, and impede the Tribe’s ability to make necessary decisions to administer their operations.' Chaudhuri said.

In order to correct the ongoing violations, the Nooksack Tribe must comply with all licensing requirements, submit the required construction and maintenance attestation, and take corrective action to resolve the EPA violations. The Tribe could face civil penalty violations in the amount of $50,276 for each violation per day of occurrence until corrected.

The full Notice of Violations and Closure Order is available here.

For additional developments, regulations and announcements from the National Indian Gaming Commission, visit: https://www.nigc.gov.

Federal Indian Budgets

"Congress Approves Extension of the FY 2017 Resolution for One Week," Hobbs Straus GENERAL MEMORANDUM 17-026, April 29th, 2017, http://www.hobbsstraus.com/general-memorandum-17-026, reported, Congress approved today, April 28, a one-week extension of the FY 2017 Continuing Resolution in order to continue funding federal agencies, thus averting a partial government shutdown at midnight tonight. The Resolution, H. J. Res. 99, will extend through May 5, 2017, and the President has said he will sign it. This is the third FY 2017 Continuing Resolution (see our General Memoranda 16-059 of September 29, 2016, and 16-076 of December 12, 2016).

The only FY 2017 appropriations bill enacted thus far is for Military Construction-Veterans Administration programs. Congressional appropriators have been negotiating the remaining 11 appropriations bills which would likely be combined into an "omnibus" piece of legislation. Congress is hoping that the one-week CR will be a sufficient amount of time to finish the negotiations and produce an omnibus appropriations bill next week. Given that there are only five months left in the fiscal year, the changes that can be made from the FY 2016 funding levels and conditions provided under the CR, will be somewhat limited. It does, however, offer opportunities for some increases over FY 2016.

Approval of the CR was in doubt earlier in the week over the insistence of the Administration that FY 2017 funding be provided to begin work on constructing a wall on our southern border and its resistance to continuing to pay subsidies for low-income persons who participate in the Affordable Care Act marketplace. Ultimately, the Administration dropped those demands. Democrats also indicated they would not support the one-week CR if House Republican leadership brought to a vote this week another version of the Affordable Care Act replace/repeal bill. The House GOP did not schedule such a bill for floor action, lacking the votes for passage."

today for a two week break, leaving in limbo the status of FY 2017 funding for federal agencies which is set to expire midnight of April 28, 2017. Congress reconvenes April 24, leaving four days to reach a final agreement, for the legislation to pass the House and Senate, and to be sent to and signed by the President in order to avoid a partial government shutdown. The only FY 2017 appropriations bill enacted thus far is the Military Construction/Veterans Administration bill; thus the agreement would cover all other federal agencies.

Federal agencies (other than Military Construction/VA) are being funded under a Continuing Resolution (CR) which provides funding primarily at pro rata FY 2016 levels and conditions. Given that there are only five months left in the fiscal year, there is some limitation on the changes that can effectively be made at this point in time. It has been 21 years (1996) since Congress did not need to rely on at least some form of CR to keep federal agencies funded.

Up in the air is whether final FY 2017 funding will be provided through yet another CR at FY 2016 levels and conditions, an omnibus appropriations bill which reflects some of the FY 2017 Appropriations Committee recommendations, or a hybrid of these approaches. Even a CR which extends through the remaining five months of the fiscal year could contain a limited number of "anomalies" (funding levels which differ from the FY 2016 amounts).

We understand that there have been productive behind-the-scenes negotiations on FY 2017 appropriations bills in an effort to reach agreement on legislation which would reflect some of the changes recommended by the House and Senate Appropriations Committees, rather than to only continue funding at FY 2016 levels and conditions. For instance, the House Appropriations Committee has recommended increases for the Indian Health Service (IHS) in the areas of built-in costs, Purchased/Referred Care and Urban Indian Health while the Senate Committee has proposed more funding for IHS behavioral health. For the Bureau of Indian Education (BIE), FY 2016 represented an important step forward in terms of Congress providing full funding for Tribal Grant Support Costs along with substantial increases for School Construction and School Facilities Operations and Maintenance. For FY 2017, the House and Senate Appropriations Committees have proposed further increases for Tribal Grant Support Costs and School Facilities Operations and Maintenance while the House Appropriations Committee has also proposed an increase for Indian School Equalization Program (ISEP) formula funds, the primary funding source for educational programs at BIE-funded K-12 schools.

As of this writing, we understand that some unresolved issues remain. An apparent pitfall – and one that could result in at least a short-term government shutdown due to opposition from Democrats – is the Administration's 11th hour proposal to increase FY 2017 defense spending by $30 billion and provide $3 billion for initial work on construction of a wall on our southern border. The Trump Administration proposal to partially offset the defense spending proposal is to reduce domestic discretionary spending by $18 billion – a proposal that is opposed by members of both parties.

Meanwhile, the Trump Administration is expected to release its detailed proposed FY 2018 budget in mid-May. We reported in our General Memorandum 17-020 (March 23, 2017) on their proposed FY 2018 "skinny" budget. The House Appropriations Subcommittee on Interior, Environment and Related Agencies has said they would like to have an FY 2018 hearing for public witnesses on Indian programs under its jurisdiction but thus far no date has been set."

"Indian Affairs FY 2017 Appropriations," Hobbs-Straus General Memorandum 17-032, June 16th, 2017, http://hobbsstraus.com/general-memorandum-17-032, reported, "On May 5, 2017, President Trump signed HR 244, the Consolidated Appropriations, FY 2017 Act (Act) which provides funding for federal agencies for the remaining five months of the fiscal year. Prior to this, only one full-year appropriations bill (Military Construction/Veterans) had been enacted. Consolidated Appropriations, FY 2017 is Public
Law 115-31 and the accompanying House and Senate Committee reports are H. Rept. 114-632 and S. Rept. 114-281. An Explanatory Statement serves as the conference report. The final bill language and the Explanatory Statement are published in the May 3, 2017, CONGRESSIONAL RECORD. We attach excerpts of relevant budget charts from the Explanatory Statement. In this Memorandum, we report on the final FY 2017 funding for Indian Affairs (which includes the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE)) which is in Division G of the Act, as well as a few other selected programs.

The Act halted federal agencies having to operate in FY 2017 under a Continuing Resolution, primarily at FY 2016 funding levels, as it represents a negotiated agreement among Congressional leaders.

The Explanatory Statement provides that "Report language contained in House Report 114-632 and Senate Report 114-281 providing specific guidance to agencies regarding the administration of appropriated funds and any corresponding reporting requirements carries the same emphasis as the language included in this explanatory statement and should be complied with unless specifically addressed to the contrary herein. This explanatory statement, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein."

The references to the "Administration's request" or "request" in this Memorandum refer to the Obama Administration's FY 2017 proposed budget for Indian Affairs. We will report separately on the Trump Administration's FY 2018 proposed budget for Indian Affairs.

**INDIAN AFFAIRS (IA) OVERVIEW**

For FY 2017, the Act provides $2.8 billion for Indian Affairs. This is $73.9 million less than the Administration's request ($2.9 billion) but $63.6 million above the FY 2016 enacted level ($2.7 billion).

The Administration requested and Congress continued to provide strong funding levels for priorities such as School Construction and the Tiwahe Initiative. Of note, Contract Supports Costs continued as an "indefinite appropriation" with Congress providing "such sums as may be necessary" and for the second fiscal year in a row, Congress provided what is estimated to be full funding for the Tribal Grant Support Costs of tribally-controlled schools.

Indian Reorganization Act – Carcieri Fix Not Included. The Administration continued to request and Congress continued to not provide language which would reverse the U.S. Supreme Court's 2009 decision that the Secretary of the Interior does not have authority to take land into trust for tribes under federal jurisdiction after 1934. The Carcieri-Fix language that the Administration requested for FY 2017 is the same as what was requested in FYs 2011, 2012, 2013, 2014, 2015, and 2016.

Restriction on Implementation of New Federal Recognition Rule Not Included. The Act omits language from the General Provisions section of the House bill which would have restricted the Secretary of Interior from implementing, administering, or enforcing the new Federal Acknowledgment rule. Instead, the Explanatory Statement simply states:

The Committees acknowledge concerns expressed by certain tribes, States, and bipartisan members of Congress regarding recent changes in tribal recognition policy on standards that have been applied to new applicants since 1978. Federal acknowledgement of a tribe impacts the Federal budget, other tribes, State and local jurisdictions, and individual rights. The Committees expect the Administration to maintain rigorous recognition standards while implementing a more transparent, efficient, and workable process.

**OPERATION OF INDIAN PROGRAMS**

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Operation of Indian Programs (OIP) budget includes the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE).
Rescission. The Explanatory Statement explains, "The bill includes a rescission of $3,400,000 from prior year unobligated balances within the Operation of Indian Programs account. The Bureau is directed to take the rescission from no-year funds within the Executive Direction and Administrative Services activity."

Fixed Costs and Transfers. The Administration had requested a $5.2 million increase for fixed costs as well as a number of transfers between accounts. The Explanatory Statement states that the requested fixed costs and transfers are included in the final agreement.

BUREAU OF INDIAN AFFAIRS
FY 2016 Enacted $1,415,557,000
FY 2017 Admin. Request $1,483,356,000
FY 2017 Enacted $1,447,833,000

Activities within the Bureau of Indian Affairs are: Tribal Government; Human Services; Trust-Natural Resources Management; Trust-Real Estate Services; Public Safety and Justice; Community and Economic Development; and Executive Direction and Administrative Services.

TRIBAL GOVERNMENT
FY 2016 Enacted $301,517,000
FY 2017 Admin. Request $307,148,000
FY 2017 Enacted $308,815,000

The Tribal Government sub-activities are: Aid to Tribal Government; Consolidated Tribal Government Program; Self-Governance Compacts; New Tribes; Small and Needy Tribes; Road Maintenance; and Tribal Government Program Oversight. (See attached: FY 2017 Enacted Budget Chart, p. 62U)

New Tribes. This sub-activity provides $160,000 in Tribal Priority Allocation (TPA) base funding per tribe to support newly federally-recognized tribes. Once a tribe has been acknowledged, it remains in this category for three fiscal years. The Administration had requested no funding for this sub-activity in FY 2017; however, the Explanatory Statement provides $160,000, explaining, "If additional Tribes are recognized during fiscal year 2017 beyond those contemplated in the budget request, the Bureau is urged to support their capacity building efforts to the extent feasible."

Small and Needy Tribes. This sub-activity provides a minimum base level by which small and needy tribes can run viable tribal governments. The Administration had requested $3 million but the Explanatory Statement provides $4.4 million, "ensuring that all Tribes receive the maximum base level provided by the Bureau to run Tribal governments."

Road Maintenance. The Administration had requested $26.7 million for this sub-activity noting that the amount received by tribes in the TPA portion of this budget sub-activity generally equals about only 9 percent of the estimated $289 million in deferred maintenance. The Explanatory Statement provides $30 million and directs, "The Bureau is urged to focus the program increase on roads and bridges in poor or failing condition, particularly along school bus routes. The Bureau is directed to consolidate the reporting requirements for road maintenance contained in the House and Senate reports and to report back to the Committees within 60 days of enactment of this Act."

The House Report states:

The Committee recognizes that only 16 percent of BIA-owned roads and only 67 percent of BIA-owned bridges are in fair condition or better. The increase above the budget request is intended for BIA owned roads and bridges in poor or failing condition, particularly along school bus routes.

The Committee remains concerned by the BIA's substantial road maintenance backlog, particularly as it impacts rural tribal communities that lack adequate emergency access corridors. The Committee directs the Secretary to submit a report outlining the steps the BIA is taking to address the safety and emergency access issues experienced by remote and isolated tribal communities.
The Senate Report states:

The Committee is concerned about the future funding of the Road Maintenance account and the backlog for deferred maintenance of roads in Indian Country; therefore, the Committee directs the Bureau to report back to the Committee in 60 days of enactment of this act on how the Bureau plans to allocate the funds provided in the bill.

Tribal Government Program Oversight. The Administration had requested a $4 million increase above FY 2016 for this sub-activity in order to continue to develop a national Native One-Stop Support Center. The purpose of the Center is to make it easier for tribes to find and access information about programs, services and funding opportunities available across the federal government. Congress declined to fund this requested increase.

The House Report explains:

The recommendation does not include the requested increases for the Nativeonestop.gov web portal because of the already limited funding for core tribal government programs. Indian Affairs is encouraged to coordinate with the Grants.gov web portal, to share costs with other Federal agencies, and to reconsider the need to hire regional staff, before including the proposal in the fiscal year 2018 budget request.

**HUMAN SERVICES**

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The Human Services sub-activities are: Social Services; Welfare Assistance; Indian Child Welfare Act (ICWA); Housing Improvement Program (HIP); Human Services Tribal Design; and Human Services Program Oversight. (See attached: FY 2017 Enacted Budget Chart, p. 62U)

Tiwahe Initiative. The Administration had requested a $17.4 million increase for the portion of the Tiwahe Initiative funded by the Human Services activity. This requested increase came in the form of a $12.3 million requested increase for the Social Services sub-activity; a $3.4 million requested increase for the ICWA sub-activity and a $1.7 million requested increase for the Housing Improvement Program sub-activity. The Explanatory Statement provides $12.1 million of that $17.4 million requested increase and directs the BIA to "report back to the Committees within 90 days of enactment of this Act on the performance measures being used to monitor and track the Tiwahe initiative's effectiveness in Indian Country."

The House Report emphasizes that the increase should be used to "provide culturally-appropriate services with the goals of empowering individuals and families through health promotion, family stability, and strengthening tribal communities as a whole... [and to] keep AI/AN children in need of foster care in AI/AN communities wherever possible." The House Report further emphasizes that "Indian Affairs is urged to make services available to law enforcement officers in coordination with the Indian Health Service."

The Senate Committee concurs that the increases are to "expand and continue the Tiwahe initiative." Further, "The Committee recommends increasing funds for Tiwahe as a way to strengthen tribal communities in Indian country by leveraging programs and resources; however, it is important to measure program effectiveness as the initiative continues and grows. The Committee directs the Bureau to report back in 90 days of enactment of this act on the performance measures being used to monitor and track the initiative's effectiveness in Indian country."

**TRUST–NATURAL RESOURCES MANAGEMENT**

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The Trust–Natural Resources Management sub-activities are: Natural Resources, general; Irrigation Operation and Maintenance; Rights Protection Implementation; Tribal Management/Development Programs; Endangered Species; Tribal Climate
Resilience/Cooperative Landscape Conservation; Integrated Resource Information; Agriculture and Range; Forestry; Water Resources; Fish/Wildlife & Parks; and Resource Management Oversight. (See attached: FY 2017 Enacted Budget Chart, p. 62V)

For FY 2017, the Administration had requested substantial increases across the Trust-Natural Resources Management Activity, totaling $23.7 million above FY 2016. Of the $23.7 million in requested increases, Congress provided $9.1 million. This increase was largely concentrated in the following sub-activities: Irrigation Operation and Maintenance; Rights Protection Implementation; Tribal Management/Development Programs; Forestry; and Fish/Wildlife & Parks.

Rights Protection Implementation. The House Report states that the increase is provided "in order to meet Federal court litigated and mitigated responsibilities in the conservation and management of fish and wildlife resources."

Tribal Management/Development Program: Alaska Subsistence. The Administration had requested a $5 million increase for this sub-activity with $2 million of that increase to be focused on subsistence management in Alaska. The Administration stated that "the funding will support and expand projects in targeted areas across the State that promote tribal cooperative management of fish and wildlife and improved access to subsistence resources on Federal land and waters. (FY 2017 Budget Justification, p. IA-TNR-22) Congress funded the $2 million requested increase.

The Explanatory Statement provides:

The agreement includes … a $2,000,000 program increase for Alaska subsistence programs as requested, including consideration of funding for the projects and pilot programs referenced in the budget submission including the Ahtna Subsistence Cooperative Management Project and the Kuskokwim River Inter-Tribal Fisheries Commission.

Tribal Climate Resilience/Cooperative Landscape Conservation. The Administration had requested a $3.1 million increase for this sub-activity, specifically as a "... set-aside to support Alaska Native Villages in the Arctic and other critically vulnerable communities to improve the long-term resilience of their communities." (FY 2017 Budget Justification, p. IA-TNR-22).

Congress declined to provide this requested increase; however, the House Report directed the BIA to act as follows:

The Committee supports the Bureau of Indian Affairs' efforts to address the resiliency needs of tribal communities by working to address threats to public safety, natural resources, and sacred sites. The Committee is particularly concerned about coastal tribal communities and Alaska Native Villages that face severe challenges to their long-term resilience. Consistent with the Federal government's treaty and trust obligations, the Committee directs the Bureau of Indian Affairs to work with at-risk tribes to identify and expedite the necessary resources to support mitigation and relocation efforts.

Forestry. The Administration had requested flat funding for this sub-activity; however, Congress provided a $2.2 million increase directed to forest thinning projects.

The House Report continued the following report language on agreements with tribes:

The Department of the Interior is encouraged to promote and expand the use of agreements with Indian tribes to protect Indian trust resources from catastrophic wildland fire, insect and disease infestation, or other threats from adjacent Federal lands, as authorized by law.

Water Resources. The Administration had requested a $4.5 million increase for this sub-activity to fund:

…additional activities necessary to manage tribal water resources, support additional BIA management staff and to provide an amount not to exceed $2.5 million for use by the Secretary's Indian Water Rights Office in analyzing individual water settlement proposals, training settlement and negotiation teams, and otherwise implementing national policy objectives concerning Indian water settlements. (FY 2017 Budget Justification, p. IA-TNR-5)
Congress ultimately provided only $83,000 of the requested increase; however, both the House and Senate Report specified that from within the total $10.4 million provided for the Water Resources sub-activity, $390,000 is to be used to continue the Seminole and Miccosukee water study (as requested by the Administration).

Fish, Wildlife, and Parks. The Administration had requested a $2 million increase for this sub-activity to be directed to ensure resilience in planning development, and operations. Ultimately, Congress provided a $1.5 million increase, specifying that $545,000 of that be directed to "Tribal hatcheries currently not receiving BIA hatchery operations funding as outlined in the Senate report, and $1 million for fish hatchery operations." The Senate Report elaborates that the $545,000 is for "substantially producing tribal hatcheries in BIA's Northwest Region currently not receiving BIA hatchery operations funding."

Partnership with USGS. The Explanatory Statement directs, "The Bureau is directed to enter into a formal partnership with local Tribes and the United States Geological Survey to help develop a water quality strategy for transboundary rivers affected by discharges caused by mines across the Canadian border." The Senate Report elaborates that this includes the Unuk River.

Challenges. The Senate Report states, "The Committee also recognizes that many tribes west of the Mississippi River tend to have reservations that are larger in terms of land mass than those east of the Mississippi River and face challenges including drought. However, the Committee expects that tribes across the country who have resource challenges receive appropriate funding."

TRUST–REAL ESTATE SERVICES

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The Trust–Real Estate Services sub-activities are: Trust Services; Navajo-Hopi Settlement Program; Land Title and Records Offices; Real Estate Services; Land Records Improvement; Environmental Quality; Alaskan Native Programs; Rights Protection; and Trust-Real Estate Services Oversight.

The major changes requested by the Administration were a $6.8 million reduction to the Trust Services sub-activity to reflect the completion of the Klamath River program and a $7.5 million increase to the Rights Protection sub-activity to support the quantification of Indian water rights through litigation and settlement negotiations. Congress obliged with the $6.8 million reduction.

The Explanatory Statement describes the increases and decreases Congress ultimately provided within the Trust–Real Estate Services activity:

The agreement includes $123,092,000 for real estate services and includes the following program changes: a decrease of $6,893,000 as requested from trust services; a $400,000 increase for the historical places and cemetery sites program, including ANCSA sites; and a $1,500,000 increase for settlement negotiations and implementation related to water rights and Tribal trust fishery resources in the Klamath Basin.

Reservation Boundaries. In the Explanatory Statement, Congress ultimately rejected the following language from the House Report, "Indian Affairs is directed to recognize the Yakama Indian Nation's tribal boundary as the boundary established by the State of Washington and the Congress."

Title Conveyance Requests. The House Report directs:

The Committee directs the Bureau of Indian Affairs (BIA) to have no outstanding title conveyance requests older than 12 months, including those that have been initially rejected by the Land Titles and Record Offices for insufficient or incorrect documentation, by September, 2017. The Committee expects an update on the status of outstanding conveyances by September, 2017 and a report on what the BIA will be changing in their operations policy to ensure these backlogs and documentation related rejections do not occur in the future.
The Explanatory Statement urges:
The Committees are concerned that the Bureau does not adequately maintain rights-of-way records. The Bureau is encouraged to develop a plan to update and digitize its inventory of records and to make the records publicly available in a commonly used mapping format, consistent with the guidance provided in Senate Report 114-281.
The Senate Report directs:
The Committee is aware that the Bureau's process for maintaining rights-of-way records has long been a problem and encourages the Bureau to develop a plan to update and digitize its inventory of records and to make the records publicly available in a commonly used mapping format. The Committee is concerned that some records have been lost and the Bureau often struggles to provide documentation to tribes and other stakeholders in a timely fashion. The lack of access to current records creates bureaucratic roadblocks that too often disrupt projects on Indian land and create unnecessary conflict. Updating and digitizing rights-of-way documents and making them available on a public database will ensure that the BIA is fulfilling its responsibility to tribes and will help ensure that projects are completed in a more timely and cost-effective manner.

PUBLIC SAFETY AND JUSTICE
FY 2016 Enacted $377,423,000
FY 2017 Admin. Request $373,460,000
FY 2017 Enacted $385,735,000

The Public Safety and Justice sub-activities are: Law Enforcement; Tribal Courts; and Fire Protection. (See attached: FY 2017 Enacted Budget Chart, p. 62W)
In FY 2016, Congress exceeded the Administration's request by $13 million. In FY 2017, Congress once again exceeded the Administration's request, this time by $12.2 million.
Tiwahoe Initiative. An aspect of the Tiwahoe Initiative is identifying and treating the social, behavioral and substance abuse needs of convicted offenders and facilitating their re-entry into communities. Another is strengthening tribal court systems to address issues related to children and family services and as well as finding solutions to reducing recidivism. To carry out the Tiwahoe Initiative, the Administration requested and Congress provided a $1 million increase to the Detention/Corrections program element (to bolster inmate support activities) for a total of $96.5 million and a $2.6 million increase to the Tribal Courts program element (to support existing Tiwahoe pilot project sites and add five additional sites) for a total of $30.7 million.

Tribal Justice Support and PL 280 States. For FY 2017, the Administration requested an $8.2 million cut to Tribal Justice Support, seeking to scale back a program element which had received an increase in FY 2016. Given the important sentencing provisions for tribes in the Tribal Law and Order Act of 2010 and the Violence Against Women Act of 2013, Congress roundly rejected this proposed cut. Congress also emphasized the needs of tribal justice systems in PL 280 states.

The Explanatory Statement explains:
Funding for Tribal justice support is restored to $17,250,000, of which not less than $10,000,000 is to address the needs of Tribes affected by Public Law 83-280. The Committees remain concerned about Tribal court needs as identified in the Indian Law and Order Commission's November 2013 report, which notes Federal investment in Tribal justice in "P.L. 280" States has been more limited than elsewhere in Indian Country. The Committees expect the Bureau to work with Tribes and Tribal organizations in these States to fund plans that design, promote, sustain, or pilot courts systems subject to jurisdiction under Public Law 83-280. The Bureau is also directed to formally consult and maintain open communication throughout the process with Tribes and Tribal organizations on how this funding supports the technical infrastructure and future Tribal court needs for these jurisdictions.
The Senate Report elaborates:
The Committee remains concerned about the tribal courts needs as identified in the Indian Law and Order Commission's November 2013 report which notes Federal investment in tribal justice for Public Law 83–280 States has been more limited than elsewhere in Indian Country. The Committee expects the Bureau to work with Indian tribes and tribal organizations to consider options that promote, sustain, design, or pilot tribal court systems for tribal communities subject to full or partial State jurisdiction under Public Law 83–280. As part of this process, the Bureau should conduct meaningful consultations with tribes and tribal organizations and the Committee expects the Bureau to have extensive communication with tribes on how this funding may result in a strategic plan identifying the funding and technical infrastructure needs for these States. The Committee is also aware the Bureau has not submitted reports required by the Tribal Law and Order Act, Public Law 111–211. Providing this information would help ensure tribal governments are receiving funding levels for public safety and justice programs based on need; therefore, the Committee strongly encourages the Bureau submit this annual report.

Educational and Health-Related Services for Individuals in Tribal Detention Centers Considered Allowable Costs. The House Report expanded upon its report language from FY 2016, stating:

For the purpose of addressing the needs of juveniles in custody at tribal detention centers operated or administered by the BIA, the Committee considers educational and health-related services to juveniles in custody to be allowable costs for detention/corrections program funding. Indian Affairs is further urged to provide mental health and substance abuse services when needed by juvenile and adult detainees and convicted prisoners.

Criminal Investigations and Police Services. Congress increased this program element above the requested amount for a total of $202 million. The House report notes that $3 million of this increase is to "continue reducing the disparity in the number of patrol officers per population size in Indian Country, as compared to the Nation as a whole." Further, the House Report urges Indian Affairs to improve officer safety by eliminating radio tower communications dead zones.

Cultural Items Unit Created to Investigate NAGPRA Violations. The Explanatory Statement specifies that from within the $202 million provided for the Criminal Investigations and Police Services program element, there is a $1 million program increase to implement the Native American Graves Protection and Repatriation Act.

The House Report explains:

The Committee recommends $1,000,000 to support the development of a Cultural Items Unit within the Division of Law Enforcement tasked with investigating violations of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001 et seq.), and related law. Although domestic laws such as NAGPRA can be enforced to address the theft of tribal cultural items with both criminal and civil penalties, without active Federal support, tribes are left only to do what they each can independently afford to do to stop the theft and sale of their cultural items. Therefore, the Committee supports the BIA in developing the capacity to coordinate investigations of violations of NAGPRA and related law.

COMMUNITY AND ECONOMIC DEVELOPMENT

<table>
<thead>
<tr>
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<tr>
<td>FY 2017</td>
<td>$41,844,000</td>
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</table>

The Community and Economic Development sub-activities are: Job Placement and Training; Economic Development; Minerals and Mining; and Community Development Oversight. Congress ultimately provided an amount similar to the Administration's request. The Explanatory Statement describes the how this amount is to be allocated, "The agreement includes $41,844,000 for community and economic development, of which: $12,504,000 is for job
placement and training; $25,304,000 is for minerals and mining; and $2,235,000 is for community development central oversight.”

NIOGEMS. The Senate Report directs:

The Committee is concerned the Bureau has not maintained sufficient digital records for the oil and gas programs and understands the Bureau has developed a National Indian Oil and Gas Evaluation Management System [NIOGEMS] which has been distributed to some tribes and regional offices. The Committee instructs the Bureau to report back within 120 days of enactment of this act on the cost to further expand this system to more reservations and offices.

Energy Service Center. In FY 2016, the Administration requested and Congress provided $4.5 million to establish an Indian Energy Service Center staffed by BIA, the Office of Natural Resources Revenue, the Bureau of Land Management and the Office of the Special Trustee for American Indians to facilitate energy development in Indian Country. The Center is to be tasked with expediting leasing, permitting, and reporting for conventional and renewable energy on Indian lands. For FY 2017, both the House and Senate report language push the Department of Interior to get the Energy Service Center up and running.

The Senate Report directs:

The Committee is also concerned about the status of the new Energy Service Center which is supposed to help facilitate energy development in Indian Country. The Committee directs the Bureau to report back in 120 days of enactment of this act on the progress of opening this office and outline any obstacles that may delay the opening of the Center.

The House Report urges:

Indian Affairs is encouraged to submit a budget request for fiscal year 2018 for the next phase of the energy office.

EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES

<table>
<thead>
<tr>
<th>Year</th>
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<th>Request</th>
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<tr>
<td>FY 2017</td>
<td>$228,824,000</td>
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</table>

The Executive Direction and Administrative Services sub-activities are: Assistant Secretary Support; Executive Direction; Administrative Services; Safety and Risk Management; Information Resources Technology; Human Capital Management; Facilities Management, Intra-Governmental Payments; and Rentals.

In the Explanatory Statement, Congress ultimately provided an amount substantially less than the Administration's request, to be allocated as follows:

The agreement provides $228,824,000 for executive direction and administrative services, of which: $10,006,000 is for Assistant Secretary Support, $2,970,000 is for safety and risk management; $23,060,000 is for human capital management; $23,552,000 is for intra-governmental payments. The reductions from Assistant Secretary Support and human capital management reflect a transfer of school-related responsibilities, personnel, and budget to the Bureau of Indian Education.

Data Quality Improvement. The Administration requested, and Congress ultimately declined to provide, a $12 million increase to the Assistant Secretary Support sub-activity to address data gaps in Indian Country and create Office of Indian Affairs Policy, Program Evaluation, and Data.

Treaty Fishing Sites. The Senate Report directs the BIA as follows:

The Committee is concerned that the Bureau's budget does not adequately fund operating costs for treaty fishing sites on the Columbia River that were authorized to be set aside by Congress by Public Law 79–14 and title IV of Public Law 100–581 to allow tribes access to fishing locations in lieu of traditional fishing grounds that were compromised by dams. The Bureau is directed to work with the U.S. Army Corps of Engineers and affected tribes and provide a report to the Committees on Appropriations within 60 days of enactment of this act that details the amounts needed to fully fund operating and law enforcement needs at such sites.
The Bureau is also urged to incorporate any unfunded needs identified by the requested report in future budget requests.

**BUREAU OF INDIAN EDUCATION**

<table>
<thead>
<tr>
<th>FY</th>
<th>Enacted</th>
<th>Admin. Request</th>
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<tr>
<td>2017</td>
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</tr>
</tbody>
</table>

The Bureau of Indian Education (BIE) category displays funds for the BIE-funded elementary and secondary school systems as well as other education programs including higher education and scholarships. The Bureau of Indian Education sub-activities are: Elementary and Secondary Programs (Forward Funded); Elementary and Secondary Programs (Non-Forward Funded); Post Secondary Programs (Forward Funded); Post Secondary Programs (Non-Forward Funded); and Education Management.

Implementation of the BIE Reorganization and GAO Recommendations. Congress continues to provide strong funding levels for the BIE (a $21 million increase beyond FY 2016); however, these funding levels are not without concerns and not without oversight. The Explanatory Statement and House and Senate reports make clear that further increases are contingent upon successful implementation of the Government Accountability Office (GAO) report recommendations.

The Explanatory Statement states:

The Committees remain concerned about recent Government Accountability Office (GAO) reports detailing problems within the K-12 Indian education system at the Department of the Interior, in particular as they pertain to organizational structure, accountability, finance, health and safety, and ultimately student performance. As the Department takes steps to reform the system, the Secretary is reminded that future support from Congress will continue to be based in large part upon successful implementation of GAO report recommendations. In particular, consistent with GAO report 13-774, the Secretary is urged to reorganize Indian Affairs so that control and accountability of the BIE system is consolidated within the BIE, to present such reorganization proposal in the fiscal year 2018 budget request, and to submit to the Committees a corresponding updated workforce plan. Consistent with GAO testimonies 15-389T, 15-539T, 15-597T, and any subsequent reports, the Secretary is urged to personally oversee immediate actions necessary to ensure the continued health and safety of students and employees at BIE schools and facilities.

The House Report states:

Indian education remains among the Committee's top priorities because it is a fundamental trust responsibility and because elementary and secondary students in particular have fallen far behind their peers for reasons now well documented by the Government Accountability Office, the Department of Education, and others. The BIE system is undergoing a major transformation, in direct response to these reports, in order to meet the changing needs of schools now that most schools are tribally-run, and in order to improve accountability. With the concurrence of elected tribal leaders and major intertribal organizations, the Committee continues to support this transformation. By the end of fiscal year 2017, all of the education-related responsibilities under Indian Affairs, including procurement, human resources, budget and finance, and BIE facilities operations, maintenance, and inspections, should be consolidated under the BIE, which should be led by an experienced and proven superintendent selected from a pool of qualified candidates inside and outside the BIE system.

The Senate Report states:

The administration is commended for its continued focus on tribal education programs, including efforts to improve collaboration between the Departments of the Interior and Education and to implement Executive Order 13592 to improve educational outcomes for American Indian and Alaska Native students. It is noted the administration is currently in the process of making
much needed reforms to the Bureau of Indian Education [BIE] to improve the quality of education offered to address the performance gap of students educated at BIE funded schools. The first phase of the reform effort was approved in 2015; however, the Bureau has not provided sufficient information to the Committee on the progress of implementing the first phase of reform nor has the Bureau provided sufficient information on the second phase of reform. The Committee is fully supportive of efforts to reform the Bureau in order to improve the quality of education and services provided to schools funded by the Bureau, particularly with respect to facilities maintenance and improvement needs. However, the Committee is very concerned that the Bureau continues to struggle to provide basic detail about proposed organizational and budgetary changes associated with the administration's reform efforts, including significant increases proposed in the request. As a result, funding increases proposed for the education program management activity have been withheld until the Bureau can better justify its request.

The Committee is concerned that the Bureau has been unable to provide sufficient detail regarding how the education program enhancements funds will be allocated in fiscal year 2017. The Committee is also concerned that the Bureau has failed to fully account for the proposed costs of its new Education Resource Centers, which are now partially funded. Within 30 days of enactment of this act, the Bureau is directed to provide to the Committee a report that includes:

1. a detailed allocation of the activities funded through the education program enhancement program for fiscal year 2015, 2016 and 2017; and
2. a line-item budget for the Bureau’s Education Resource Centers for fiscal year 2016 and 2017, including all sources of funding they are expected to receive.

The Committee remains concerned the Office of the Assistant Secretary-Indian Affairs, which includes the Bureau of Indian Education [BIE], and the Bureau of Indian Affairs [BIA] has not addressed the findings or implemented 11 of 13 recommendations in the Government Accountability Office [GAO] reports (GAO–13–774, GAO–14–121, and GAO–16–313). These reports outline systemic problems with management and the safety condition of BIE schools, such as lack of oversight over school spending and facilities, including construction, operation, maintenance, basic repair, and safety upgrades needed to improve the condition of schools that serve Indian Country. The Committee stands ready to work with the administration on the appropriate steps forward and directs the Office of the Assistant Secretary-Indian Affairs to report back within 30 days of enactment of this act on the progress made towards implementing the GAO recommendations.

Expansion of Inter-Agency Coordination to Serve Native Children.

The House Report states:

The BIE is encouraged to coordinate with the Indian Health Service to integrate preventive dental care and mental health care at schools within the BIE system.

The Senate Report states:

The administration's emphasis on education must be complemented by efforts to improve interagency coordination for the multiplicity of programs that affect the wellbeing of Native children. In addition to education, these include healthcare, social service, child welfare and juvenile justice programs. The Committee encourages the Bureau to work with other relevant Federal, State, local, and tribal organizations to begin the process of identifying ways to make programs more effective in serving Native Children. The Bureau, working with the Indian Health Service as appropriate, is also urged to consider integrating school-based preventative health services such as dental care into elementary schools in order to improve health outcomes of tribal students.

Continued Limitations on the Expansion of Grades, Charter Schools, Satellite Locations and BIE-funded Schools in Alaska. The Act continues the limiting language from prior years.

The House Report explains:

The recommendation continues bill language limiting the expansion of grades and schools in the BIE system, including charter schools. The intent of the language is to prevent
already limited funds from being spread further to additional schools and grades. The intent is not to limit tribal flexibility at existing schools. Nothing in the bill is intended to prohibit a tribe from converting a tribally-controlled school already in the BIE system to a charter school in accordance with State and Federal law.

The recommendation continues bill language providing the Secretary with the authority to approve satellite locations of existing BIE schools if a tribe can demonstrate that the establishment of such locations would provide comparable levels of education as are being offered at such existing BIE schools, and would not significantly increase costs to the Federal government. The intent is for this authority to be exercised only in extraordinary circumstances to provide tribes with additional flexibility regarding where students are educated without compromising how they are educated, and to significantly reduce the hardship and expense of transporting students over long distances, all without unduly increasing costs that would otherwise unfairly come at the expense of other schools in the BIE system.

Alaska Native Boarding Schools.
The Senate Report states:
The Committee recognizes the importance Alaska Native boarding schools play in the education and development of Alaska Native youth. The Committee encourages and recommends the Bureau take steps to ensure these schools receive sufficient support that allows them to help students effectively transition to post-secondary and career options.

Elementary and Secondary Programs (Forward Funded)

<table>
<thead>
<tr>
<th>Sub-activity</th>
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<th>FY 2017 Admin. Request</th>
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<tr>
<td>ISEP Formula Fund</td>
<td>$400,223,000</td>
<td>+ $8,386,000</td>
</tr>
<tr>
<td>Education Program Enhancements</td>
<td>$14,201,000*</td>
<td>+ $2,000,000*</td>
</tr>
<tr>
<td>Tribal Education Departments</td>
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<td>+ $500,000</td>
</tr>
<tr>
<td>Student Transportation</td>
<td>$55,995,000</td>
<td>+ $2,853,000</td>
</tr>
<tr>
<td>Early Child and Family Development</td>
<td>$18,659,000</td>
<td>+ $3,039,000</td>
</tr>
<tr>
<td>Tribal Grant Support Costs</td>
<td>$80,165,000</td>
<td>+ $6,889,000</td>
</tr>
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</table>

* The $2 million "increase" is actually attributed to Congress authorizing the Bureau's use of $2 million in prior-year unobligated balances.

ISEP Formula Funding. The Indian School Equalization Program (ISEP) Formula Fund is the core budget account for BIE-funded elementary and secondary schools and dormitories. These funds are used for instructional programs and include salaries of teachers, educational technicians, and principals. The amount provided to each school is determined by a statutorily-mandated formula established by regulation. For years, the only increases Congress provided to the ISEP Formula Fund were increases attributed to fixed costs, as opposed to any program increases. FY 2017 marks the first program increase since FY 2010.

Education Program Enhancements: Native Language Immersion Programs.
The Explanatory Statement provides:
The Committees support efforts to revitalize and maintain Native languages and expand the use of language immersion programs and have provided $2,000,000 within education program enhancements for capacity building grants for Bureau and tribally operated schools to expand existing language immersion programs or to create new programs. Prior to distributing these funds, the Bureau shall coordinate with the Department of Education and Department of Health and Human Services to ensure that Bureau investments compliment, but do not duplicate, existing language immersion programs. The Committees also direct the Bureau to submit a report to the Committees within 180 days of enactment of this Act regarding the distribution of these funds and the status of Native language classes and immersion programs offered at Bureau-funded schools.

The Senate Report directs:

The Committee fully supports broadening access to Native language and culture programs, which have been linked to higher academic achievement for Native youth. The Committee is pleased to see that the proposed increase for the ISEP program is expected to enhance access to Native language and culture programs in BIE-funded schools and directs the Bureau to report within 60 days of enactment that details how the increases provided in this bill will be used to support these programs.

Tribal Departments or Divisions of Education. This sub-activity funds the development and operation of tribal departments or divisions of education (TEDs). The House Report states, "TEDs are instrumental in helping tribes build the capacity to oversee the high quality and culturally appropriate education of tribal members."

Student Transportation. The House Report directs the BIE to oversee and report on the safety of school bus routes.

Early Child and Family Development. The Explanatory Statement states that the $3 million increase should be used to expand the Family and Child Education (FACE) program. The Senate Report clarifies that in doing so, the Bureau shall not reduce funding for any currently operating FACE programs. The House Report directs the BIE to conduct an annual review of the FACE program and to publish its findings in order to improve program direction and transparency.

Tribal Grant Support Costs. The Administration had originally estimated that a level of $75.3 million would continue the (relatively new) practice of providing full funding for Tribal Grant Support Costs. As the year went on, the Appropriations committees and the Bureau came to the conclusion that $80.1 million was needed to provide full funding, which Congress ultimately provided. The House Report notes, "Fully funding these costs is consistent with the policy of fully funding contract support costs, and is instrumental for tribal control of more BIE-system schools."

Elementary and Secondary Programs (Non-Forward Funded)

<table>
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<tr>
<th>FY</th>
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<td>FY 2017 Admin. Request</td>
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<tr>
<td>FY 2017 Enacted</td>
<td>$140,540,000</td>
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</table>

The non-forward funded programs are: Facilities Operations, Facilities Maintenance and Johnson-O'Malley Assistance Grants. Funds for Facilities Operations and Facilities Maintenance are distributed by formula to schools in the BIE school system.

Facilities Operations & Maintenance (O&M). The Administration requested and Congress provided $3 million increases to each account, totaling $66.2 million for Facilities Operations and $59 million for Facilities Maintenance. The Administration's FY 2017 budget request estimates that this will fund 78 percent of calculated Facilities O&M need across the BIE-funded schools. The House Report directs the Administration to recalculate the annual estimated need according to industry standards, and report any estimated shortfall in future budget justifications.
Johnson-O'Malley. Johnson O'Malley (JOM) education grants are provided through tribes and public schools to support Native students who attend public schools. The Administration had requested a $3.6 million increase, which Congress declined to provide. Congress also expresses concern about the accuracy of the JOM student count, requesting a report.

The Explanatory Statement states:

The Johnson O'Malley program is funded at the fiscal year 2016 enacted level. The Committees remain concerned that the distribution of funds is not an accurate reflection of the distribution of students. The Bureau is directed to consolidate the program reporting requirements contained in the House and Senate reports and to report back to the Committees within 60 days of enactment of this Act.

The House Report states:

The recommendation includes $14,778,000 for the Johnson O'Malley (JOM) program, equal to the fiscal year 2016 enacted level. The Committee continues to encourage the BIE and tribal partners to establish a regular and accurate student count so that future appropriations more accurately reflect the increase and distribution of the eligible student population. The Committee directs the Bureau, in consultation with tribal leaders and in coordination with the Department of Education and the Census Bureau, to examine the feasibility of using U.S. Census or National Center for Education Statistics data to provide the JOM student count. The Committee requests that a report be provided to Congress, tribal leaders, and existing JOM contractors no later than September 30, 2017, that (i) uses this data to estimate the number of potentially eligible Indian students, and (ii) proposes a process to reconcile this data with information from eligible contracting entities and tribal enrollment to determine funding distributions.

The Senate Report states:

The Committee remains concerned about the distribution methodology of the Johnson O'Malley assistance grants and requests the Bureau report back to the Committee within 30 days of enactment of this act on the status of updating the JOM counts and the methodology used to determine the new counts.

Post Secondary Programs (Forward Funded)

<table>
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<tr>
<th>Year</th>
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<tr>
<td>FY 2017</td>
<td>$77,207,000</td>
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</table>

This sub-activity includes forward funded Tribal Colleges and Universities and forward funded Tribal Technical Colleges (United Tribes Technical College (UTTC) and Navajo Technical University (NTU)).

Unfunded Needs. Congress provided the requested $69.7 million for Tribal Colleges and Universities and $7.4 million for Tribal Technical Colleges (a $503,000 increase); however, both the House and Senate reports urge the Administration to study the schools' funding needs and provide an FY 2018 budget requests that accurately reflects the level of need.

The House Report states:

The Committee recognizes that level funding and increasing enrollment has resulted in steadily decreasing funding for Tribal Colleges and Universities (TCUs) on a per student basis. Therefore, the Committee directs the Bureau to articulate a process in the fiscal year 2018 congressional budget justification to annually fund TCUs on a per Indian student basis, as authorized under the Tribally Controlled Colleges & Universities Assistance Act in 1978 (P.L. 95–471), and to compare that funding to the authorized level of $8,000 per student.

The Senate Report states:

The Committee strongly supports the work that tribal colleges and universities do to provide high quality, affordable higher education opportunities to Native students. The Committee also recognizes that many tribal colleges have significant unfunded needs and directs the Bureau to work with tribal leaders and other stakeholders to develop a consistent methodology for determining tribal college operating needs to inform future budget requests.
The Committee expects the methodology to address operating and infrastructure needs including classrooms and housing.

**Post Secondary Programs (Non-Forward Funded)**

<table>
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<tr>
<td>FY 2017</td>
<td>$63,581,000</td>
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The two post-secondary schools in the BIE's education system are Haskell Indian Nations University (Haskell), and the Southwestern Indian Polytechnic Institute (SIPI). The Non-Forward Funded Post Secondary Programs sub-activity also includes: Tribal Colleges and Universities Supplements; Scholarships and Adult Education; Special Higher Education Scholarships; and the Science Post Graduate Scholarship Fund.

Congress largely provided the amounts requested by the Administration for a total of $22.1 million for Haskell and SIPI (a $2 million increase) and $2.9 million for special higher education scholarships. Congress provided $3.2 million of the $6.7 million increase the Administration requested for scholarships and adult education, for a total of $34.7 million.

**Forward Funding Needed for Haskell and SIPI.**

The Explanatory Statement explains:

The one-time increase of $5,100,000 provided in fiscal year 2016 to forward fund Tribal technical colleges has been transferred to forward fund the Institute of American Indian Arts in fiscal year 2017. The Bureau is encouraged to forward fund Haskell and SIPI in future budget requests so that all Tribal colleges are on the same funding schedule.

The Senate Report elaborates:

The Committee's recommendation provides the requested $2,000,000 increase above the enacted level for the operations of Haskell and SIPI universities and supports the requested levels for Tribal Technical Colleges and postsecondary programs. The Committees provided sufficient funding to forward fund the Tribal Technical Colleges in fiscal year 2016 and continues to believe there should be parity in the way that all tribal colleges receive assistance and are funded. The Committee encourages the Bureau to look for ways to forward fund Haskell and SIPI in future budget requests so that all tribal colleges are on the same funding schedule.

**Education Management**

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The Education Management sub-activity consists of Education Program Management and Information Technology.

Education Program Management. The Administration requested and Congress provided an $8 million increase, for a total of $24.7 million, to fund the restructuring of the BIE (to include expanded responsibility for administrative services and construction) and staff the new Education Resource Centers.

Education IT. The Administration requested a $16.7 million increase in order to increase communications bandwidth in schools and to procure computers and software. Ultimately, Congress provided only a $2 million increase for a total of $10.2 million.

The Senate Report states:

The Committee understands the importance of bringing broadband to reservations and villages and includes an additional $2,000,000 in this bill to partially fund this effort. The Committee directs the Agency to report back within 90 days of enactment of this act on a scalable plan to increase bandwidth in schools, procure computers, and software.

The House Report states:

Without question, high speed internet access is essential for student success and economic development in modern society. However, the Government Accountability Office recently identified tribal internet access as an area of fragmentation, overlap, or duplication
Indian Affairs is urged to coordinate with larger, existing broadband access programs funded by the Federal Communications Commission and the U.S. Department of Agriculture.

<table>
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<tr>
<th>CONTRACT SUPPORT COSTS</th>
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<td>FY 2017</td>
<td>Enacted</td>
<td>Such sums as may be necessary (Estimated: $278,000,000)</td>
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The Act, consistent with the Administration's request, continues Contract Support Costs (CSC) in FY 2017 as an indefinite appropriation at "such sums as may necessary" and maintains CSC in its own separate account comprised of Contract Support (Such sums as may be necessary, estimated to be: $273,000,000) and the Indian Self-Determination Fund ($5 million). The Administration and Congress provide non-binding estimates as to what the total will be.

The Act states:
For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs for fiscal year 2017, such sums as may be necessary, which shall be available for obligation through September 30, 2018: Provided, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

The Explanatory Statement explains:
The bill provides an indefinite appropriation for contract support costs, consistent with fiscal year 2016 and estimated to be $278,000,000.

Carryover Authority Language Discontinued. The Act, consistent with the request of many tribes and tribal organizations, does not repeat the CSC language which was in the FY 2016 appropriations act for both the BIA and the IHS that could be read to deny the carryover authority granted by the Indian Self-Determination and Education Assistance Act. The House Report directs, "Language addressing contract funds that go unspent in a given fiscal year is discontinued." The Senate Report explains "The Committee also modified the language to delete a provision that contradicted certain provisions of the Indian Self Determination Act." Thus, the Act does 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."

General Provisions Continued.
The Act states:
Contract Support Costs, Prior Year 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.
CONSTRUCTION

FY 2016 Enacted $193,973,000
FY 2017 Admin. Request $197,017,000
FY 2017 Enacted $192,017,000

The Construction budget includes: Education Construction; Public Safety and Justice Construction; Resources Management Construction; and Other Program Construction/General Administration.

EDUCATION CONSTRUCTION

FY 2016 Enacted $138,245,000
FY 2017 Admin. Request $138,257,000
FY 2017 Enacted $133,257,000

The Education Construction sub-activities are: Replacement School Construction; Replacement Facility Construction; Employee Housing Repair; and Facilities Improvement and Repair.

The Administration requested and Congress provided a continuation of the strong funding levels from FY 2016. The $5 million "decrease" between FY 2016 and FY 2017 is attributed to the fact that in FY 2016 Congress provided, on top of the other increases in the Education Construction activity, a one-time additional $5 million "surge" of funding to reduce the backlog of critical deferred maintenance projects.

For FY 2017, Congress and the Administration continue their commitment to funding school repair and construction while continuing to grapple with how to craft a comprehensive, long-term solution to this matter. The Explanatory Statement and House and Senate report language each provide direction to the Bureau regarding both the completion of the school replacement list created in 2016 by the National Review Committee as well as the need for a long-term, comprehensive plan to fund school repair and replacement throughout the entire BIE-funded school system.

2016 National Review Committee List and Creation of a 2018 List.

The Explanatory Statement directs:

The Bureau is directed to submit an allocation plan to the Committees for campus-wide replacement and facilities replacement within 30 days of enactment of this Act. Indian Affairs is directed to reallocate $2,000,000 from prior year unobligated balances in order to accelerate advance planning and design of replacement schools and school facilities as proposed. Of these unobligated balances, $1,000,000 shall be from the Construction Management activity and $1,000,000 shall be from the General Administration activity.

The House Report directs:

The Committee recognizes the School Facilities & Construction Negotiated Rulemaking Committee was established under Public Law 107–110 for the equitable distribution of funds. Appropriations in this bill for campus-wide replacement are limited to the 10 schools selected via the rulemaking committee process and published by Indian Affairs on April 5, 2016 (www.bia.gov/WhoWeAre/AS–IA/OFECR/index.htm). The BIE should submit a similar list for facilities with the fiscal year 2018 budget request.

National Fund for Excellence in American Indian Education.

The Explanatory Statement directs:

The agreement does not include an authorizing provision in the House bill to reconstitute the National Fund for Excellence in American Indian Education. The Committees continue to strongly support innovative financing options to supplement annual appropriations and accelerate repair and replacement of Bureau of Indian Education schools, including through the use of construction bonds, tax credits, and grant programs. The Department is urged to revise and resubmit its proposal to reconstitute the Fund and to include authority for the Fund to facilitate public-private partnership construction projects.
The House Report language countermanded by the Explanatory Statement is here: To that end, the bill includes a general provision in Title I, which builds upon the President's proposal to reconstitute the National Fund for Excellence in American Indian Education (Fund).

The Title I general provision would reconstitute the Fund as a federally chartered corporation affiliated with a 501(c)(3) national organization whose mission is to represent Native American students and educators for the improvement of schools and the education of Native children. The Fund would be authorized to leverage a portion of the annual construction appropriation with philanthropic donations of funds and property, and with other sources of Federal financing such as Qualified School Construction Bonds, New Markets Tax Credits, historical tax credits, and Federal grant programs.

Long-Term Repair and Replacement Plan.

The House Report directs:

Looking ahead beyond the completion of the schools and component facilities on such lists, the Committee remains concerned that the current approach to construction focuses on only a subset of schools and requires those schools to submit applications and compete for the funding. A more comprehensive, long-term planning approach is needed for every campus and component facility in the BIE system, modeled after the Department of Defense Education Activity. Indian Affairs is therefore directed to publish a report on the status of its education construction program no later than one year after the date of enactment of this Act. The report shall include, at a minimum:

1. A comprehensive list of all current BIE schools and a quality assessment of each school's facilities (including dormitories and employee housing), indicating where facilities are nonexistent, undersized, or otherwise inadequate to support education and associated wellness programs including native language and other cultural programs;

2. A comprehensive list, which shall incorporate student enrollment projections as well as space for language and other cultural programming, of all construction projects and costs required to bring entire school campuses and component facilities up to industry standards and eliminate temporary facilities;

3. An estimate of the total annual sustainment, restoration, and modernization funds required to maintain the facilities of each BIE school up to code and in good condition; and

4. A complete accounting of the process and status of facilities health, safety, and condition inspections.

The Committee recognizes the tremendous costs needed to bring and maintain all BIE schools up to code and in good condition, and the futility of doing so in a reasonable timeframe with funds provided solely via this annual appropriation. The Committee continues to look for innovative ways to leverage this appropriation with other sources of Federal financing, such as existing tax credits, in order to more quickly replace the substandard facilities throughout the BIE system.

The Senate Report directs:

The Committee understands many schools are in need of repair, improvement, and upgrades in order to bring schools into good condition. The Committee stands ready to work with the administration and tribes to develop a comprehensive strategy that provides safe, functional, and accessible facilities for schools. The Committee directs the Bureau to report back within 90 days of enactment of this act on the progress the Bureau has made towards implementing a long-term facilities plan similar to the Department of Defense [DOD] process in 2009 as encouraged in the joint explanatory statement accompanied by Public Law 114–113.

PUBLIC SAFETY & JUSTICE (PS&J) CONSTRUCTION

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The Public Safety & Justice Construction sub-activities are: Facilities Replacement/New Construction; Employee Housing; Facilities Improvement and Repair; Fire Safety Coordination; Fire Protection.

Joint Venture Demonstration Program. The House Report directs:

The Committee is concerned that Indian Affairs' focus on alternatives to incarceration has come at a cost to justice facilities construction. Indian Affairs, in coordination with the Department of Justice, is therefore urged to consider including with its fiscal year 2018 budget request a legislative proposal for a joint venture demonstration program for regional justice centers, similar to the Shoshone-Bannock Tribes' Justice Center, and modeled after the joint venture program for Indian health facilities.

RESOURCES MANAGEMENT CONSTRUCTION

 FY 2016 Enacted $34,488,000
 FY 2017 Admin. Request $36,513,000
 FY 2017 Enacted $36,513,000

The Resources Management Construction sub-activities are: Irrigation Project Construction; Engineering and Supervision; Survey and Design; Federal Power and Compliance; and Dam Projects.

OTHER PROGRAM CONSTRUCTION/ GENERAL ADMINISTRATION

 FY 2016 Enacted $9,934,000
 FY 2017 Admin. Request $10,941,000
 FY 2017 Enacted $10,941,000

The Other Program Construction sub-activities are: Telecommunications Improvement and Repair; Facilities/Quarters Improvement and Repair; and Construction Program Management.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

 FY 2016 Enacted $49,475,000
 FY 2017 Admin. Request $55,155,000
 FY 2017 Enacted $45,045,000

In the Explanatory Statement, Congress provided $10 million less than the Administration's request, directing the BIA as follows:
The bill provides $45,045,000 for Indian Land and Water Claims Settlements and Miscellaneous Payments to Indians. In addition, the Bureau shall reallocate $5,916,000 in prior-year unobligated funds that remain after completion of settlement requirements, for a total program level of $50,961,000. The Department is directed to submit an allocation plan for these funds to the Committees within 90 days of enactment of this Act.

The House Report further notes:
The recommended level enables Indian Affairs to meet statutory deadlines of all authorized settlement agreements to date.
The Committee supports the Department's efforts to fulfill commitments relating to Indian water rights settlements and its participation in negotiations of the Pechanga Band of Luiseno Mission Indians Water Rights Settlement.

INDIAN GUARANTEED LOAN PROGRAM

 FY 2016 Enacted $7,748,000
 FY 2017 Admin. Request $7,757,000
 FY 2017 Enacted $8,757,000

Congress provided $1 million above the Administration's request, with the House Report describing the Indian Guaranteed Loan Program as "the most effective Federal program tailored, dedicated to, and capable of facilitating greater access to private capital for Indian tribes and Indian-owned economic enterprises." The Senate Report clarifies that the total loan principal provided is not to exceed $119,907,851.
"Trump Administration Submits FY 2018 Budget Blueprint," Hobbs-Straus General Memorandum 17-020, March 20th, 2017, http://www.hobbsstraus.com/general-memorandum-17-020, reported, "On March 16, 2017, the Trump Administration submitted its FY 2018 Budget Blueprint titled: America First: A Budget Blueprint to Make America Great Again (Blueprint). The Blueprint, commonly referred to as the "skinny" budget, is a 53 page document which addresses discretionary spending only and which details for each federal department, the total amount of decrease or increase proposed, relative to its FY 2017 annualized Continuing Resolution level. A full FY 2018 budget proposal is expected in May and that budget will likely also include proposals regarding mandatory funding and tax policy. A copy of the Blueprint is here: https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/...

The Blueprint is receiving significant pushback from Members of all parties in Congress, and it is clear that Congress, as the appropriating arm of government, will not agree to many of the proposals. A major issue with the Blueprint is that it would break the statutory budget caps for defense and non-defense spending as it proposes a FY 2018 10 percent or $54 billion increase for defense and a $54 billion decrease for non-defense. In order to amend the 2011 deficit reduction law (PL 112-25), 60 votes will be needed in the Senate which is currently split 52 Republicans to 46 Democrats (plus two Independents who caucus with the Democrats). It is expected that Senate Democrats will remain united in opposition to the Trump budget cap proposal.

The agencies in addition to the Department of Defense for which increases are proposed are the Department of Homeland Security (6.8 percent increase) and Department of Veterans Affairs (6 percent increase).

While the Blueprint will not be adopted as proposed, it is important to know what has been put forward by the Administration and what programs might be vulnerable. There are some specifics regarding programs to be supported or eliminated but frequently the descriptions are broad or vague, noting, for instance, that funding for "duplicative" or "ineffective" programs is proposed for elimination but without any further detail as to which programs.

Because the federal government is only funded through April 28, 2017, the Blueprint, in order to provide a means of comparison between what is proposed for FY 2018 and what the FY 2017 spending levels are, has taken the current FY 2017 spending levels for departments and projected out what that amount would be if the current rate of funding were to be continued for the remainder of FY 2017. We also note that a chart in the Blueprint requests a net $15 billion (3 percent) reduction in the non-defense FY 2017 funding cap, while requesting a $3 billion increase for "Border Wall and implementation of Executive Orders."

Below are proposals for selected Departments and programs which may be of particular interest to Indian Country.

Department of Health and Human Services – $15.1 billion (17.9 percent) decrease. The Blueprint notes that HHS has among its highest priorities, the Indian Health Service and community health centers, but provides no figures. Among the programs proposed for
elimination are Low Income Home Energy Assistance Program (tribes receive $35.8 million annually), Community Services Block Grant, and health professions and nursing training programs (while maintaining scholarship and loan repayment programs for service in health professional shortage areas). ..." A surprise proposal is to cut the National Institutes of Health budget by 18 percent, an agency which has wide bipartisan support in Congress. The Blueprint proposes "a major reorganization of NIH's Institutes and Centers..."

The Blueprint proposes a $70 million increase for the CMS Health Care Fraud and Abuse Control Program. There would also be an investment in "mental health activities that are awarded to high-performing entities..."

Department of the Interior – $1.5 billion (12 percent) decrease. With regard to Indian Country, the Blueprint states that the Administration "supports tribal sovereignty and self-determination across Indian Country by focusing on core funding and services to support ongoing tribal government operations. The budget reduces funding for more recent demonstration projects and initiatives that only serve a few Tribes." (No specifics are provided regarding the proposed reduction.)

Overall, funding for energy development would increase while other activities are proposed for unspecified decreases – acquiring new federal lands, Payments in Lieu of Taxes, construction and major maintenance programs (while providing an unspecified increase to address National Park Service deferred maintenance projects). Funding for Abandoned Mine land grants and National Heritage Areas would be eliminated. It proposes funding fire suppression at the full 10-year rolling average.

Department of Agriculture – $4.7 billion (21 percent) decrease. The Blueprint proposes to eliminate the Water and Wastewater loan and grant program for a savings of $498 million. The Blueprint states it is 'duplicative" and that rural communities can be served by private financing or the EPA's state revolving funds program. There is a proposed $95 million reduction from the Rural and Business Cooperative Service and an unspecified amount of reductions of staff at county service centers and in the Department's analytical/statistical services.

Funding for wildland fire preparedness and suppression activities would receive $2.4 billion which is the full 10-year average for suppression operations. There would be unspecified decreases for other forest activities, with the Blueprint noting that funding would be focused "on maintaining existing forests and grasslands" rather than new federal land acquisition.

Department of Commerce – $1.5 billion (16 percent) decrease. Citing duplication of programs at Rural Development, the Blueprint would eliminate the Economic Development Administration. Citing duplication of programs at the Small Business Administration the Blueprint would eliminate the Minority Business Development Agency. The Blueprint would zero out the National Oceanic and Atmospheric Administration's grants and programs supporting coastal and marine management, research and education in order to shield surveys, charting and fisheries management from cuts.

The Blueprint proposes a $100 million increase for continuation of preparations for the 2020 Decennial Census. This is much less than President Obama's proposed increase for FY 2017 ($180 million). As we approach 2020, additional focus will be necessary in order to obtain reliable information in hard to count areas such as Indian reservations and Alaska Villages.

Department of Education – $9 billion (13 percent) decrease. Despite the overall decrease, the Blueprint would direct an extra $1.4 billion to "school choice programs." This breaks down to: (1) an extra $1 billion for Title I that appears to be focused on portability, i.e. the Title I funds would follow low-income students to whichever school they attend, rather than going to the schools which serve the highest percentage of low-income students; (2) a $168 million increase for charter schools; and (3) $250 million for a new
private school choice program. The Blueprint would eliminate funding for the $1.2 billion 21st Century Community Learning Centers program, which supports before- and after-school programs as well as summer programs. The Blueprint would maintain $13 billion in funding for Individuals with Disabilities Act (IDEA) programs to support students with disabilities. It would reduce or eliminate "over 20 categorical programs" including Striving Readers and the Teacher Quality Partnership.

Funding would be reduced for two programs designed to prepare students for college – TRIO and the GEAR UP. In addition, proposed is the cancellation of $3.9 billion from the Pell Grant reserves, funding which Congress and others were eyeing as a source of funds to allow students to receive grants for summer classes, thus restoring the program to its year-round status.

**Department of Energy – $1.7 billion (5.6 percent) decrease.** The Blueprint would provide $6.5 billion to support the Environmental Management program's mission of cleaning up waste and contamination from energy research and nuclear weapons production. There would be substantial cuts to energy development research. Funding for the Weatherization Assistance Program, for which tribes are eligible, would be eliminated.

**Department of Homeland Security – $2.8 billion (6.8 percent) increase.** The Blueprint would provide $2.6 billion for additional physical and technological security along the Southwest border of the United States and provide $314 million to recruit and train 500 new Border Patrol Agents and 1,000 new Immigration and Customs Enforcement personnel. The Blueprint would eliminate or reduce grant funding by $667 million for programs administered by the Federal Emergency Management Agency (FEMA) "that are either unauthorized by the Congress, such as FEMA's Pre-Disaster Mitigation Grant Program, or that must provide more measurable results and ensure the Federal Government is not supplanting other stakeholders' responsibilities, such as the Homeland Security Grant Program." The Blueprint also proposes establishing a 25 percent non-federal cost match for FEMA preparedness grant awards that currently require no cost match.

**Department of Housing and Urban Development – $6.2 billion (13.2 percent) decrease.** The Blueprint would eliminate funding for the Community Development Block Grant Program as well as programs deemed "lower priority" by the Administration such as the HOME Investment Partnerships Program and Choice Neighborhoods Program. It would also eliminate funding for the Section 4 Capacity Building for Community Development and Affordable Housing program.

The Blueprint does not contain specific details on the Native American Housing Assistance and Self Determination Act (NAHASDA) Indian Housing Block Grant (IHBG) but on March 8, 2017, the Washington Post reported on information it obtained from leaks from the Trump Administration regarding the Administration's budget proposals for Indian housing. The leaked documents indicate the Administration may propose an IHBG appropriation for FY 2018 of $500 million, a cut of $150 million from current appropriation levels (approximately 20 percent). The documents also indicate that the Administration may propose canceling the Indian Community Development Block Grant (ICDBG).

**Department of Justice – $1.1 billion (3.8 percent) decrease.** The proposed Justice Department budget would increase funding for border security and immigration enforcement. Proposed is a 19 percent increase of $80 million for an additional 75 immigration judge teams. Also proposed is the hiring of 60 additional border enforcement prosecutors, 40 additional Deputy U.S. marshals, and 20 attorneys to pursue federal efforts to obtain the land and holdings necessary to secure the Southwest border. The Blueprint recommends an increase of $175 million to target the "worst of the worst" criminal organizations and drug traffickers. The FBI is proposed to receive a $249 million (3 percent) increase.
The Blueprint states that the proposed budget "safeguards federal grants to state, local and tribal law enforcement and victims of crime to ensure greater safety for law enforcement personnel and the people they serve." It also proposes a $700 million reduction "in unnecessary spending on outdated programs..." including a $210 million reduction for the State Alien Assistance Program. No other details are provided about which programs are targeted for the remaining $500 million reduction.

**Department of Labor – $2.5 billion (21 percent) decrease.** The Blueprint notes, without much detail, that decreases are proposed "for job training and employment service formula grants, shifting more responsibility for funding these services to State, localities, and employers." This would seem to implicate the tribal Workforce Investment Act program (AKA the "section 166" program) and the Supplemental Youth Services program. Funding decreases are proposed for "ineffective, duplicative, and peripheral job training grants", specifically targeting for elimination the Senior Community Service Employment Program. Job Corps Centers that are deemed to be doing a poor job would be closed while states would be supported in their efforts to expand apprenticeship programs.

**Department of Transportation – $2.4 billion (13 percent) decrease.** The Blueprint would eliminate funding for the TIGER discretionary grant program, suggesting that most TIGER grant eligible projects are eligible for funding under existing surface transportation formula programs or the new Nationally Significant Freight and Highway Projects grant program. It would also eliminate funding for the Essential Air Service (EAS) program, which provides subsidized commercial air service to rural airports.

**Department of Treasury – $519 billion (4.1 percent) decrease.** The Blueprint would eliminate funding for the Community Development Financial Institutions (CDFI) Funds grants. The CDFI Fund was created to expand access to capital for private institutions that extend credit and provide financial services to underserved communities. It includes the Native American CDFI Assistance Program which uses a combination of financial, technical assistance, and training to build the capacity of CDFIs serving Native Communities.

**Department of Veterans Affairs – $4.4 billion (6 percent) increase.** The Blueprint states that the increase is "to improve patient access and timeliness of medical care services for over nine million enrolled veterans." It extends the Veterans Choice Program to allow veterans to seek care at non-VA facilities, including the Indian Health Service. The proposed budget would continue to provide services to homeless and at-risk veterans, invest in information technology, and improve the veterans' claims process.

**Environmental Protection Agency – $2.6 billion (31 percent) decrease.** The Blueprint would make some of the deepest cuts to the EPA's budget. The Blueprint would eliminate funding for more than 50 EPA programs, including a program that provides infrastructure assistance to Alaska Native Villages. It would also eliminate funding for specific regional efforts such as the Great Lakes Restoration Initiative and the Chesapeake Bay Restoration; and it would discontinue funding for the Clean Power Plan, international climate change programs, climate change research and partnership programs. The Blueprint would, however, provide $2.3 billion (a $4 million increase) for the Clean Water and Drinking Water State Revolving Funds which finance drinking water and wastewater infrastructure and it would maintain the current $20 million funding level for the Water Infrastructure Finance and Innovation Act program. (This, however, would not mitigate the elimination of the $498 million USDA Rural Development Water and Wastewater loan and grant program.)

**Independent Agencies – Denali Commission, the Arts.** The Blueprint proposes to eliminate funding for a number of independent agencies including the Denali Commission in Alaska, the Corporation for Public Broadcasting, the National Endowment for the Arts,
"Indian Health Service Fiscal Year 2018 Proposed Budget," Hobbs-Straus General Memorandum 17-031, June 13th, 2017, http://hobbsstraus.com/general-memorandum-17-031, reported, "In this Memorandum we report on the Trump Administration's proposed FY 2018 budget for the Indian Health Service (IHS). The proposed federal budget was released May 23, 2017, which is quite late, but not unexpected for the first year of a new Administration. The result is that the FY 2018 appropriations process is very far behind and Congress has not yet adopted a Budget Resolution which sets the spending caps for the fiscal year. Hence, the Appropriations subcommittees have not yet received their individual allocations which set upper limits on how much funding they have available when making appropriations recommendations. There have been very few congressional hearings for public witnesses on FY 2018 appropriations, although the House Appropriations Subcommittee on Interior, Environment and Related Agencies continued its recent tradition and held two days of hearings (May 16 and 17) for public witnesses on Indian programs under its jurisdiction. Federal agency witnesses are now being called to testify on the proposed budget.

IHS OVERALL FUNDING

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The proposed budget is $301 million below the FY 2017 enacted level. The proposed decrease may not turn out to be as large as $301 million that due to an anticipated decrease in the estimated full Contract Support costs (CSC) need for FY 2017. However, the program increases realized in the Consolidated Appropriations, FY 2017 for behavioral health initiatives, accreditation emergencies, prescription drug monitoring, detoxification, small ambulatory construction program, domestic violence, and clinic leases are not continued in the proposed FY 2018 budget. Also absent are increases due to inflation.

The only program proposed for an increase over the FY 2017 enacted level is Direct Operations, and that is almost a technicality as $4 million of Direct Operations FY 2017 funds were transferred to other accounts. In addition, the proposed budget would provide a $2 million increase for new and replacement quarters.

The proposed budget came under heavy criticism at the House Interior Appropriations Subcommittee hearing of May 24, with Subcommittee Chairman Calvert (R-CA) noting it contains none of the FY 2017 enacted IHS increases. He expressed concern that such a budget would harm agency morale and recruitment efforts. Representative Cole (R-OK) deemed it "not defensible."

Misleading Figures. The FY 2018 IHS Budget Justification can be misleading as the proposed funding levels are not explained in comparison to the enacted FY 2017 amounts in the Consolidated Appropriations, FY 2017 (PL 115-31). Instead, the figures are explained as being over or under a FY 2017 annualized Continuing Resolution (CR) amount (in other words, the FY 2016 enacted levels). Congress, in enacting the Consolidated Appropriations, FY 2017, provided $233 million over FY 2016 for the IHS – that increase does not appear in the FY 2018 Budget Justification and hence, its funding charts give the impression of smaller proposed reductions than are the fact. This is the case for other federal agency FY 2018 budget justifications as well. Had Congress enacted FY 2017 funding in a timely manner, federal budgets, which were largely drafted before we had a final FY 2017 bill, would have been able to provide realistic comparison between FY 2017 enacted and FY 2018 proposed.

Built-in Costs. It is unclear whether the FY 2018 proposed IHS budget includes funding for pay cost increases. Per the action of President Obama last December, federal
employees are to receive a 2.1 percent pay increase in 2017. The FY 2016 appropriation included $19.4 million for a 1.3 percent pay increase (but no other inflationary increases), and it may be that this amount is calculated into the proposed budget. The Indian Affairs FY 2018 budget proposes $17.3 million for pay raises.

By comparison, the FY 2017 Appropriations Act includes $59.5 million for built-in costs of which $14.4 million is for pay costs and $45.1 million is for inflation.

Staffing Packages. The budget proposes $20 million for staffing of two newly constructed Joint Venture projects – the Flandreau Health Center in Flandreau, SD and the Choctaw Nation Regional Medical Center in Durant, OK. Of that amount $17.9 million is in the Services account and $2 million is in the Facilities Account.

Appropriations Structure. The Administration proposes to strike language which has been in the Appropriations Act for a number of years which requires that the appropriations structure of the IHS may be not be altered without the advance notification to the House and Senate Committees on Appropriations. The IHS simply notes in the Budget Justification that they propose to strike the provision "to maximize operational flexibility".

**CONTRACT SUPPORT COSTS**

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The Administration's FY 2018 budget for IHS and the Bureau of Indian Affairs (BIA) does not make any major changes in the structure or amount of CSC appropriations—although the estimated expenditures are much lower than predicted in FY 2017. Funding for CSC in each agency remains a separate appropriation account with an indefinite amount—"such sums as may be necessary." This achieves the twin objectives of full payment CSC with no impact on programs.

The Administration estimates that CSC spending for IHS will total $717,970,000, which it frames as in increase of $1,365,000 over the annualized FY 2017 continuing resolutions. For comparison's sake, the FY 2017 budget estimated CSC needs at $800 million, although it is now believed actual FY 2017 expenditures will end up closer to $710 million.

The budget's proposed bill language would reinstate two provisions of the FY 2016 appropriations act that tribes succeeded in having removed from the Consolidated Appropriations Act for FY 2017:

- Carryover clause: The proposed bill would reinstate the FY 2016 appropriations act language that could be read to deny the carryover authority granted by the Indian Self-Determination and Education Assistance Act: "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." The Consolidated Appropriations, FY 2017 Act does not contain this language.

- "Notwithstanding" clause: The IHS proposal includes language the agency has used as part of the justification to not pay CSC on Substance Abuse and Suicide Prevention (SASP), Domestic Violence Prevention Initiative (DVPI), programs to improve collections public and private insurance, and for accreditation emergencies. The language which the IHS says precludes CSC for these programs is the phrase "Notwithstanding any other law," the funding for these programs "shall be allocated at the discretion of the Director." Congress dropped the "notwithstanding" phrase in the Consolidated Appropriations, FY 2017 Act, which gave tribes a better argument for CSC on these funds. But with the "discretion" clause retained, it is not clear that IHS will agree to pay CSC on them even in the absence of the "notwithstanding" clause.

The FY 2018 budget proposal would continue prior language in the General Provisions section:

**Contract Support Costs, Prior Year Limitation**
Sec. 404. 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 2018.

Contract Support Costs, Fiscal Year 2018 Limitation

Sec. 405. Amounts provided by this Act for fiscal year 2018 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 2018 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.

FUNDING FOR INDIAN HEALTH SERVICES

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HOSPITALS AND CLINICS

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Of the total, $14.7 million is for staffing of Joint Venture facilities ($11.7 million for the Choctaw Regional Medical Center and $3.1 million for the Flandreau Health Center).

Tribal Clinic Leases. The proposed budget would provide only $2 million for tribal clinic leases, versus the $11 million provided in FY 2017. In addition, the IHS has proposed to amend the law in order to avoid full compensation for section 105(l) Indian Self-Determination and Education Act (ISDEAA) leases. The IHS proposal:

- Is contrary to the decision in Maniilaq Association v. Burwell, 170 F. Supp.3rd 243(D.D.C. 2016) in which the court held that section 105(l) of the ISDEAA provided an entitlement to funding for section 105(l) leases separate from section 106(a)(1) of the ISDEAA.
- Would in essence amend the ISDEAA on an appropriations bill.
- Would be in violation of House and Senate rules which prohibit amending the law on an appropriations bill (House Rule XXI(2)(b) and Senate Rule XVI(2)(b)) and could be subject to a point of order.

The new IHS-proposed appropriation language is as follows:

Provided further, That, notwithstanding any other provision of law, for any lease under section 105(l) of the Indian Self-Determination and Education Assistance Act, as amended, no additional compensation is required by the Act above the amount provided to the tribe or tribal organization under section 106(a)(1), except the Secretary, in the discretion of the Secretary, may award compensation for such leases, above the section 106(a)(1) amount, and if the Secretary awards such additional compensation, the amount of such compensation may be based on such reasonable expenses, if any, as the Secretary determines to be appropriate, which may include the expenses described in section 105(l)(2), and the exercise of this discretion to award additional compensation and determine its amount is not subject to sections 102(a)-(b), (e) or 507(b)-(d) of the Act.

Accreditation Emergencies. The proposed budget would provide only $2 million for hospital accreditation emergencies the same as the FY 2016 level. This would be a huge reduction from the FY 2017 enacted amount of $29 million. The Appropriations committees, responding to growing accreditation problems, increased the final FY 2017 funding significantly beyond what had been their original recommendations.

DENTAL SERVICES

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<tbody>
<tr>
<td>FY 2016</td>
<td></td>
<td>$178,286,000</td>
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</table>
FY 2018 Admin. Request $179,751,000

Of the total, $1.46 million is for staffing of Joint Venture facilities ($1.1 million for the Choctaw Regional Medical Center and $330,000 for the Flandreau Health Center).

The FY 2018 Budget Justification addresses the House and the Senate Committees FY 2017 Appropriations report language which 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 FY 2017 House Report directs the IHS to consult with those federal agencies and with private organizations to develop this pilot project. The FY 2017 Senate Report asks the IHS to consult with federal agencies, private organizations and state dental organizations and work to establish a pilot project. The IHS response is:

The Indian Health Service (IHS) understands the Committee's concerns about the length of time required for credentialing of volunteer healthcare practitioners, including dental care practitioners, prior to work commencing at tribal or IHS facilities. The IHS is currently undergoing efforts to establish a national credentialing system which could encompass volunteer practitioners. (The background research for which included consultation with the Department of Veteran's Affairs, Department of Defense, and other organizations.) IHS has awarded a contract for centrally procured credentialing software for use at the IHS Area and Service Unit level that will provide enhanced capabilities and improve standardization of the credentialing process across IHS, as called for by the IHS Quality Framework. IHS will use the software to manage the credentialing of health professional staff agency-wide. The credentialing functions are best performed at the local or regional level since the local Service Unit is responsible (Governance responsibilities defined by the CMS Conditions of Participation and external accreditation standards) for the granting of privileges to provide services commensurate with the verified credentials and qualifications. Use of the credentialing software system is anticipated to accelerate the credentialing process and to facilitate transfer of credentials between facilities for staff who change duty location (including volunteers). (pp. CJ- 195 and 197)

MENTAL HEALTH

<table>
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<td>FY 2017</td>
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</table>

FY 2018 Admin. Request $ 82,654,000

Of the total, $554,000 is for staffing of Joint Venture facilities ($460,000 for the Choctaw Regional Medical Center and $94,000 for the Flandreau Health Center).

ALCOHOL AND SUBSTANCE ABUSE

<table>
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<td>FY 2017</td>
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FY 2018 Admin. Request $205,593,000

Of the total, $288,000 is for staffing of Joint Venture facilities ($186,000 for the Choctaw Regional Medical Center and $102,000 for the Flandreau Health Center).

IHS states that the request includes $101.5 million for drug control activities and will maintain the program's progress "in addressing the alcohol and substance abuse needs by improving access to behavioral health services through tele-behavioral health efforts and providing a comprehensive array of preventive, educational and treatment services." (p. CJ-184)

PURCHASED/REFERRED CARE

<table>
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<tr>
<th>FY 2016</th>
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<td>FY 2017</td>
<td>Enacted</td>
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FY 2018 Admin. Request $914,139,000

Of the total, $51.5 million is for the Catastrophic Health Emergency Program. The FY 2017 enacted level was $53 million.

PUBLIC HEALTH

<table>
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<tr>
<th>FY 2016</th>
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FY 2017 Enacted $78,701,000
FY 2018 Admin. Request $77,498,000

Of the total, $875,000 is for staffing of Joint Venture facilities ($601,000 for the Choctaw Regional Medical Center and $274,000 for the Flandreau Health Center).

HEALTH

FY 2016 Enacted $18,255,000
FY 2017 Enacted $18,663,000
FY 2018 Admin. Request $18,313,000

Of the total, $58,000 is for staffing for the Choctaw Regional Medical Center.

COMMUNITY HEALTH REPRESENTATIVES

FY 2016 Enacted $58,906,000
FY 2017 Enacted $60,325,000
FY 2018 Admin. Request $58,906,000

HEPATITIS B IMMUNIZATION (Hib) and HAEMOPHILUS IMMUINIZATION PROGRAMS IN ALASKA

FY 2016 Enacted $1,950,000
FY 2017 Enacted $2,041,000
FY 2018 Admin. Request $1,950,000

URBAN INDIAN HEALTH

FY 2016 Enacted $44,741,000
FY 2017 Enacted $47,678,000
FY 2018 Admin. Request $44,741,000

The IHS states that the request includes $3.6 million for Alcohol and Substance Abuse Title V grants and notes that Urban Indian programs "have active partnerships with their local Veterans health Administration programs and several have identified joint alcohol and substance abuse initiatives." (p. CJ-184)

INDIAN HEALTH PROFESSIONS

FY 2016 Enacted $48,342,000
FY 2017 Enacted $49,345,000
FY 2018 Admin. Request $43,342,000

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. The budget proposes $36 million for the loan repayment program. The IHS notes that the proposed level "will maintain the current loan repayments and scholarship commitments, and will not support additional awards." (p. CJ-129)

TRIBAL MANAGEMENT

FY 2016 Enacted $2,442,000
FY 2017 Enacted $2,465,000
FY 2018 Admin. Request $72,338,000
FY 2018 Admin. Request $72,338,000

The Tribal Management grant program, authorized in 1975 under the authority of the ISDEAA, provides competitive grants funding for new and continuation grants for the purpose of evaluating the feasibility of contracting IHS programs, developing tribal management capabilities, and evaluating health services. IHS notes that no funding is proposed for this program in order "to prioritize funding for direct care services." (p. CJ-134)
IHS estimates 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**

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<td>FY 2018 Admin. Request</td>
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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 notes in its FY 2018 budget justification that in FY 2016, $1.9 billion was transferred to tribes to support 89 ISDEAA Title V compacts and 115 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, tribes and tribal organizations routinely include support for this program in their testimony on IHS funding. SDPI is currently funded through FY 2017 at $150 million annually, and the Administration supports $150 million for FY 2018. The program needs to be reauthorized this year.

**FUNDING FOR INDIAN HEALTH FACILITIES**

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**MAINTENANCE AND IMPROVEMENT**

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<tr>
<td>FY 2018 Admin. Request</td>
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As of October 1, 2016, the Backlog of Essential Maintenance, Alteration, and Repair is $515.4 million. Maintenance and Improvement (M&I) funds are provided to Area Offices for distribution to projects in their regions. IHS estimates funding to be distributed as follows:

- Routine maintenance - $57.1 million;
- M&I Projects to reduce the backlog of maintenance - zero
- Environmental compliance - $2.5 million, a reduction of $500,000, and
- Demolition of vacant or obsolete health care facilities - While bill language would authorize up to $500,000, the budget narrative states they anticipate providing $400,000 for this purpose (a reduction of $100,000).

**FACILITIES AND ENVIRONMENTAL HEALTH SUPPORT**

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Of the total, $2 million is for staffing of Joint Venture facilities ($1.56 million for the Choctaw Regional Medical Center and $466,000 for the Flandreau Health Center).

**MEDICAL EQUIPMENT**

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<td>FY 2018 Admin. Request</td>
<td>$19,511,000</td>
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While proposed bill language would provide up to $500,000 for TRANSAM equipment and up to $2.7 million for purchase of ambulances, the narrative states that IHS expects to provide $450,000 to purchase TRANSAM equipment from the Department of Defense and no funding for the purchase of ambulances.
CONSTRUCTION
Construction of Sanitation Facilities

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<th>FY 2016</th>
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<tr>
<td>FY 2017</td>
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FY 2018 Admin. Request $75,423,000

IHS projected in the FY 2018 budget justification that the funds would be distributed as follows:

- $37 million for projects to serve new or like-new housing ($20 million below FY 2017);
- $37.9 million for projects to serve existing homes ($5 million below FY 2017); and
- $523,000 for emergency projects (about $500,000 below FY 2017).

No funding would be provided for projects such as studies, training, or other needs related to sanitation facilities construction for which $2 million was provided in FY 2017.

The IHS sanitation facilities construction funds cannot be used to provide sanitation facilities for HUD-built homes.

Construction of Health Care Facilities

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<tr>
<th>FY 2016</th>
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<tbody>
<tr>
<td>FY 2017</td>
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<td>$117,991,000</td>
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FY 2018 Admin. Request $100,000,000

The IHS proposes construction funding for the following project:

- $45 million to complete construction of the Rapid City Health Center, Rapid City, SD;
- $50 million to continue construction of the Dikon Alternative Rural Health Center, Dikon, AZ; and
- $5 million for design/build activities for the Alamo Health Center, Alamo, NM

No funding is requested for the Small Ambulatory Program which received $5 million in FY 2017.

New and Replacement Quarters. The IHS proposes $8.5 million for new and replacement quarters, the same as the FY 2016 level and $2.5 million above the FY 2017 level.

THIRD PARTY COLLECTIONS

The budget justification includes estimates of FY 2018 third party collections totaling $1,193,577,000 the same as the FY 2017 estimates:

- Medicaid $807,605,000
- Medicare $248,638,000
- Private Insurance $109,272,000
- VA Reimbursements $28,062,000

CONTINUING BILL LANGUAGE

The proposed bill continues language from previously enacted bills, including the following:

IDEA Data Collection Language. The proposed budget would continue the BIA authorization to collect data from the IHS and tribes regarding disabled children in order to assist with the implementation of the Individuals with Disabilities Education Act (IDEA). The provision is:

Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93-638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act. (20 U.S.C. 1400, et. seq.)

Prohibition on Implementing Eligibility Regulations. The proposed budget would continue the prohibition on the implementation of the eligibility regulations, published September 16, 1987.
Services for Non-Indians. The proposed budget would continue the provision that allows the IHS and tribal facilities to extend health care services to non-Indians, subject to charges. The provision states:

Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation.

Assessments by DHHS. The proposed budget would continue the provision which provides that no IHS funds may be used for any assessments or charges by the Department of Health and Human Services "unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process."

Limitation on No-Bid Contracts. The proposed budget would continue the provision regarding the use of no-bid contracts. The provision specifically exempts Indian Self-Determination agreements:

Sec. 411. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41 United States Code or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulations, unless:

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93-638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

Use of Defaulted Funds. The proposed budget would continue the provision that allows funds collected on defaults from the Loan Repayment and Health Professions Scholarship programs to be used to make new awards under the Loan Repayment and Scholarship programs. Please let us know if we may provide additional information or assistance regarding the Trump Administration's proposed FY 2018 Indian Health Service appropriations."

In the Courts

The U.S. Supreme Court


Opponents had argued that DOI should not have been allowed to take land into trust for the Tribe because it had no authority to do so in the wake of the Supreme Court's 2009 decision in Carcieri v. Salazar, 555 U.S. 379. But DOI prevailed at both the U.S. district court and Court of Appeals levels. The Court's denial of certiorari means that DOI's interpretation of the Carcieri decision, explained below, stands.

In Carcieri, the Court held that an Indian tribe must have been "under federal jurisdiction" in 1934, the year the Indian Reorganization Act (IRA) was enacted, in order to qualify for trust
land under the IRA. See 25 U.S.C. § 5129. While some argued that decision meant that DOI could no longer take land into trust for tribes that were not federally recognized by 1934, DOI concluded that "federal jurisdiction" was different from "federal recognition" and that it was possible to be under federal jurisdiction even if not federally recognized. DOI set forth a detailed analysis and the standards for how it would apply the Carcieri decision in an Interior Solicitor's M-Opinion (M-37029, March 12, 2014). DOI's new test takes into account its course of dealings with a tribe in 1934 and prior, and any resulting federal obligations, duties, and responsibilities to the tribe. Essentially, the test is that "a showing must be made that the United States has exercised its jurisdiction at some point prior to 1934 and that this jurisdictional status remained intact in 1934." See M-Opinion, p. 19. In the Cowlitz Tribe's case, DOI took into consideration treaty negotiations and services provided to tribal members.

The new "under federal jurisdiction" test allows DOI to review tribal land applications on a tribe-by-tribe basis, with the authority to take lands into trust for Indian tribes that can make the requisite jurisdictional showing, even if they were not formally recognized in 1934."

"Appeals Court Holds that Groundwater is Included in Tribe's Winters Water Rights," Hobbs-Straus General Memorandum 17-019, March 9th, 2017, General Memorandum 17-019, http://www.hobbsstraus.com/general-memorandum-17-019. reported, "On March 7, 2017, the Ninth Circuit Court of Appeals upheld the Agua Caliente Tribe's claim that the creation of its reservation included Winters doctrine federally reserved water rights to groundwater. More than a century ago, the United States Supreme Court held in Winters v. United States, 207 U.S. 564 (1908)) that, when the federal government creates an Indian reservation, certain water rights are reserved by implication. The Agua Caliente case is the first federal appellate court that has found the Winters doctrine reservation of rights includes groundwater as well as surface water.

The Appeals Court's decision comes in the Agua Caliente Tribe's lawsuit against the local water agencies from which the Tribe purchases water. The Tribe sued to establish its Winters doctrine right to groundwater underlying reservation lands in the Coachella Valley; to prevent the districts from reducing the quality of that groundwater by recharging the aquifer with inferior quality water from the Colorado River; and to establish the quantity of water to which the Tribe is entitled. The District Court, pursuant to agreement of the parties, split the case into three phases, roughly: (i) whether the Tribe has Winters rights; (ii) the ownership of the "pore space" in the groundwater aquifer and the right to maintain the water's quality; (iii) and the quantity of reserved rights. This decision addresses only the first phase.

The Winters doctrine states that when the federal government withdraws land for specific purposes (which Winters found includes creation of Indian reservations), the withdrawal necessarily and impliedly carries with it a reservation of water rights necessary to fulfill the purposes for which the reservation was established. The water reserved is limited to the amount of water necessary to fulfill the primary purpose of the reservation, and to water that is "appurtenant" or adjacent to the land reserved.

In this case, the Ninth Circuit first addressed whether it needed to determine as a threshold matter if there was enough water then available from other sources to meet the "primary purpose" of the reservation. The water agencies argued that if other sources of water could meet the "primary" purpose of the reservation, then no other rights were impliedly reserved under Winters. The Court rejected that idea, and stated the initial question is much simpler: whether water was envisioned as necessary for the reservation's purposes at the time the reservation was created.

The Court answered that question in the affirmative. It looked to executive orders that created Agua Caliente's reservation, finding that they established the reservation "for the permanent use and occupancy" of the Tribe and for "Indian purposes." Though the Court stated
that specific purposes of reservations are "often unarticulated," the general purpose, to "provide a home for the Indians, is a broad one and must be liberally construed." The Court stated that water is necessary to establish permanent homes, especially in the arid climate of the Coachella Valley, and, accordingly, the U.S. reserved water rights when it created the Agua Caliente reservation.

The Court then considered whether groundwater was "appurtenant" to the reservation, in order to fulfill the second prong of the Winters doctrine test. The Court stated that the rights need only be attached to the reservation, and that having land overlying the groundwater aquifer was sufficient to find that the groundwater was "appurtenant." The Court noted that surface water only flowed a few months a year on the Tribe's lands in Southern California. Building on its finding that water must come with establishment of tribal homelands, it stated that "survival is conditioned on access to water—and a reservation without an adequate source of surface water must be able to access groundwater[.]" otherwise the purposes of the reservation (to sustain life) would be defeated.

The Court rejected the following three arguments advanced by the water agencies that the Tribe's reserved rights were diminished: (i) the Tribe enjoyed the same rights to groundwater as other overlying landowners under California law; (ii) the Tribe had not drilled for groundwater on their own lands; and (iii) the Tribe had been apportioned surface water in a 1938 adjudication of the Whitewater River. The Court found that none of these factors affected the federal rights, as those rights are supreme to and preempt state law, are not subject to loss through non-use, were envisioned as necessary to sustain life at the time the reservation was created, and were unaffected by state water entitlements.

Finally, the Court noted that, while the Winters doctrine did not distinguish between surface water and groundwater, it is an open question regarding how much water would be reserved for the Tribe. That question will be handled in the third phase of the trial, and the Court noted that the water districts are likely to argue that the Tribe must have some demonstrated need for the groundwater. The districts will likely make those arguments, but this decision contains helpful language that identifies the purposes of the reservation broadly in terms of creation of a tribal homeland.

Unless the water agencies decide to appeal the Ninth Circuit's decision to an en banc panel of the Circuit or the U.S. Supreme Court, the case now returns to the Central District of California for the second phase of the trial.

Lower Federal Courts

"New Decision Regarding When a Tribal Proposal is Received to Start the ISDEAA 90-Day Review Period," Hobbs-Straus General Memorandum 17-022, April 10th, 2017, http://www.hobbsstraus.com/general-memorandum-17-022, reported, "The D.C. Circuit Court of Appeals in Navajo Nation v. Zinke, No. 16-5117 (April 4, 2017), has decided an important case regarding when a tribal proposal is "received" for purposes of starting the 90-day review period under § 102(a)(2) of the Indian Self-Determination and Education Act (ISDEAA), 25 U.S.C. § 5321(a)(2).

The case involved a multi-year self-determination contract between the Navajo Nation (Nation) and the Bureau of Indian Affairs (BIA) to fund the Nation's judicial operations. The contract required the parties to enter into a separate funding agreement (FA) for each calendar year covered. On October 4, 2013, the Nation hand delivered a proposal for CY 2014 to an employee in the BIA Navajo Regional Office. The government was partially shut down at that time but the employee marked the proposal for intra-office mail delivery to the BIA official responsible for making award and declination decisions for the Nation's contracts under the ISDEAA. The proposal for CY 2014 was in excess of $17 million, a major increase over the $1.3 million awarded to the Nation for CY 2013 FA.
Government operations resumed on October 17, and two days later, the BIA sent a letter to the Nation acknowledging receipt of the proposal and stating that the BIA considered the proposal to have been received on October 17 when government operations resumed. The letter asserted that the BIA had 90 days until January 15, 2014, to approve or decline the proposal. However, if the proposal was properly received on the date it was hand delivered (October 4), rather than on the date governmental operations resumed (October 17), then the 90-day review period would end on January 2, 2014.

The Nation did not respond to the BIA letter; nor did the Nation respond to a January 9 letter from the BIA requesting a 45-day extension. The BIA partially declined the proposal on January 15, 2014. ISDEAA regulations (25 C.F.R. § 900.18) require that if a proposal is not declined within 90 days of receipt, or within any agreed extension, the proposal is deemed approved. The Nation filed suit to enforce approval of the proposal under the regulation. The district court decided the case in favor of the BIA. The district court determined that because the Nation was silent in response to BIA's letters announcing its position on the deadline for declining, the Nation was equitably estopped from asserting that the BIA received the proposal on October 4 and had to decline it within 90 days thereafter.

On appeal, the D. C. Circuit held that the proposal was "received" on October 4, 2013, when it was unconditionally accepted by the employee in the BIA's regional office. The court determined that the ordinary meaning of "to receive" is to take possession or delivery of the proposal. The Court noted that the BIA had adopted this interpretation in its Internal Agency Procedure Handbook, even if the proposal was received by an office without the authority to process proposals. The Court also rejected the government's argument that receipt of the proposal on October 4 would violate the Anti-Deficiency Act (ADA) because it would result in an obligation of funds in excess of appropriations. The court noted that the ADA does not cancel an agency's obligations under its own regulation; nor does the ADA defeat the rights of other parties.

Importantly, the Court reversed the district court's holding that the Navajo Nation was equitably estopped from disputing the timeliness of the declination. The Court noted that equitable doctrines are grounded in fairness and justice. Because the government itself has consistently taken the position that equitable estoppel does not apply to the sovereign United States, the government cannot in this case seek to impose equitable estoppel on another sovereign, especially one to which the government owes "a distinctive obligation of trust" citing Seminole Nation v. United States, 316 U.S. 286, 296 (1942). The Court cited with approval the passage in the Seminole decision that the government, in its dealings with the Indians, "has charged itself with moral obligations of the highest responsibility and trust. Its conduct, as disclosed in the acts of those who represent it in dealing with the Indians, should therefore be judged by the most exacting fiduciary standards." Id. at 297.

This reliance on the federal trust responsibility of fair dealing to support the Court's decision on application of equitable estoppel is an important holding for Indian tribes. The Court also determined that this case did not present the sort of "extraordinary circumstances" that justify equitable tolling. The Court noted that if the government believes it cannot "receive" documents during a stoppage, it should instruct its employees not to receive them, rather than expect its citizens and its courts to "equitably" pretend it has not done so. Further, the BIA lost only the first 13 days of the 90 days it had to act on the proposal.

Finally, the Court rejected the government's argument that the Nation cannot be awarded funds in excess of the "Secretarial amount." The Court noted that this argument would "transform a funding floor into a ceiling" because section 106(a)(1) of the ISDEAA requires that the funding amount "shall not be less" than the amount the Secretary would otherwise provide for operation of the programs for the period covered by the contract.

Debra Utacia Krol, "Aquinnah Wampanoag Tribe Celebrates Gaming Ruling: Martha’s
Vineyard tribe wins appeal in lawsuit establishing its right to open a Class II gaming facility," ICTMN, April 25, 2017, https://indiancountrymedianetwork.com/news/native-news/aquinnah-wampanoag-tribe-celebrates-gaming-ruling/, reported, "The Wampanoag Tribe of Gay Head (Aquinnah) learned April 11 that the 1st U.S. Circuit Court of Appeals had reversed a lower court ruling, affirming the tribe’s right to open a Class II casino on its Martha’s Vineyard island land. The case, Commonwealth of Massachusetts, Aquinnah/Gay Head Community Association, Inc. and Town of Aquinnah, Mass. v. the Wampanoag Tribe of Gay Head (Aquinnah) and the Wampanoag Tribal Council of Gay Head, Inc., was filed by then-Governor Deval Patrick, alleging that the tribe had forfeited its gaming rights as part of a 1983 land settlement, later ratified by Congress in 1987, that required the tribe’s compliance with state and local laws, including prohibitions on gaming.

The Wampanoags had announced plans to develop a casino in an unfinished 6,200-square foot building initially slated to become a community center in 2012, and received approval from the National Indian Gaming Commission in October 2013. The state moved to file the initial lawsuit in state court shortly afterward, and the tribe successfully argued to move the case to federal court."

The 9th U.S. Circuit Court of appeals ruled in favor or the Gila River Community and the San Carlos Apache Tribe, June 13, 2017, blocking the rerouting of water from the Gila River in New Mexico by the company Freeport-McMoRan, holding that the company had not shown that the rerouting would not harm the two Indian communities (Ben Moffiat, "Appeals court upholds tribes’ claim over Gila River water," Navajo Times, June 15, 2017).

The 10th U.S. Circuit Court of Appeals ruled in favor of the Navajo Nation, in June 2017, blocking attempts by the electric power company PNM to condemn two parcels of land within the Navajo Nation along rights of way for power lines established in the 1960, but which had expired. PNM had obtained consent from a majority of the land owners, but after several of them withdrew consent, bringing the number who consented less than a majority, the Navajo Nation withdrew its consent (Bill Donovan, "Nation wins right-of-way lawsuit against PNM," Navajo Times, June 15, 2017).

Earth Justice reported June 14, 2017, http://earthjustice.org/news/press/2017/in-victory-for-standing-rock-sioux-tribe-court-finds-that-approval-of-dakota-access-pipeline-violated-the-law, "The Standing Rock Sioux Tribe won a significant victory today in its fight to protect the Tribe’s drinking water and ancestral lands from the Dakota Access pipeline. A federal judge ruled that the federal permits authorizing the pipeline to cross the Missouri River just upstream of the Standing Rock reservation, which were hastily issued by the Trump administration just days after the inauguration, violated the law in certain critical respects.

In a 91-page decision (http://earthjustice.org/sites/default/files/files/DAPL-order.pdf), Judge James Boasberg wrote, “the Court agrees that [the Corps] did not adequately consider the impacts of an oil spill on fishing rights, hunting rights, or environmental justice, or the degree to which the pipeline’s effects are likely to be highly controversial.” The Court did not determine whether pipeline operations should be shut off and has requested additional briefing on the subject and a status conference next week.

This is a major victory for the Tribe and we commend the courts for upholding the law and doing the right thing," said Standing Rock Sioux Chairman Dave Archambault II in a recent statement. “The previous administration painstakingly considered the impacts of this pipeline, and President Trump hastily dismissed these careful environmental considerations in favor of political and personal interests. We applaud the courts for protecting our laws and regulations from undue political influence and will ask the Court to shut down pipeline operations immediately.”
The Tribe’s inspiring and courageous fight has attracted international attention and drawn the support of hundreds of tribes around the nation.

The Tribe is represented by the nonprofit environmental law firm Earthjustice, which filed a lawsuit challenging the U.S. Army Corps of Engineers for issuing a permit for the pipeline construction in violation of several environmental laws.

'This decision marks an important turning point. Until now, the rights of the Standing Rock Sioux Tribe have been disregarded by the builders of the Dakota Access Pipeline and the Trump administration—prompting a well-deserved global outcry,' said Earthjustice attorney Jan Hasselman.

'The federal courts have stepped in where our political systems have failed to protect the rights of Native communities.'

The Court ruled against the Tribe on several other issues, finding that the reversal allowing the pipeline complied with the law in some respects.

The $3.8 billion pipeline project, also known as Bakken Oil Pipeline, extends 1,168 miles across North Dakota, South Dakota, Iowa, and Illinois, crossing through communities, farms, tribal land, sensitive natural areas and wildlife habitat. The pipeline would carry up to 570,000 barrels a day of crude oil from the Bakken oil fields in North Dakota to Illinois where it links with another pipeline that will transport the oil to terminals and refineries along the Gulf of Mexico.

For an explanation of the court ruling and what is to happen next, visit: http://earthjustice.org/features/dapl-ruling-what-was-decided-what-s-next. For more background on this case, go to: http://earthjustice.org/features/faq-standing-rock-litigation.

Natasha Geiling, "Federal judge denies Trump administration appeal in youth climate lawsuit: Looks like the historic lawsuit is headed to trial, T Think Progress, June 9, 2017, https://thinkprogress.org/youth-climate-lawsuit-trump-appeal-denied-db0f6a811c08, reported, "A federal judge has denied the Trump administration’s appeal in a climate change lawsuit, paving the way for the unprecedented suit to go to trial.

The case—Juliana v. United States—pits a group of youth climate plaintiffs against the federal government and the fossil fuel industry. The plaintiffs allege that the federal government, through its actions and coordination with the fossil fuel industry, have violated their constitutional right to a livable climate. It is the first climate lawsuit to rely on a version of the public trust doctrine—known as atmospheric trust—to make its case, and adds to a growing number of attempts to force climate action through the judicial branch."

Joseph Guzman, "Court Rejects Navajo Generating Station Cases: Court rejects two appeals regarding Navajo Generating Station emissions impact, closing," ICTMN, March 27, 2017, https://indiancountrymedianetwork.com/news/native-news/court-rejects-navajo-generating-station-appeals/, reported, "A federal appeals court rejected two cases related to the Navajo Generating Station, one that aimed to tighten environmental restrictions on the coal-fired power plant, and another questioning the process that calls for the plant’s closure.

A three-judge panel of the 9th U.S. Circuit Court of Appeals on Monday turned away an argument by environmental groups that the U.S. Environmental Protection Agency (EPA) cut corners when it developed its plan to regulate nitrogen oxide emissions from the plant to reduce regional haze.

The same panel rejected a separate claim by the Hopi Tribe that it was improperly left out of discussions on the federal emissions plan, which calls for the plant to ultimately close by 2044 at the latest.

But the impact of those rulings may be overshadowed by the announcement last month that the Navajo Generating Station will cease operations after 2019, a decision that
could mean “much cleaner air and water in the region” while posing a huge hit to the economy, especially for tribes in the region.”


IEN’s and NCRA’s Complaint challenging the State Department’s approval of a Presidential Permit for the KXL Pipeline is available here: http://www.ienearth.org/wp-content/uploads/2017/03/Complaint_for_Declaratory_and_Injunctive_Relief.pdf

Stephan Volker, attorney for IEN and NCRA, filed the suit on Monday, March 27th. The suit alleges that the State Department's Final Supplemental Environmental Impact Statement ("FSEIS") fails to (1) provide a detailed and independent Project purpose and need, (2) analyze all reasonable alternatives to the Project, (3) study the Project's transboundary effects, (4) disclose and fully analyze many of the Project's adverse environmental impacts, (5) formulate adequate mitigation measures, and (6) respond adequately to comments. In addition, the FSEIS was irredeemably tainted because it was prepared by Environmental Resource Management ("ERM"), a company with a substantial conflict of interest. The suit also alleges that Trump’s permit violates the Endangered Species Act, the Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act.

'President Trump is breaking established environmental laws and treaties in his efforts to force through the Keystone XL Pipeline, that would bring carbon-intensive, toxic, and corrosive crude oil from the Canadian tar sands, but we are filing suit to fight back,' said Tom Goldtooth, Executive Director of the Indigenous Environmental Network. 'Indigenous peoples’ lands and waters are not here to be America’s environmental sacrifice zone. For too long, the US Government has pushed around Indigenous peoples and undervalued our inherent rights, sovereignty, culture, and our responsibilities as guardians of Mother Earth and all life while fueling catastrophic extreme weather and climate change with an addiction to fossil fuels. The time has come to keep fossil fuels in the ground and shut down risky extreme energy projects like the tar sands that are poisoning our families, wildlife, water sources and destroying our climate.'

'Oil, water and fish do not mix. KXL poses an unacceptable risk to the Missouri River and its fisheries, including the nearly extinct Arctic grayling,' said Frank Egger, President of The North Coast Rivers Alliance (NCRA). 'No oil pipeline is safe. One major oil spill, and the Missouri River and adjacent aquifers would be polluted for generations.'

'Because President Trump has turned his back on the Native American community and protection of our clean water, endangered fisheries, and indeed, survival of the Planet itself, we have asked the Federal Courts to order him to comply with our nation’s environmental laws,' said Volker. 'We are confident that the courts will apply and enforce the law fairly and faithfully, and protect our irreplaceable natural heritage from the risky and unneeded KXL Pipeline.
Alternatives including renewable energy and conservation must be given full and fair consideration to protect future generations from the ravages of global warming. Additional documents pertaining to the litigation can be obtained from the Volker Law Offices.

The Indigenous Environmental Network was formed by grassroots Indigenous peoples and individuals in 1990 to address environmental and economic justice issues across Turtle Island, also known as North America. The North Coast Rivers Alliance (NCRA) is an association of conservation leaders from the western and northern United States and Canada which has advocated for decades on behalf of rivers and watersheds in jeopardy throughout North America."


The ruling in Davilla v. Enable Midstream Partners, L.P., issued at the end of March, found that Enable Midstream was continuing to trespass on the land and ordered the company to remove the pipeline within six months.

The plaintiffs are 38 enrolled members of the Comanche, Caddo, Apache, Cherokee and Kiowa Tribes of Oklahoma. Additionally, the Kiowa Tribe of Oklahoma has an interest in the land. The interests vary from nearly 30 percent to less than 9/10th of a percent."

Fernanda Santos, “Barely Two R’s Are Taught at School That Led Tribe to Sue U.S.,” The New York Times, January 23, 2017, https://www.nytimes.com/2017/01/23/us/havasupai-native-american-tribe-school-lawsuit-arizona.html?ref=todayspaper&_r=1, reported, "Students at Havasupai Elementary, the only school in this tribal village near Grand Canyon National Park, say they don’t have a regular schedule of science and social studies classes, or gym or art classes, either. Often there are not enough teachers, they say.

The children — in kindergarten through eighth grade — learn mostly reading and math, though barely. In the most recent evaluation made public, they tested at the first and third percentile, well below every other school on Indian reservations, already among the worst in the country.

The abysmal test scores are highlighted in a federal lawsuit filed this month against the government by the Havasupai Tribe on behalf of nine students at the school. The tribe, a dwindling nation of 730, says the United States has reneged on its legal duty to educate their children by, among other things, allowing a janitor and a secretary to fill in for absent teachers, and by failing to provide special-education services and enough books for all students.


Texas is asking that the Alabama-Coushattas be fined $10,000 for every day they offer electronic bingo because Texas claims the offer is in violation of an injunction the federal court entered in 2002 against casino (Class III) gambling."
Richard Walker, "Native Americans and Taxes: Tulalip Tribes Challenge State Taxation on Tribal Lands: The state, county and Tulalip will go to court in June over taxes at Quil Ceda Village," ICTMN, January 9, 2017, https://indiancountrymedianetwork.com/news/native-news/native-americans-taxes-tulalip-tribes-challenge-state-taxation-tribal-lands/, reported, "The Tulalip Tribes’ challenge of the state and county’s taxation of business conducted on its lands is scheduled for a 10-day trial beginning June 5, 2017 in U.S. District Court. Washington State, Snohomish County, and Tulalip Tribes failed on October 24 to resolve a dispute over the state and county’s contention they have the authority to tax business transactions in the Tulalip Tribes’ incorporated community of Quil Ceda Village, located on the reservation, and so the case is headed to trial."

Suzette Brewer, "Cherokee Nation Sues Walmart, Drug Companies Over Opioids: ‘We have a world class team dedicated to addressing the scourge of opioids on our people,’ Cherokee Nation AG," ICTMN, April 21, 2017, https://indiancountrymedianetwork.com/news/native-news/cherokee-nation-sues-walmart-drug-companies-opioid/, reported, "Declaring an 'opioid epidemic of unprecedented proportions' in Indian country, the Cherokee Nation of Oklahoma on Thursday, April 20 filed suit against CVS, Walmart and others alleging that the defendants knowingly created the conditions that amount to little more than legalized drug trafficking to citizens within its jurisdiction.

By ignoring red flags and refusing to monitor the supply chain, contributing to what is known as 'drug diversion,' the suit alleges that the effects of opioid addiction has had a devastating human toll on the tribe’s citizens and crushing impact on its resources."

**State and Local Courts**

"California Supreme Court Rules Tribal Businesses Not Immune in Payday Lending Case," Hobbs-Straus General Memorandum 17-001, January 6th, 2017, http://www.hobbsstraus.com/general-memorandum-17-001, reports, "On December 22, 2016, the California Supreme Court unanimously held that two tribally-controlled businesses established for the purpose of payday lending are not protected by the Tribes' sovereign immunity. The ruling in People v. Miami Nation Enterprises stems from a 2006 cease and desist order and a 2007 complaint filed by the Commissioner of the California Department of Corporations (now Business Oversight) against a number of payday lending companies that were operated by Miami Nation Enterprises and SFS Inc., which are tribally-chartered corporations of the Miami Tribe of Oklahoma and Santee Sioux Nation of Nebraska, respectively. The Commissioner alleged that the businesses were charging loan rates and fees in amounts larger than allowed by State law.

The tribal enterprises successfully defended their sovereign immunity in the lower courts. The California Court of Appeals ruled in 2014 that the lending companies were sufficiently related to the Tribes to be protected by tribal sovereign immunity and dismissed the Commissioner's complaint. The California Supreme Court, however, reinstated the Commissioner's complaint. First, the court made an admittedly unusual conclusion that sometimes the defendant in a sovereign immunity case bears the burden of showing that it is entitled to immunity. The burden usually rests with the plaintiff. But the court held that in an 'arm-of-the-tribe' immunity case, the entity raising the immunity defense bears the burden of showing by a preponderance of the evidence that it is an arm of the tribe. The court wrote that 'Arm-of-the-tribe immunity must not become a doctrine of form over substance.'

Second, the court created a five-factor test to make that determination. The five factors are:
(1) the entity's method of creation;
(2) whether the tribe intended the entity to share in its immunity;
(3) the entity's purpose;
(4) the tribe's control over the entity; and
(5) the financial relationship between the tribe and the entity.

The court gave great weight to the last three factors, writing that 'evidence that the entity engages in activities unrelated to its stated goals or that the entity actually operates to enrich primarily persons outside of the tribe or only a handful of tribal leaders weighs against finding that the entity is an arm of the tribe.' The court concluded that the tribal businesses 'relayed heavily on outsiders.' The court also gave great weight to the lack of evidence that the Tribes received a majority of the profits as well as lack of evidence that the tribal businesses exercised significant control over loan approvals. The court remanded the case back to trial court for further proceedings in order to give the tribal business entities the opportunity to provide evidence that they meet the newly created standards under the five-part test."

Steve Russell, "New York High Court Rules for Fairness in Picking Juries: The all white jury selection has been getting harder since 1986," ICTMN, January 16, 2017, https://indiancountrymedianetwork.com/news/native-news/new-york-high-court-rules-fairness-picking-juries/, reported, "It just got harder to kick Indians off juries for no reason. The New York Court of Appeals has handed down an opinion that will be another arrow in the quiver of Indians hunting for a fair trial in the colonial courts.

"Indians in border towns face the same issues in selecting juries that the ex-slaves faced in the Jim Crow south. Border towns have historically been hostile to Indian voter registration. Indians have historically been hostile to participating in the colonial government, so when jurors are pulled from the pool of registered voters some Indians are kept from registering, some don't want to register, and some who do register don’t want to show up for jury duty."


The trial will focus on legal claims filed by MALDEF (Mexican American Legal Defense and Educational Fund) and the New Mexico Center on Law and Poverty (the Center) challenging the state's failure to provide economically disadvantaged students, English-language learners (ELL), Native Americans, and students with disabilities with a "sufficient" education, as guaranteed by New Mexico’s constitution.

'For far too long, New Mexico has left its most vulnerable students behind, disregarding its constitutional duty to fully support their education for all students,' said Marisa Bono, MALDEF Southwest regional counsel. 'All New Mexico children should have the opportunity to graduate ready to pursue their dreams and meet their full potential—this lawsuit will ensure that opportunity.'

While the state’s constitution mandates a 'sufficient' and 'uniform' education for all students in New Mexico, a majority of public school students are unable to read, write, or do math at grade level. The consolidated lawsuit calls for the court to order the state to provide the programming and resources necessary for all public school students to succeed, as well as ensure that funds are distributed equitably, including for economically disadvantaged and ELL students.

'The children of New Mexico are intelligent and capable, and have just as much potential as other students across the country. Unfortunately, the State has done little to invest in our
children’s future,' said Preston Sanchez, an attorney at the New Mexico Center on Law and Poverty. 'It’s time that the State be held accountable to its constitutional duty to meet the educational needs of our students so that they may achieve not only academic success but success in other areas of their lives. Our kids’ and our state’s future are at stake.'

MALDEF’s lawsuit, _Martinez v State of New Mexico_, was filed in April 2014 on behalf of parents and public schools in Española, Santa Fe, Albuquerque, Zuni, Magdalena, Las Cruces and Gadsden. The suit alleges that the state’s inadequate funding for ELL and economically disadvantaged students, the lack of quality pre-K programs and other problems violate state constitution. State attorneys sought to dismiss the lawsuit, but the court denied the request and ruled for the first time in New Mexico’s history that education is a fundamental right.

'I simply want my children to have an equal opportunity to get a good education,' said Roberto Sanchez, a plaintiff in the Martinez case whose children attend school in Santa Fe. 'I see that my three children don't have access to what they need to get ahead. Sometimes they have substitutes for a long time. We are simply asking that our children have a chance to get the education they need.'

The Center’s lawsuit, _Yazzie v. State of New Mexico_, was filed in March 2014 on behalf of a group of families and school districts including Gallup, Rio Rancho, Santa Fe, Cuba, Moriarty/Edgewood, and Lake Arthur. The families represented have children who are ELL, Native American or economically disadvantaged and have been negatively impacted by the lack of resources provided to New Mexico public schools.

'All I want is for my child to receive the best education possible, but my son and other Navajo students aren’t given the educational resources they need,' said Wilhelmina Yazzie, the named plaintiff in the Yazzie lawsuit whose son attends middle school in Gallup. 'My son is a smart and dedicated student, but I worry that he’s not getting the academic support relevant to his native culture and language that will prepare him for college and help him succeed.'

MALDEF’s lead counsel is Marisa Bono, Southwest regional counsel, and legal counsel include staff attorneys Ernest Herrera and Jack Salmon; E. Martin Estrada, Nick Sidney and Jessica Baril with Munger, Tolles & Olson; and David Garcia. The trial is expected to last nine weeks. The Center’s legal counsel on the case include Gail Evans, Preston Sanchez, Christopher Sanchez, and Lauren Winkler of the Center along with co-counsel Daniel Yohalem and Mark D. Fine.

'We can all agree that one of the most important things our society does is educate our children,' said E. Martin Estrada, a partner at Munger, Tolles & Olson LLP. 'This case – on behalf of all schoolchildren in New Mexico – has the opportunity to meaningfully impact the lives of hundreds of thousands of students, particularly children from low-income backgrounds. **For too long, the public education system has failed New Mexico’s school children, with the effects being acutely felt by Latino students, Native American students, and students with disabilities. With this case, we hope to change that.**'


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_Founded in 1968, MALDEF is the nation’s leading Latino legal civil rights organization. Often described as the “Latino Legal Voice for Civil Rights in America,” MALDEF promotes social change through advocacy, communications, community education and litigation in the areas of education, employment, immigrant rights and political access. For more information on_
The mission of the New Mexico Center on Law and Poverty is to advance economic and social justice through education, advocacy, and litigation. The Center works with low-income New Mexicans to improve living conditions, increase opportunities, and protect the rights of people living in poverty. Underlying its mission is a vision of New Mexico without poverty, where all people’s basic human rights are met. For more information on the Yazzie lawsuit, including plaintiff profiles, please visit: http://nmpovertylaw.org/our-work/education-2/. For all media inquiries, please contact Maria Archuleta at (505) 255-2840 or MariaA@nmpovertylaw.org.

Tribal Courts

The Pawnee Nation of Oklahoma brought suit in its tribal court, March 3, 2017, against several oil companies for damages from a 5.8 earthquake the nation alleges was caused by the companies pumping waste water into deep wells ("Quake Damage Spurs Pawnee Nation to Sue Oklahoma Firms in Tribal Court," The New York Times, March 5, 2017).

The Hopi Tribal Courts returned, February 1, 2017, to functioning in Upper Moenkopi to serve members of that Hopi community and Hopis who use their tribal courts who live in the nearby Tuba City area of the Navajo Reservation (Stan Bindell, "Hopi Tribal Courts Return to Upper Moenkopi," Navajo Times, February 23, 2017).

Tribal Government and State and Local Government Developments,

Steve Russell, "Indian List 2017: Native Man Wins Tribal ID Case After Store Refuses to Serve Him: Montana Human Rights Bureau upholds that tribal ID is equal to a state ID when it comes to public and legal transactions," ICTMN, April 14, 2017, https://indiancountrymedianetwork.com/news/native-news/indian-list-2017-native-man-wins-tribal-id-case-store-refuses-serve/, reported, "The Montana Human Rights Bureau has ordered a convenience store chain to pay a $7,000 penalty for refusing to recognize a Northern Cheyenne tribal identification card in the face of a state law that declared tribal IDs equal to state IDs since 2007. The decision in a complaint brought by Carl High Pine, 59, makes plain that refusing a tribal ID is a denial of equal access to a place of public accommodation and writes the latest chapter in a fight against racial discrimination in public that has gone on for more than 50 years."

Julie Bosman, "Nebraska Liquor Stores Near Pine Ridge Reservation Lose Licenses," The New York Times, April 19, 2017, https://www.nytimes.com/2017/04/19/us/nebraska-liquor-native-americans-pine-ridge.html?ref=todayspaper, reported, "Nebraska officials voted on Wednesday to revoke the liquor licenses of four stores in the tiny town of Whiteclay, potentially cutting off a major source of alcohol to Native Americans who live a short walk away on the dry Pine Ridge Reservation. The state liquor board said that the town was not adequately served by law enforcement, sufficient cause to deny the renewal of the licenses."

a street strewn with debris, four ramshackle liquor stores and little else. It seems to exist only to sell beer to people like Tyrell Ringing Shield, a grandmother with silver streaks in her hair.

"...on the Pine Ridge Indian Reservation, alcohol is forbidden. In Whiteclay, though, it reigns supreme."

"Now many residents of Nebraska and South Dakota are pushing for the liquor stores of Whiteclay to be shut, disgusted by the easy access to alcohol the stores provide to a people who have fought addiction for generations. The Nebraska authorities, in turn, have tightened scrutiny of the stores, which sell millions of cans of beer and malt liquor annually. Last year, for the first time, the state liquor commission ordered the stores’ six owners to reapply for their liquor licenses.

The fate of the stores could be decided next month, when the three-member commission holds hearings in Lincoln, the state capital.

The issue has left people in South Dakota and Nebraska deeply divided. Most agree that alcohol abuse on the reservation is an entrenched problem, but they are unsure of the solution — and who is responsible."

Utah Foster Care, a nonprofit that contracts with the Utah Division of Child and Family Services, has been collaborating with eight tribes in Utah to find Native family homes for Indian children the Davenport of Family Services designates for fostering (Arylyssa Becenti, "Utah program seeks foster parents for Native children," *Navajo Times*, April 27, 2017).

Richard Walker, "'Squaw' Closer to Being Removed From Two Place Names in Washington: Washington state could be the latest to replace the racist term on geographical names," ICTMN, May 26, 2017, https://indiancountrymedianetwork.com/news/native-news/squaw-closer-removed-two-place-names-washington/, reported, "The state Committee on Geographic Names voted May 16 to recommend the state Natural Resources Board change the name of Squaw Bay on Shaw Island in San Juan County to Reefnet Bay, and Squaw Creek in Klickitat County to Walaluuks Creek.

The committee also agreed to consider a proposal to change the name of Squaw Creek in Okanagan County to Swaram Creek."

Dina Gilio-Whitaker, "California Coastal Commission Appoints First Native American: One of the most influential state bodies will now have a Native voice," ICTMN, May 4, 2017, https://indiancountrymedianetwork.com/news/native-news/california-coastal-commission-appoints-first-native-american/, reported, "The California Coastal Commission has made history with the appointment of Ryan Sundberg, Yurok, to its Board of Commissioners. Sundberg is the first Native American to ever be appointed to the 12-member commission in its 41-year history."

The St. Regis Mohawks of New York collaborated with the U.S. Fish and Wild Life Service, the New York State Department of Environmental Conservation, and Trout Unlimited, to take down the Hogansburg Dam on the St. Reigis river, as part of a major cleanup of industrial waste and restoration of the river and land. This is the first federally authorized dam to be decommissioned (Mary Esch, "Mowhawks become first to take down federal dam," *NFIC*, December 2016).

The Arizona Department of Veteran Services, in February 2017, certified four Navajo Veteran Service Officers, on the Navajo reservation, to submit claims and represent veterans in appeals (Christopher Pineo, "Arizona certifies 4 Navajos to process veterans' claims," *Navajo Times*, February 9, 2017).
A Bill proposed in the Nebraska legislature, in January 2017, would no longer recognize Columbus Day as an official holiday, but would substitute for it "Standing Bear [a legendary Ponca leader] and Indigenous Leader Day" ("Bill would swap Columbus Day for Standing Bear Day," NFIC, February 2017).

The Southern Ute Tribal Council has for several years held regular meetings with the school board of Ignacio, CO, a town in the center of the reservation. At the May 27 meeting of the Council with the Ignacio School Board, the focus was on what to do about the low graduation and high truancy rate of Ute Children at Ignacio High School in 2017. The Southern Ute Education Department and the school district have been discussing the problem, with the Education Department working with seniors not doing well in school, beginning in October 2016, to try to rectify the problem early enough so that poorly achieving students might be able to graduate at the end of the school year. A Tribal Council member said that the council, in addition to other possible action to help students and increase parents support, might consider instituting fining parents for unjustified absences, noting that the Pequot Tribe had seen a reduction in truancy after instituting fining parents for it. A number of other ways of improving student learning were also discussed, including considering having the Southern Ute Academy eliminate its 6th grade, so that students would transfer a year earlier to the school in Ignacio (Sacha Smith, "School Board, Tribal Council meet," Southern Ute Drum, May 12, 2017).

Alysa Landry, "Natives and City of Phoenix Push for Squaw Peak Drive Name Change: Residents of Squaw Peak Drive dig in for road that leads to Piestewa Peak," ICTMN, March 15, 2017, https://indiancountrymedianetwork.com/news/native-news/natives-city-phoenix-push-squaw-peak-drive-name-change/, reported, "Every year, half a million hikers scale 2,600-foot Piestewa Peak, one of the highest crests in Phoenix and recently renamed as a memorial to Army Spc. Lori Piestewa, the first Native American woman to die in combat on foreign soil. But to reach the hiking trail, visitors first must travel Squaw Peak Drive, a mile-long residential street at the heart of a controversy that is pitting lawmakers against property owners. Phoenix Mayor Greg Stanton last fall began pushing to change the street’s name, which includes a derogatory term for Native American women."

Tribal Developments

Lee Allen, "Who Belongs? The Epidemic of Tribal Disenrollment: Tribal disenrollment discussed during two-day forum," ICTMN, March 28, 2017, https://indiancountrymedianetwork.com/news/native-news/belongs-epidemic-tribal-disenrollment/, reported, "The age-old question of “who are you” has developed into a 21st century conundrum of “who belongs,” the basis of a two-day forum discussing tribal kinship, Native Nation citizenship, and tribal disenrollment by exploring questions that relate to citizenship and community-belonging in Indian country. The forum was co-convened by the Indigenous Peoples Law and Policy Program at the James E. Rogers College of Law and the Department of American Indian Studies."

"Disenrollment has been referred to as an epidemic that has impacted upwards of 9,000 people in 79 tribes across 20 states. There are 567 federally-recognized tribal nations, so those tribes already dealing with the concept represent a metric of 15 percent of Indian country—and that constitutes an epidemic.”"

abuse, interpersonal violence and suicide than the general U.S. population. A new initiative supported by the Indian Health Service (IHS) aims to address those problems in a more comprehensive manner than has been previously attempted by federal health policy.

In early December, the agency, in coordination with the Substance Abuse and Mental Health Services Administration (SAMSHA), released what it is calling a Tribal Behavioral Health Agenda (TBHA) as a first step in formulating policy tailored to address tribe-specific issues.

The TBHA is based on the assumption that social injustice “…endured over the course of multiple generations…” by tribal communities has produced a consistent array of symptoms across Indian country.

To correct the problem, the TBHA establishes loose guidance for behavioral health policy for tribes and the federal and state departments, agencies and associations that support them. It provides a more holistic, identity-driven and culturally and spiritually-based approach to treatment of these problems in Indian country.

The TBHA also calls for more collaboration amongst tribes. "The practical direction for the TBHA:

1. Focusing on healing from historical and intergenerational trauma;
2. Using a socio-cultural-ecological approach to improving behavioral health;
3. Ensuring support for both prevention and recovery;
4. Strengthening behavioral health systems and related services and supports; and
5. Improving national awareness and visibility of behavioral health issues faced by tribal communities."

Mark Fogarty, "Little River Band Building Big Housing Development: Housing development set to include 300 homes on 120 acres in ‘a collaborative economic development’," ICTMN, April 15, 2017, https://indiancountrymedianetwork.com/news/native-news/little-river-band-building-big-housing-development/, reported, "The Little River Band of Ottawa Indians has broken ground for an ambitious housing development that would rank as one of the biggest American Indian projects ever undertaken.

The tribe plans for the housing development in Fruitport Township, Michigan include 300 homes. Construction should start on the first phase of the project in late April or in May. That would see 115 houses rise on land the tribe bought from the Fruitport community school district in 2016.

Homebuyers will not need to be tribal members to purchase a house in the project, described as 'a collaborative economic development investment' in the Fruitport community."

Developer Mike Tompkins, on the discovery of an Indian burial mound within the boundaries of a neighborhood development project he was undertaking west of Columbus, MO, moved to incorporate the mound in the project, placing a park around it ("Burial Mound to be incorporated into Missouri neighborhood," NFIC, December 2016).

The Ponca Tribe of Nebraska, on May 9, 2017, received the deed to a 20 mile stretch of the Homestead Trail from the Nebraska Trails Foundation, changing the name to the Chief Standing Bear Trail. The trail had been part of the Ponca Trail of Tears, over which the tribe was removed from Nebraska to Oklahoma in 1877 ("Ponca Tribe gains ownership of Nebraska Homestead Trail," NFIC, May, 2017).

has voted to recognize same-sex tribal marriage, becoming one of only a few dozen sovereign nations in the U.S. to explicitly recognize such unions.

After an historic vote, citizens of the Osage Nation amended its marriage law in late March with 52-percent of the vote. Although there are an estimated 15,000 registered Osage voters, only 1,123 cast their ballots, Osage News reported. "Only a few dozen of the 567 federally-recognized tribes explicitly recognize same-sex tribal marriage, LGBTQ Nation reports. The Cherokee Nation, Cheyenne and Arapaho Tribe – each in Oklahoma – also recognize same-sex tribal marriages."

Sarah Sunshine Manning, "Jesuits Return 525 Acres to Rosebud Sioux Tribe: History between the Jesuits and Native Americans is marred with colonial onslaughts on indigenous lands, cultures and life ways," ICTMN, May 19, 2017, https://indiancountrymedianetwork.com/news/native-news/jesuits-return-525-acres-rosebud-sioux-tribe/, reported, "On Tuesday, May 2, the Jesuit-run St. Francis Mission announced it will return more than 500 acres to the Rosebud Sioux Tribe. The land is within the boundaries of the Rosebud Indian Reservation, and has been held by the St. Francis mission since the 1880s."

David Rooks, "Days Of Fear – Gun Violence Ripping Through Pine Ridge: Six shooting deaths since July have community seeking answers," ICTMN, January 4, 2017, https://indiancountrymedianetwork.com/news/native-news/days-fear-gun-violence-ripping-pine-ridge/, reported, "On Tuesday of the last week of 2016, a year in which five Pine Ridge Indian Reservation youth were victims in separate incidents of gun violence, three shots fired by a tribal police officer on the evening of December 27 ended the life of a sixth youth," who was reported to have been armed with a gun, which he drew on the officer, causing the officer to draw his own weapon.

The Southern Ute Tribe of Colorado has undertaken an excellent example of using contemporary media to increase communication, and thereby participation, in inclusive tribal discussion and decision making. In order to reach as many tribal members as possible for the tribal educational meeting on April 10, 2017, to discuss the issues raised in a member proposed referendum on how to allocate $45,515,000 remaining of the Sisseton Settlement Funds received by the tribe, the tribal council arranged for membership only live streaming of the meeting on the internet. Members could log in via the web sites of the tribe or its newspaper, the Southern Ute Drum, or via tribal Facebook. The referendum and the meeting about it were announced in all of those media. (Lindsay Box, "Council Affairs: Membership can livestream educational meeting, Southern Ute Drum, March 31, 2017).

The council had not previously taken any action on what to do with the funds in question. On reviewing the petition for a referendum on the matter, following the advice of tribal attorneys, the council had found that the petition was defective, and canceled the referendum, which had been scheduled, on February 14, by the tribal election board to take place March 17. As this was an issue of considerable concern to many members, the council set up the educational meeting on the matter with live streaming. At its April 4, 2017 meeting (which was proceeded by some protests by some tribal members that the referendum had been canceled), the Southern Ute Tribal Council authorized a referendum for May 4, 2017 for tribal members to vote on whether or not to distribute the remaining Sisseton Settlement Funds directly to tribal members.

The May 4 referendum passed the proposition that the remaining Sisseton Settlement be distributed to tribal members (Jeremy Wade Shockly, "Election Board certifies Referendum results," Southern Ute Drum, May 12, 2017).

Meanwhile, in February 2017, the Southern Ute Tribal Council began producing a half hour biweekly radio program, "Council Connect," on the tribal station, KSUT. The
program has been featuring the agenda of the upcoming council meeting and updates on the council's calendar, along with information on tribal and community events. The council has been using the show to discuss tribal business, including new initiatives and membership meetings. Particular council members and guests have participated in the show to develop the topics the council has been discussing. The program's upcoming agenda has been posted on the tribal website and on its Facebook page (Lindsay Box, "Council Corner: Council brings "Council Connect' show to KSUT," Southern Ute Drum, March 17, 2017).

Violent crime increased slightly on the Navajo Nation from 2015 to 2016. Homicides rose from 20 to 24. 13 arrests had been made in the '15 murders and 8 in those of '16 by March of 2017. Rape reports rose from 294 in 2015 to 319 in 2016, with 21 arrests for the 2015 assaults and 10 for those of 2016, by March of 2017. For other crimes in 2016 there were reports of: aggravated assaults: 417 - 200 arrests; Robbery: 26 - 4 arrests; burglary: 738 - 29 arrests; larceny: 896 - 136 arrests; motor vehicle theft: 1077 - 48 arrests. The Navajo police reported an increase of about 5000 calls for service from 2015 to 2016, the latter year experiencing over 221,000 calls (Bill Donovan, "Slight increase in violent crime on reservation," Navajo Times, March 30, 2017).

Lack of adequate funding has caused staff shortages and major challenges across some 200 programs of the Navajo Nation, causing cut backs in services and strain on existing employees. The lack of funding to fully fill these positions contributes to the 45% unemployment on the Navajo Nation (Bill Donovan, "Staff shortage a major challenge for tribe," Navajo Times, 2017).

The Navajo Nation Department of Health reported, in late April 2017, that 286 people on the Navajo Reservation were known to be living with HIV. 30 of those were new cases, a significantly lower number of new diagnoses than in past years, and well below the high of 47 new HIV infections identified in 2013. Of the 286 people with HIV, 73% are men, 23% are women, and the remaining 2% are transgender ("286 people on rez living with HIV," Navajo Times, April 27, 2017).

The Navajo Nation, Dine'Bich'iiya Summit on food and gardening, April 6-8 2017, initiated an ongoing tour as an education process to work toward food self-sufficiency and healthy eating on the reservation (Arlyssa Becenti, "Gardening summit planning meeting idea for tour," Navajo Times, February 10, 2017).

Families seeking home site lease approvals on the Navajo Nation will enjoy a speedier process, as the Bureau of Indian Affairs announced that as of July 24, 2017, it will no longer require its approval for these leases (Bill Donovan, "BIA steps out of home-site lease OKs," Navajo Times, 2017).

The Navajo Nation's considering moving its $2 billion from Wells Fargo was put on hold, in January 2017, after the bank's representatives said it respected Navajo Nation sovereignty, would improve the way it worked with the Nation, as well as reforming its practices generally, and noted that it spends $11 million in support to tribal nonprofit organizations, including a $3.4 million grant to the American Indian graduate center, which has awarded 30, $5000 scholarships to Navajo students. Complaints about Wells Fargo include its investing in the Dakota Access Pipeline, and pressuring its employees to create new accounts for people without their knowledge or permission. Some chapters may switch their banking business away from Wells Fargo (Arlyssa Becenti, "NN reconciles with Wells Fargo," Navajo Times, January 5, 2017).

The Navajo Nation established the Navajo Nation Youth Advisory Council when the Nation's President signed the Council into law, April 30, 2017. The council consists of 12
members ages 14-24 and is intended to give young people a voice in Navajo affairs, and will function under the executive branch of government (Aryrissa Becenti, "Started by the Youth for the Youth," *Navajo Times*, May 4, 2017).


In August 2015, Sarah Hart opened her beach on Henry Island – which the Lummi know as Lhelhinqel – to participants in the Coast Salish Mini-University for Lummi youth; the visit to Henry Island was part of a week of visits by the youth to ancestral sites in the San Juan Islands."

The increased racism in the U.S., enhanced by the Trump Presidential campaign, has also been impacting Native Americans. For example, Lynn Cordova, "Vandals Deface Salish School for Kids With Racial Slurs: 'Racism in Washington state is quiet, but it’s as alive as it ever has been,' said a member of the Colville Tribe," ICTMN, May 9, 2017, https://indiancountrymedianetwork.com/news/native-news/vandals-deface-salish-school-kids-racial-slurs/, reported, "At some point during the night on May 4, vandals wrote hateful messages on the walls inside a language immersion school for Native American kids in Spokane, Washington. Staff at the Salish School of Spokane found the racial slurs the next morning and immediately erased some and covered up others, according to reports."

"Grand Ronde Tribe Adopts Independent Press Ordinance: Tribal news publication creates independent editorial board," ICMN, January 8, 2017, https://indiancountrymedianetwork.com/news/native-news/grand-ronde-tribe-adopts-independent-press-ordinance/, reported, "Since 1984, The Confederated Tribes of Grand Ronde has published a tribal newspaper called Smoke Signals, but it was on December 28, 2016 that the Grand Ronde Tribal Council joined an increasing number of other Native American Tribes nationwide to adopt an Independent Press Ordinance. The ordinance goes into effect in mid-January and will codify that the tribal news publication has the independence to report Grand Ronde Tribe news objectively and free from undue political influence by tribal elected officials."


On March 30, the executive leadership withdrew an action to disenroll some 61 members, and by extension their families and other descendents, from the approximately 200-member tribe. This would have resulted in all 130 residents of the 52-acre rancheria, located on the eastern edge of Clear Lake in Lake County, being ousted. The council cited a 2015 tribal ordinance as justification for the March 30, 2016, action. "The Executive Committee looks forward to working with all Elem members to heal the tragic wounds of decades of internal disputes by affirming and nurturing Elem’s traditional values of tribal unity and collaboration for the benefit of all members,' the statement said."
A study of the impact in Santa Fe County, NM of the underfunding of the Indian Health Service found that 53% of respondents had to ration food in 2016, among the numerous problems underfunding caused tribal members. The report suggested that similar impacts were likely elsewhere (Francis Madeson, "Study: Urban Indians going hungry," *Navajo Times*, February 22, 2017).


According to Marissa Perez, Program Manager at the Center, Project Beacon is a three-year program that will serve Native American victims of commercial sex exploitation and trafficking regardless of age or gender. Project Beacon is funded by a $450,000 grant from the U.S. Department of Justice’s Office of Victim’s Services."

**Doris Clark, Navajo, was sworn in as the Navajo, AZ County recorder**, in January, 2017 the first Native to win county wide office in the county (Cindy Yurth, "Dine sworn in as Navajo County Recorder," *Navajo Times*, January 2017).

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**Economic Developments**

Tribes involved in fossil fuel extraction are greatly affected by the changes in fortune in their extracting industry. This is especially the case with those who have relied on coal mining for an extensive part of their income and at least some jobs. With natural gas prices low, the demand for coal in the United States has fallen off considerably and the coal industry has been producing much less, dropping income considerably for the tribes that depend on it. This has also meant a loss of jobs, compounded significantly by increased automation in the Industry. President Trump has promised to revive the coal industry, but this seems unlikely even if he can overcome the political and legal challenges in attempting to do so, given the cheap price of natural gas. There is still the possibility of increasing coal production for export, but this appears limited. China is moving to reduce coal use, though it has been having difficulty cutting back on construction of new coal power plants that local interests continue to build - but may only partially put on line. India and perhaps some other nations are potential buyers, but several U.S. cities have moved to prevent expansion of coal export facilities, making it difficult to achieve a large increase in export capacity. Also, India has recently cut back on new coal powered generating plant construction as it greatly increases solar and wind power generation.

The Crow Nation in Montana has been particularly hard hit by the reduction of U.S coal production. The 13,000 member tribe, long among the poorest, has had coal as the source of at least half the nation's non-Federal income, and per capita payments every four months of $225. The drop in coal production has severely reduced tribal income, bringing layoffs for 1000 of the tribe's 1300 employees, and a reduction of services. Crow tribal chief executive, Paul Little Light said of conditions on the reservation, in early 2017, “This is the worst I’ve ever seen it. Ever.”

**To a lesser degree, Navajo Nation, with modest economic development and income, has relied on coal mining on its reservation as an important source of income and jobs. The nation has done what it felt practical to move to green energy, but its government has felt compelled to continue to rely on coal as a source of jobs and income. This includes operation of the Navajo Mine, and the Navajo Generating Station. This coal powered**
electric generating station provides millions of dollars to the Navajo and Hopi nations, and employs 1885 people. As of April 2017, the plant was slated to be shut down at the end of 2019, 25 years ahead of the original schedule. Navajo President Russell Begaye has been asking the federal government to take majority ownership of the plant and keep it operating for another ten years while the tribe develops other sources of revenue.

The situation for oil and gas producing tribes is less pressing. Even if President Trump is unsuccessful in increasing oil and gas production and distribution (including Pipeline expansion) while the development of renewable energy continues to accelerate without being cramped by new public policy restrictions favored by oil and gas lobbied Republican state and national legislators, the shift away from gas and oil will be slow, with the biggest effect continuing to halt what for several years was a huge increase in natural gas production. Moreover, a number of the tribes heavily involved in gas and oil production are relatively well off and have been able to diversify their investments. They would certainly experience a loss of income from reductions in oil and gas production, but would be in a better position than some of the coal involved nations to meet it.

The Southern Ute Tribe of Colorado, for example, has been a major oil and gas producer. They have benefitted from taking over leases when they have expired to private companies, undertaking the extraction themselves. They have also purchased oil and gas pipelines extending as far as Mexico, which are likely to continue to operate for a long time even as production declines. The Utes have also made a variety of diverse investments, including in real estate, in a number of states, and undertaken joint development with the City of Durango as part of a project to build a new hospital (Julie Turkewitz, "Tribes That Live Off Coal Hold Tight to Trump’s Promises," The New York Times, April 1, 2017, https://www.nytimes.com/2017/04/01/us/trump-coal-promises.html?ref=todayspaper&_r=0; and other sources including various reports previously sited in these pages from the Southern Ute Drum and the Navajo Times).

Brian Daffron, "Tribes Showing Continued Interest In Solar Energy: Funding for 2017 projects still available," January 10, 2017, https://indiancountrymedianetwork.com/news/native-news/tribes-showing-continued-interest-solar-energy/, reported, "The past year saw a large commitment from the Department of Energy to support clean energy, with at least $9 million in grants given to 16 different tribal projects. Combined with cost-sharing matches raised by the award recipients, a minimum of nearly $25 million was used toward clean energy in Indian country. Solar energy made up a large portion of the grantees."


'The Cherokee Nation is here to improve the lives of Cherokee people, and doing so improves the lives of all Oklahomans,' said Cherokee Nation Principal Chief Bill John Baker. 'During my time as Principal Chief, I’ve seen firsthand the changes we are making in families and communities throughout Oklahoma. Our focus is creating jobs, investing in vital infrastructure, building homes, improving health care, supporting education and making a difference in the lives of children. Those activities aren’t just an investment in Cherokee Nation. It is also an investment in Oklahoma.'

Evans’ study shows the Cherokee Nation directly employs more than 11,000 people in Oklahoma and across the United States. Combined direct and indirect employment in northeast Oklahoma alone totals 17,788 jobs, supporting $785 million in total wages and benefits.
The Cherokee Nation continues to provide valuable economic opportunities in northeast Oklahoma, offering support to many rural areas challenged by the current patterns of urbanization,' said Evans. 'Continued growth in the direct impacts of the Cherokee Nation combined with improvements to the impact models combine to reveal an economic impact greater than $2 billion, resulting from fiscal year 2016 operations.'

The Cherokee Nation’s government and business locations are spread throughout its 14-county jurisdictional service area, which encompasses most of northeast Oklahoma.

Cherokee Nation Businesses, the tribe’s corporate holding company, generated a record-setting $1.02 billion in revenue in fiscal year 2016, the year studied by economists.

The tribe operates more than two dozen businesses that span numerous industries, including consulting, health sciences, real estate, technology, distribution and logistics, engineering, manufacturing, construction and environmental services. These businesses secured more than $600 million in contracts, with revenue being spread throughout multiple years, and accounted for more than 37 percent of CNB’s revenue last year.

Cherokee Nation Entertainment, CNB’s gaming and hospitality company, continues to see growth throughout the region. In the past two years, the company has opened three new gaming destinations. Cherokee Casino South Coffeyville opened in spring 2015 and Cherokee Casino & Hotel Roland was completed in December 2015. The tribe’s newest casino, Cherokee Casino Grove, near Grand Lake O’ the Cherokees, opened in late 2016.

CNB is also developing Cherokee Springs Plaza in Tahlequah. The new real estate development brought four new businesses and 170 jobs to the tribe’s capital city. Once completed, the development is expected to reach 1.3 million square feet of mixed use space. Cherokee Nation’s investment in infrastructure and building resulted in hundreds of additional temporary construction jobs last year.

Construction is underway on two more projects in Tahlequah. The expansion of Cherokee Nation’s W.W. Keeler Complex is adding a second floor, more office space and a new exterior to the nearly 40-year-old facility, and a $200 million, 469,000-square-foot outpatient health facility is being built next to W.W. Hastings Hospital. The tribe also completed the expansion of the Wilma P. Mankiller Health Center in Stilwell and the new Sam Hider Health Center in Jay. Last year, the tribe’s health system served 1.7 million patient visits.

Along with Cherokee Nation’s direct investment, the tribe offers an array of services such as housing, roads and bridges, career assistance, commerce services, education, human services and community development that have a significant impact on the local economy.

"When we invest in the lives of our people, we make a lasting impact on families and on the economy," said Chuck Hoskin Jr., Cherokee Nation secretary of state. "Our investment strategy is solid, and our people are worth every penny and all the hard work that go into executing that strategy."

The research team carefully collected and reviewed data to ensure the Cherokee Nation’s impact on the state is accurately presented. Studies of Cherokee Nation’s economic impact have been conducted every two years since 2010. Reports from 2010, 2012 and 2014 showed the tribe’s economic impact as $1 billion, $1.3 billion and $1.55 billion, respectively.

For more information about Cherokee Nation’s economic impact, please visit www.cherokeenationimpact.com.

Navajo Nation casinos in New Mexico in the first quarter of 2017 made enough money to cover all costs, except paying down the $220 million borrowed from Navajo Nation to build the Twin Arrows Casino and Resort. During that period, the two gaming and resort facilities had net (income over payout to winners) income of $200,000 less than the $21,528,766 for the first 3 months of 2016. The state of New Mexico receives about 9% of the net earnings, or about $1.9 million the nation payed the state in the first quarter. For
New Mexico tribal gaming over all, individual casinos reported net incomes of slightly less or slightly more in first quarter 2017, compared to first quarter 2016, with an over all drop in net income of about $600 from the $173 million of the first three months of 2016 (Bill Donovan, "NM Casinos report $21.5 million in net earnings," *Navajo Times*, June 8, 2017).

**Navajo Nation Economic Development Division**, in February 2017, reported progress on a number of projects with several of the nation's chapters. The Nahat'a Dzill Shopping Center Project in Sanders was moving toward opening in November 2017 with several retail and food businesses, which may provide some 100 jobs. The nation remained in negotiations about possibly purchasing the Fort Courage, a tourist restaurant west of Sanders. The Denneshoto Retail Market had received funding to complete its design phase. The Chinle Chapter was developing a plan for a vendor village, while the Crown Point Chapter was developing a plan for a market where vendors could sell food, arts and crafts. The Karigan Estates Project had completed and rented 21 homes in its third phase, and was proceeding with more construction in phase four. In Shiprock, a hotel was under construction to provide on-reservation housing for some of the thousands of tourists who pass through the Nation each year, while a Raytheon warehouse was 60% complete. The Nation was considering establishing one or more bed and breakfasts, as currently less than 5% of tourists who visit the reservation spend a night on it. The Nation, assisted by the U.S. Department of the Interior, continued to seek a tenant for the Shiprock Industrial Park. The tribe was considering building a sawmill, possibly at Leup, to begin scientifically managing and harvesting its forests (Bill Donovan, "Economic development taking place around the reservation," *Navajo Times*, February 23, 2017).

The 30,000 square foot Raytheon missile factory opened on the Navajo Nation, South of Farmington, NM, in April 2017 (Terry Bowman, Dedication ceremony held for new Raytheon facility, "Navajo Times," April 27, 2017).

Navajo Nation President Russell Begaye stated, in late December 2016, the Navajo Nation created 652 actual jobs, up to that point, in 2016 (Bill Donovan, "652 jobs added; NAPAi to go organic," *Navajo Times*, December 29, 2016).

The controller of the Navajo Nation estimated that the closure of the Navajo Generating Station will cause some where in the realm of a $23 million decrease in Navajo Nation revenue in 2018. The exact amount will depend on what happens to fuel prices. Arlyssa Becenti, "Closure of NGS will cause $23M decrease," *Navajo Times*, April 6, 2017).

**Cherokee Nation Businesses**, of Oklahoma, has partnered with Planet Technologies to form Evolve 365, which works with government and private sector Office 365 platform users, providing training and support services. For more information go to http://o265support.com ("Cherokee Nation Business partners with Planet Technologies to assist customers in digital Transformation," *NFIC*, February 2017).

**Cherokee Nation Technologies** has been supporting the National Resource Conservation service in the rehabilitation of the Millsite Dam, in Emery County, UT. For details visit www.cherokee-cnt.com ("Cherokee Nation Technologies supporting Millsite Dam rehabilitation effort," *NFIC*, February 2017).

The Cow Creek Band of Umpqua Tribe of Indians of Oregon has partnered with Lone Rock Timber Management Company of Oregon to purchase 82,000 acres of the Elliott State Forest from the state of Oregon, to sustainably manage the land for timber harvesting, creating 40 jobs a year. Assistance is being provided by the Confederated Tribe of Coos, Lower Umpqua and Sisualax Indians (Emily Howard, "Cow Creek Take Holistic Approach to Forest Management," *NFIC*, February, 2017).
Acoma Pueblo reached agreement, December 16, 2016, with Bright Green Group, for the company to lease land on the Pueblo for 25 years to build a 5.8 million square foot greenhouse for growing and developing medicinal plants in a joint venture with the Pueblo ("The Acoma Pueblo tribe and Bright Green Group of Companies sign a 25-year business agreement," NFIC, February 2017).

The North Dakota Tribes are collaborating through the North Dakota Native Tourism Alliance to expand the state's 3.1 billion tourist industry and capture a larger share of it. The alliance is planning developing tourist related venues while working with and through a number of organizations and media to attract more tourists to the state and the tribal lands ("North Dakota Tribes Promote Tourism," NFIC, May 2017).

**Education and Culture**

"Native Language Dictionary Added to Sealaska’s Free Offerings: SHI now has links to Tsimshian, Tlingit, and Haida dictionaries," ICMN, June 8, 2017, https://indiancountrymedianetwork.com/education/native-education/native-language-dictionary-added-sealaskas-free-offerings/, reported. "In an effort to make Native language resources as accessible as possible, Sealaska Heritage Institute has posted its Dictionary of Shm’algyack (Tsimshian) online free of charge. SHI especially wants these resources available to those students who are helping to revitalize the language and speaking it on the land.

The Dictionary of Shm’algyack can be found on Sealaska Heritage Institute’s language resources page: http://www.sealaskaheritage.org/institute/language/resources. The dictionary was compiled by Donna May Roberts with assistance from the Elders of Metlakatla, Alaska. 'Sealaska Heritage Institute’s Dictionary of Shmalgyack is the product of years of documentation of the Tsimshian language with assistance from fluent Elders,' says the language resources page. 'It’s a must-have resource for language learners and for people who are interested in learning more about the Tlingit culture.' The version available for free online is a searchable pdf.

Sealaska Heritage Institute encourages all Native language learners to make use of the free education tools available on the language resources page. The Dictionary of Shm’algyack joins other resources including a Tlingit and Haida dictionaries, a Haida phrasebook, verb databases, as well as audio links to clan name pronunciations and a long list of interactive tools and apps.

Also available on the language resources page are links to Native language curricula for instruction of Southeast Alaskan Native languages. Teachers are encouraged to download and use them in class. Even more curricula resources can be found on the education resources page: http://www.sealaskaheritage.org/institute/education/resources."

Christina Rose, "10 Ways to Boost Tribal Language Programs: Methods to encourage learning and cultural revival with minimal funding, ICTMN, May 6, 2017, https://indiancountrymedianetwork.com/education/native-education/10-ways-to-boost-tribal-language-programs/, discusses learnings from tribal language programs that may be useful for such programs.

The ten points covered are:

1. **Funding**: obtaining sufficient moneys to run the program adequately, which can come from tribes and/or governmental or private organization grants.

2. **Elders**: Finding ways to involve elders in the program to make it an effective emersion experience,

3. **Cultural Activities**: To gain community involvement - a key element in success - as well as to make the learning more effective, include, often extensive, cultural activities.
4. **Community Involvement**: As community involvement is a major element in the success of most programs, considerable time and effort may be required to develop it.

5. **Books or other learning materials**: Developing appropriate learning materials coordinated with the learning process is essential. In the case of the Washoe Nation community members were involved in developing the materials, which contributed to community enthusiasm and involvement.

6. **Handouts and other sharings with parents**: To make learning meaningful and widespread beyond the program sessions, it is very helpful to provide parents with relevant materials, encouraging their speaking the language at home with their children who are in the program.

7. **Curriculum Development**: It is very helpful to develop the curriculum so that the learning is useful in daily life, and students can and will use the language outside of the program from the earliest possible moments.

8. **Using Contemporary Media**: Learning and enthusiasm for it is enhanced if contemporary media can be developed and applied, including interactive computer programs, games, and participation in social media - which can be undertaken beyond the program.

9. **Games**: Playing games in the language has been found to be a very effective learning device.

10. **Free Resources**: "Among Hayward’s top suggestions: make your language popular, visible, and accessible. Speak your language in your community with all community members. Utilize YouTube and Facebook and use the tribe’s website as much as possible. Include a phrase of the day or week with a short recording."


   'The Bureau of Indian Education’s schools generally do not collect data on transportation-related causes for absences, despite broader federal guidance that recommends doing so. BIE’s attendance system lists causes, but transportation-related causes are currently not among them. Thus, BIE cannot quantify the effect of road conditions and target appropriate interventions,’ says a new GAO study.

   'Rough road conditions in some areas also contribute to greater wear on school vehicles and associated higher maintenance costs,' it concludes."

   "Interior, responding to this recommendation, said BIE will explore adding a field to its database to see if absence has been caused by inclement weather or transportation."

   "In addition, 'School and district officials also mentioned that school attendance was lower when they altered or halted school bus routes because of adverse weather conditions that compounded the already poor road conditions.'"

Forward Promise has seven key areas of focus, two of which it cites as especially applicable to Native boys and young men: graduation rates and employment.

"Forward Promise does not subscribe to the traditional model of focusing on risk factors, rather, we are focused on opportunity factors—factors and influences that play a critical role in helping young men grow up healthy, get a good education and find meaningful employment," according to the Foundation. These include collaboration, diversity and innovation.

Among its grants are one to the Alaska Native Heritage Center for $500,000.

In its issue brief on dropout rates, the Foundation noted that for 2012, the status dropout rate was 14.8 percent for American Indian/ Alaska Native males. And it noted a correlation between dropouts and family poverty.

"It concludes the most successful efforts to combat dropouts include those that reach all grade levels and all stakeholders in the educational pipeline; include families and communities; establish collaboration among interested institutions and groups; heighten the relevancy of educational efforts; and establish relationships between youth and adults who will guide them and commit to their success."

Tanya H. Lee, "United Tribes Technical College Tuition Waiver Is a Win-Win: Students and United Tribes Technical College benefitting from free tuition program," ICTMN, May 29, 2017, https://indiancountrymedianetwork.com/education/native-education/united-tribes-technical-college-tuition-waiver-win-win/, reported, United Tribes Technical College has discovered that by offering free tuition it can increase enrollment by more than 25 percent and not put the school at financial risk—in fact, they may come out ahead.

"Last fall, United Tribes Technical College started a program that waives tuition for Native American students with financial need. Enrollment went up by 22 percent to 483 students, with another 6 percent increase in spring 2017. And students who take advantage of the tuition waiver program tend to do better academically than other students. UTTC President Leander R. McDonald, Spirit Lake Tribe, explains how the numbers worked. 'We anticipated about $300,000 in lost tuition for the college and it ended up being a little over a half a million dollars.' On the other hand, overall enrollment went up and included students who were paying tuition, so tuition revenues increased, as did revenues from fees, student housing and food services. "With formula funding, the more students you have the more money you get, and we’re anticipating an increase from that. So really it ends up being pretty near break even," he said.

For students, the numbers are equally good, said McDonald. 'If the total cost for college were $10,000 a semester, and they get a Pell grant, that’s around $2,750. Tribes might contribute around $3,500, so right there they’ve got $6,000. Tuition averages about $1,800, so that’s in there. The American Indian College Fund might provide anywhere from $500 to $2,000.'"

"Teleconferencing Brings More Courses to Tribal College: BSU courses available to tribal college students at Red Lake," ICMN, March 3, 2017, https://indiancountrymedianetwork.com/education/native-education/teleconferencing-brings-courses-tribal-college/, reported on a promising trial interinstitutional cooperative program, "A unique partnership is allowing students at Red Lake Nation College in Red Lake, Minnesota,
to take a Criminal Justice and Society course offered by Bemidji State University without having to leave their home campus."

"Pipeline to College Program for Native American Youth Coming Up: Native American youth can experience college life at Cal Poly Pomona, ICTMN, May 15, 2017, https://indiancountrymedianetwork.com/education/native-education/pipeline-college-program-native-american-youth-coming/, reported, "Native American high school students interested in attending a four-year university can get a taste of what college life can be like by attending the Cal Poly Pomona Native American Youth Leadership Summer Pipeline to College program.

Students will have a week from July 16 to 22 to explore the university. They will stay on campus, attend lectures taught by Cal Poly Pomona faculty, and cultural classes. Native American youth attending the program can also explore off campus activities so they can see what the environment is like outside the college.

'We aim for the program to be a comprehensive mixture of relevant academic and cultural materials to provide a well rounded educational experience for Native American youth,” said River Garza, community liaison for Cal Poly Pomona. “We hope that the students who attend our program leave with greater insight into what it takes to navigate and be successful in college.'

The program is free, but the students will have to get to the university to attend. Students have attended from as far away as Oklahoma. The majority of Native American youth who attend the program do continue on to attend a four-year university or a community college."

In California, fourth grade students have begun learning what Indian life was really like at the Spanish missions in the state, which is not told to tourists who visit the missions. A piece of that education is reading the novel by Gary Robinson, Lands of Our Ancestors, written for fourth graders, showing the effects of Spanish colonization on Native Peoples of California (Mark R. Day, "Lands of Our Ancestors: a Novel Approach to Educating: Fourth graders learn about life at the Spanish missions in California," May 27, 2017, https://indiancountrymedianetwork.com/education/native-education/lands-ancestors-educating/).

Saint Joseph's Indian School in Chamberlain, SD, serving Lakota students, reports that while overall in South Dakota only 46% of Indian young people graduated from high school in 2014, "Approximately 85% of the children who attend St. Joseph’s in their elementary years will graduate from high school." In 2010 95.5% of students who successfully completed eighth grade at St. Joseph’s went on to graduate from high school. A considerable number of St. Joseph's graduates, after completing high school, have gone on to higher academic and vocational education. A number of the school's alumni have made careers in healthcare, education and counseling. Moreover, "Past graduates often return to St. Joseph’s campus and their reservation communities to motivate and advocate for the next generation. These successful graduates are able to make a real difference for our students because of their willingness to be good role models."

The school is home to more than 200 boys and girls. Following eighth grade, students can enroll in St. Joseph’s High School Program, which has a capacity of 50 students.

Factors in Saint Joseph's success include: high level individualized education with individual care plans, and small classes (averaging 12 students a class) allowing for individualized learning; supportive counseling; Cultural integration, including having preserving and sharing Lakota culture a core part of St. Joseph's mission, with Lakota language and culture embedded in the curriculum, while engaging in education and mentoring of all teachers in Lakota culture, providing cultural experts on staff and advisors to assist students with ceremony, including on campus Inipi (sweat lodges), an annual powwow, and hosting the Akta
Lakota Museum and Cultural Center on campus; **Imbedding Lakota ways and philosophy in the core classes** in math, science and language, and working with the WoLakota program to provide a cultural thread in the classroom; and **student participation in a variety of extracurricular activities**, including in Lakota Cultural activities (among them: Lakota language and powwow competitions, hand games, a traditional drum group, Lakota song and dance, and cultural trips), fine arts and sports. For more about St. Joseph's visit: stjo.org/success (E-mail of May 31, 2017 from Fr. J. Anthony Kluckman, SCJ of St, Joseph's Indian School; and St. Joseph's publications: "Quality Education for a Bright Future," "Cultural Awareness," and "Life After St. Joseph's Indian School").

The Navajo Nation Board of Education has developed an accountability plan for all BIE funded Dine schools. The new standards will include having Navajo government and culture in the curriculum (Christopher S. Pineo, "Accountability plan will include Dine culture and government," Navajo Times, February 16, 2017).

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International Organization Developments


'**The particular characteristics of indigenous peoples and their territories,**' must be protected, Francis said, according to Reuters. He stated this was especially true 'when planning economic activities which may interfere with indigenous cultures and their ancestral relationship to the earth.' He also promoted the full participation of indigenous peoples in local and national government.

'The right to prior and informed consent should always prevail, as foreseen in Article 32 of the Declaration on the Rights of Indigenous Peoples,'" he added, according to US News. "Only then is it possible to guarantee peaceful cooperation between governing authorities and indigenous peoples, overcoming confrontation and conflict."

The 2007 UN Declaration the Pope referenced was opposed by the U.S., Canada, Australia and New Zealand.

Pope Francis has a record of defending the environment. His 2015 encyclical on the environment and human ecology shared a prayer for the earth: "Bring healing to our lives, that we may protect the world and not prey on it, that we may sow beauty, not pollution and destruction."

While he didn't specifically mention the controversial Dakota Access Pipeline (DAPL), many news outlets picked up on his suggestive and timely focus on indigenous land rights and reported the connection. Reuters described his actions as backing 'Native Americans seeking to halt part of the Dakota Access Pipeline, saying indigenous cultures have a right to defend 'their ancestral relationship to the earth.'"

March 13-24, 2017, the 61st Commission on the Status of Women (CSW61) convened at the United Nations Headquarters in New York City to discuss three major issues: women’s economic empowerment in the changing world of work, challenges and achievements in the implementation of the Millennium Development Goals for women and girls, and the empowerment of Indigenous women. 2017 also marks the 10th anniversary of the UN Declaration of the Rights of Indigenous Peoples and an opportunity for Indigenous women to vocalize their needs and concerns.

The session focused on four thematic areas pertaining to Indigenous women: participation in decision making processes at all levels; violence; economic opportunities; and the impact of climate change and responses. Prior to the Commission taking place, the UN released a video describing some of the barriers to Indigenous women’s empowerment. While the focus on Indigenous women was historic in itself, the 2030 agenda pledges to leave no one behind and Indigenous women are perhaps “the group furthest behind,” noted H.E. Mr. Antonio de Aguiar Patriota (Brazil) in his opening remarks as Chair of CSW61. One of the points of discussion from the session was recognizing and portraying Indigenous women as agents of change rather than victims and the Indigenous women at CSW61 spoke powerfully about the injustices their peers face and provided unique insight into addressing these issues.

Indigenous women leaders stated their need for rights to economic empowerment, education, and their right to be part of the decision making processes for solutions to worldwide problems. Indigenous women are underrepresented in decision-making processes across the board. Too often increasing participation is seen as a goal rather than a means to providing women with the opportunity to affect change and bring their unique and insightful perspectives to bear on the solutions to global problems. In a press conference, Aminatu Samiratu Gambo (Mbororo) of the Indigenous Information Network Kenya and Cameroon said, 'When the CSW came up with this topic [empowering Indigenous Women] and decided to involve the Indigenous women as one of their strategy teams, it is a very vital situation for us, we think that it is time for us to raise our voices, to make sure that this should not be the only time they are giving us that opportunity, but it should be a continuous process so that we can come out from our struggles and be able to embrace the development in the world at large.' Gambo went on to explain that in some cases 'the men in our communities don’t let us rise because of the cultures, the religions and so on, but it is the moment where we want the men to give us that space, that we should come together and work together so that we can be heard and our situations will be resolved.' Providing women with the platform to speak about the injustices Indigenous women and girls face is an important step towards developing and implementing policies to address these injustices.

Climate change is another issue affecting Indigenous communities, and Victoria Tauli-Corpuz (Igorot), UN Special Rapporteur on the Rights of Indigenous Peoples, reminded everyone of the impact climate change has on Indigenous women and the potential role women can have as champions of sustainability. Many of the regions most affected by extreme weather conditions are home to Indigenous Peoples. Women have long been proponents of environmental preservation and sustainability for future generations, a sentiment that has become increasingly popular as climate change worsens. Tarcila Rivera Zea (Quechua), executive director Chirapaq, described the effects felt by her people in Peru, 'We globally, as Indigenous women, youth and the different actors of Indigenous peoples, we are against all kinds of violence, we call violences because one of the violences, for example, now is what happened with extreme climate. In my country, Peru, we are suffering from the floods, the plants, agriculture, the animals are going with the water to the sea, it’s terrible and in this case we as indigenous women, if we want to guarantee and continue preserving our seeds for food, for medicine, with biodiversity, with plants and all this, we are directly impacted by climate change, extreme climate change. In this case, we think, as Indigenous peoples and as Indigenous women
we need to participate directly on the programs of mitigation, adaptation, with our proper knowledge and to be present in the ordinary budget not only as a small possibility to be first because now you need some blankets or something like that, we need to be present as a sustainable program.’ Indigenous women, she argues, should be involved in the decision and policy making to mitigate what affects them, and climate change is one such issue that profoundly affects Indigenous women.

The CSW61 Agreed Conclusions (advanced unedited version) released following the end of CSW61 reaffirm previous declarations including the Beijing Declaration and Platform for Action, Convention for the Elimination of Discrimination Against Women (CEDAW), and Convention on the Rights of the Child (CRC) and outlines guidelines and frameworks for empowering women. The Agreed Conclusions include sections on strengthening education, training and skills development, implementation of social and economic policies for women’s empowerment, considerations of the growing informality of work and women workers, managing technological and digital change, strengthening women’s collective voice, leadership and decision-making, and strengthening women’s public sector role in economic empowerment. These Agreed Conclusions set an important foundation for continued work on behalf of Indigenous women and girls. According to Agnes Leina (Maasai), director of Ilaramatak Community Concerns in Kenya, ‘Indigenous women, and especially Indigenous girls are still behind, and they shall not be left behind.

There is a lot that we still need to do in terms of Indigenous people, especially on violence against Indigenous women and Indigenous girls. Violence against women is so subtle, and it comes in a very sneaky manner because it is part and parcel of culture and Indigenous people are known to be so close to their culture.... Indigenous women, Indigenous girls -- no girl shall be left behind. All girls must be included in that spirit of living in the SDG’s.’

On April 25, the UN will hold a high-level event under the auspices of the President of the General Assembly and Chandra Roy-Hendriksen, Secretariat of the UN Permanent Forum on Indigenous Issues, during a press conference said of the event, 'we are expecting that - we are hoping - that when this event takes place, that there will be member states coming forward with other partners to say that this is what we have achieved, this is where we are now, and this is where we want to go because this ten year mark gives us an opportunity to see what has been done but also to identify what needs to be done, as we have seen in many cases, we know progress has been uneven. ... In terms of the CSW, the UN’s perspective in terms of how the indigenous women’s agenda can move forward, and this is something where I speak from our section we work on Indigenous peoples’ rights and our message is that that is an issue that should be picked up, needs to be picked up and given much more visibility.' On the same subject, Tarcila Rivera Zea offered similar sentiments, “I think the context of the Declaration is a very good opportunity to reflect how we advance as Indigenous organizations and how the governments or the states implemented actions in the different levels for respecting and taking into account this declaration. We are also in the 15th year of the permanent forum with Indigenous peoples and we have more than a thousand recommendations and we need to see what happened with these recommendations, what happened with the priorities for indigenous peoples, not only as they are the poorest sector, no, we need to be considered as subjects of rights, it’s time to do that.'

The Commission on the Status of Women will convene again in March 2018. For more information about the CSW and its work throughout the year, visit UN Women.”

The United Nations Permanent Forum on Indigenous Issues
UNPFII Sixteenth Session 24 April to 5 May 2017
United Nations, New York City
Recommendations to Member States of the UN **Permanent Forum on Indigenous Issues**

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<td>9. The Permanent Forum recommends that States recognize the language rights of indigenous peoples and develop language policies to promote and protect indigenous languages, with a focus on high-quality education in indigenous languages, including by supporting full immersion methods such as language nests and innovative methods such as nomadic schools. It is essential that States develop evidence-based legislation and policies to promote and protect indigenous languages and, in that regard, they should collect and disseminate baseline information on the status of indigenous languages. These activities should be conducted in close cooperation with the indigenous peoples concerned.</td>
<td>Member States</td>
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<td>10. The Permanent Forum recommends that States and the United Nations system, including United Nations country teams, provide support, including funding, for the efforts of indigenous peoples’ institutions to preserve and revitalize their languages, with the particular goal of fluency. Such efforts may include the sharing of positive experiences and the establishment of informal networks or caucuses involved in the promotion and revitalization of indigenous languages, as well as the use of information and communications technology in indigenous languages. It is important that States provide adequate funding for language revitalization and the preservation of cultural heritage as it relates to indigenous languages. In addition, States should facilitate funding for indigenous language projects from external donors, including the private sector, in accordance with law.</td>
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<td>16. Recalling the study on decolonization of the Pacific region (see E/C.19/2013/12), the Permanent Forum invites the relevant States to provide information on the status of the situation of the indigenous peoples concerned to the Permanent Forum at its sixteenth session.</td>
<td>Member States</td>
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<td>18. The Permanent Forum welcomes the endorsement by Canada of the United Nations Declaration, without qualification. The Forum looks forward to its immediate implementation, with the full and effective participation of indigenous peoples, as a critical step in the reconciliation process between indigenous peoples and the State.</td>
<td>Canada</td>
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<td>19. The Permanent Forum expresses its appreciation to the Government of Guatemala and organizations of indigenous peoples, especially the Organismo Naleb', for the support provided to hold the preparatory meeting for the fifteenth session of the Forum in Guatemala from 10 to 16 April 2016. The Forum appreciates the country’s openness and dialogue with indigenous peoples’ organizations, women’s and youth organizations, the private sector, media, and the United Nations country team, as well as the dialogue among the legislative, executive and judicial branches of the Government. The Forum calls upon States to propose and host the preliminary sessions of the Forum in the future.</td>
<td>Member States</td>
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<td>20. The Permanent Forum welcomes the initiation of a national dialogue to discuss and achieve key constitutional reforms in the field of justice in Guatemala, and encourages the recognition of indigenous justice systems. The Forum urges Guatemala and the private sector, in addition to the World Bank and other international economic institutions, to acknowledge that serious efforts require structural economic and social reforms rather than rapid growth of gross domestic product in order to reverse widespread and growing poverty among the indigenous peoples of Guatemala. Such crucial reforms must ensure more equitable distribution and access to traditional lands for the indigenous peoples of Guatemala, consistent with the rights affirmed in the United Nations Declaration, and on the basis of respect for and legal recognition of their collective rights, including their self-determined development. Furthermore, the Forum calls upon Guatemala to reinforce the effective and full implementation of the Peace Accords.</td>
<td>Guatemala</td>
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<td>21. In accordance with international law, the Permanent Forum recommends that all States</td>
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members of the Organization of American States recognize and respect that the United Nations Declaration constitutes the minimum standards for the survival, dignity and well-being of indigenous peoples of the world, and requests them to ensure that the draft American declaration on the rights of indigenous peoples is consistent with or exceeds the standards affirmed in the United Nations Declaration.

22. The Permanent Forum calls upon States to support the activities of representative institutions of indigenous peoples and to avoid any practice of limitation of such activities. The Forum urges all States to enable the functioning of indigenous peoples’ institutions, in accordance with articles 5, 18 and 19 of the United Nations Declaration, as well as its spirit and intent.

26. Considering the calls by the Sami of Finland and the indigenous peoples of Canada, among others, the Permanent Forum respectfully requests that all Member States that have not done so take action to ratify ILO Convention No. 169.

28. Consistent with articles 18 and 19 of the United Nations Declaration and in line with the implementation of the 2030 Agenda for Sustainable Development, with the call to “leave no one behind”, the Permanent Forum strongly recommend that States and funds, programmes and specialized agencies of the United Nations system ensure the disaggregation of data on the basis of indigenous identifiers/ethnicity and the full and effective participation of indigenous peoples in developing and monitoring national action plans and in all processes relating to the follow-up to and review of the implementation of the Sustainable Development Goals, including at the high-level political forum on sustainable development.

29. Considering the statements made by Brazil at the fifteenth session, the Permanent Forum welcomes the willingness of the Government to engage in dialogue concerning the status, conditions and rights of the indigenous peoples of Brazil, many of whom have faced the suspension of the land demarcation process. The Forum respectfully requests Brazil to uphold its national and international obligations to recognize and respect the human rights of indigenous peoples, as affirmed in the United Nations Declaration and ILO Convention No. 169. Furthermore, the Forum urges the interim Government of Brazil to safeguard the status of the National Indian Foundation and its mandate with regard to the indigenous peoples of Brazil.

31. Mauna Kea, the sacred mountain for native Hawaiians, is currently targeted for the placement of an international observatory featuring a 30- metre telescope. Such an activity inhibits and is contrary to the rights articulated in articles 11 and 12 of the United Nations Declaration. In addition, the Permanent Forum strongly recommends that the free, prior and informed consent of native Hawaiians be recognized.

32. The Permanent Forum appreciates the willingness of Envoy of the Secretary-General on Youth to make visible the situation of indigenous youth, in particular concerning suicide and self-harm, in his advocacy. The Forum calls upon Member States to implement the recommendations of the international expert group meeting on indigenous youth, held in 2013 (see E/C.19/2013/3), in collaboration with the United Nations Inter-Agency Network on Youth Development and with the full participation of indigenous youth. The Forum invites the Network to report on progress in this regard at the sixteenth session of the Forum. The Forum invites the Network and the Envoy to increase the participation of indigenous youth in the sessions of the Forum and all relevant United Nations forums, and to report on progress in this regard at the sixteenth session of the Forum.

33. The Permanent Forum invites the General Assembly to consider the creation of a distinct United Nations voluntary fund for indigenous youth or the earmarking of existing and future funds to increase and enhance the direct participation of indigenous youth at the United Nations. Furthermore, the Forum encourages every State Member of the United Nations to make multi-year voluntary contributions to such existing and/or future funds.

34. The Permanent Forum urges States to take the measures at the national level necessary for
35. Building upon past work of the Permanent Forum with regard to indigenous women, in particular the study on the extent of violence against indigenous women and girls in terms of article 22 (2) of the United Nations Declaration (see E/C.19/2013/9) and the report of the international expert group meeting on combating such violence (see E/2012/43-E/C.19/2012/13) the Forum recommends that States adopt measures aimed at addressing the specific problems of police brutality, systemic police violence and discrimination against indigenous women, as experienced, for example, by indigenous women in Val-d’Or, Canada, Sepur Zarco, Guatemala, and north-east India.

38. The Permanent Forum urges Member States and funds, programmes and specialized agencies of the United Nations system to implement action to reduce maternal mortality among indigenous women. The Forum recommends that the United Nations Population Fund, the United Nations Children’s Fund and the United Nations Entity for Gender Equality and the Empowerment of Women publish a factsheet, in collaboration with the Forum, on indigenous women’s maternal mortality and maternal health, with the aim of reducing maternal mortality and promoting sexual and reproductive health.

39. The Permanent Forum urges Member States and funds, programmes and specialized agencies of the United Nations system to implement actions to strengthen the leadership and political participation of indigenous women.

40. Consistent with the commitments in the outcome document of the high-level meeting of the General Assembly known as the World Conference on Indigenous Peoples (General Assembly resolution 69/2) and the standards for indigenous peoples’ survival, dignity and well-being contained in the United Nations Declaration, the Permanent Forum recommends that States fully engage indigenous peoples in good-faith negotiations of treaties, agreements and other constructive arrangements on the basis of the unequivocal recognition of indigenous peoples’ rights to lands, territories and resources and to fully reject the extinguishment of indigenous rights in form or result. Furthermore, the Forum recommends that States address the call for full and effective redress for the loss of lands, territories and resources and State breaches of treaties, agreements and other constructive arrangements. The Forum reiterates the urgent need for States to institute, in conjunction with indigenous peoples, high-level oversight bodies to guide and oversee the conduct of negotiations and implementation of treaties, agreements and other constructive arrangements in the light of ongoing negotiation and implementation issues. Building on the recommendations advanced at the eleventh session of the Forum, States are encouraged to support the resolution of disputes between indigenous peoples by providing financial and other methods of support to achieve peaceful resolution.

44. The Permanent Forum recommends that Member States, owing to the threat of biopiracy and the pharmaceutical industry, develop legislative measures, with the full and effective participation of indigenous peoples, to protect traditional medicine and knowledge, and to secure the rights of indigenous peoples to intellectual property.

45. While it is recognized that land and environmental degradation are factors of global concern, they have caused severe and stressful negative impacts among indigenous peoples as a result of land mismanagement such as the overexploitation of natural resources through factors such as mining and the overutilization of forest wood (timber) and other products. This has resulted in soil and water degradation, leading to the acceleration of the effects of climate change, low food production and uncertain livelihoods for communities. The Permanent Forum recommends that States stop development projects on indigenous peoples’ lands that lack environmental impact assessments and certificates of free, prior and informed consent.
47. The Permanent Forum requests UNESCO to host a joint seminar with the Expert Mechanism on the Rights of Indigenous Peoples and other relevant United Nations mechanisms for the purpose of exploring the development of a new international mechanism on the repatriation of ceremonial objects and human remains. Furthermore, the Forum calls upon all States with national repositories of indigenous cultural items and ancestral remains, including museums and universities, to work with UNESCO to create an international database and inventory of these items accessible to indigenous peoples as a basis for initiating dialogue.

51. States should take effective measures to eliminate violence against indigenous peoples by studying the root causes of conflict and human rights abuses, developing indicators and methodologies for risk assessment and early warning mechanisms and improving national legislation for the administration of justice with regard to the perpetrators of war crimes.

52. Consistent with articles 7 and 30 of the United Nations Declaration, States should take measures for settlement, protection and security in the post-conflict period, and for the construction of durable and lasting peace, promoting the full and effective inclusion of indigenous peoples, including indigenous women, in any initiative for peace and reconciliation.

55. The Permanent Forum urges Member States to contribute support to make possible the annual UNITAR training programme to enhance the conflict prevention and peacemaking capacities of indigenous peoples’ representatives so as to strengthen indigenous capacity to engage in negotiation, dialogue and peace processes to contribute to sustainable peace.

57. Sexual and gender-based violence increases in settings of conflict. Sexual violence has also been used systematically as a weapon of war against indigenous women. In the light of the particular risks and vulnerabilities of indigenous women and girls relating to sexual and gender-based violence, the Permanent Forum recommends that Governments, local authorities, specialized agencies of the United Nations system and civil society collaborate with indigenous peoples to establish multisectoral and holistic.

59. The Permanent Forum expresses its solidarity with the families of 43 trainee teachers of Ayotzinapa, Guerrero, Mexico, who have been missing since 26 September 2014, and supports their efforts to seek justice. The Forum also welcomes and acknowledges the steps taken thus far by the Government of Mexico to resolve this disappearance, and encourages the Government to continue its efforts in collaboration with the Inter-American Commission on Human Rights and in close consultation with the relevant indigenous peoples and families.

60. With reference to article 42 of the United Nations Declaration, the Permanent Forum invites African States, in particular Burundi, the Central African Republic, the Democratic Republic of the Congo, Libya, Mali, Nigeria and Rwanda, to present, at its sixteenth session, information on the situation of indigenous peoples affected by conflict in those countries.
61. The Permanent Forum urges the international community to support the peace process in Mali and establish an independent monitoring committee that, in accordance with articles 7 and 37 of the United Nations Declaration, would oversee the implementation of the peace agreement of 20 June 2015, with the effective and representative participation of the Tuareg peoples.

63. The Permanent Forum is concerned at the lack of implementation of its previous recommendations that States implement the agreements reached in peace accords, and encourages States to engage in constructive dialogue with indigenous peoples, including the Maya, Garifuna, Xinka, Jumma, Kanak, Naga, Chin, Amazigh, Tuareg and Maohis peoples, and provide information to the Forum at its sixteenth session on the status of the agreements. In accordance with articles 3, 4, 5, 18 and 27 of the United Nations Declaration, the Forum urges the States concerned to engage in implementation with the full participation of indigenous peoples.

64. The religious, spiritual and cultural sites of indigenous peoples, including the Ktunaxa Nation in Canada, the Aboriginal people of Australia, the Maya of Guatemala and the Amazigh peoples, continue to face destruction. This has profoundly negative impacts on indigenous peoples, including affecting their sacred practices. Consistent with articles 11, 12, 13, 19, 25, 31 and 32 of the United Nations Declaration and paragraphs 20 and 27 of the outcome document of the World Conference on Indigenous Peoples, the Permanent Forum recommends that, in their national action plans, strategies and other measures, States:

(a) Take effective measures to ensure that indigenous peoples’ spiritual and cultural sites are protected;

(b) Ensure that, consistent with article 32 of the United Nations Declaration, indigenous peoples are not forced to defend these rights against proposed development projects or through litigation in courts;

(c) Actively resolve disputes directly with indigenous peoples, consistent with article 19 of the United Nations Declaration, given that these rights constitute critical elements of the survival, dignity and well-being of indigenous peoples.

67. Taking into account paragraphs 11, 14, 15, 17 and 26 of the outcome document of the World Conference on Indigenous Peoples and article 23 of the United Nations Declaration, the Permanent Forum reminds Member States of the need to implement their commitments through national action plans, strategies or other measures, developed jointly and effectively with indigenous representatives on the basis of the right of free, prior and informed consent, in particular to ensure the adequate training and availability of health professionals in indigenous communities as a matter of urgency.

71. As a result of the dialogue between the expert members of the Permanent Forum and Member States, the Forum recommends that all Member States:

(a) Prepare, for the Forum at its sixteenth session, reports on the implementation of the United Nations Declaration in their countries, with a focus on progress and outstanding issues, in particular in relation to legislative measures;

(b) In recognition of the tenth anniversary of the adoption of the United Nations Declaration, organize activities to commemorate the adoption at various levels, from local to national, including to raise public awareness of the Declaration and the progress achieved.

74. Given the holistic and integral vision of indigenous peoples, the Sustainable Development Goals must be implemented in a comprehensive way, taking into account that the absence of a single element would lead to a lack of equilibrium and harmony in relationships between
human beings and Mother Nature. The Permanent Forum recommends that States and United Nations agencies widely disseminate the Goals to indigenous peoples, using culturally appropriate educational tools and in indigenous languages, observing protocols and times suitable for such dissemination, given the lack of knowledge about them.

Other Documents
available from the 16th session

Submitted by the Secretariat of the UNPFII:

- Provisional Agenda | AR | EN | ES | FR | RU | ZH
- Proposed organization of work | AR | EN | ES | FR | RU | ZH
- E/C.19/2017/2 Implementation of the United Nations system-wide action plan on indigenous peoples | AR | EN | ES | FR | RU | ZH
- E/C.19/2017/3 Update on the implementation of the recommendations of the Permanent Forum | AR | EN | ES | FR | RU | ZH
- E/C.19/2017/4 Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration | AR | EN | ES | FR | RU | ZH
- E/C.19/2017/5 Indigenous peoples and the 2030 Agenda | AR | EN | ES | FR | RU | ZH
- E/C.19/2017/6 Compilation of information from Member States on addressing the recommendations of the Permanent Forum | AR | EN | ES | FR | RU | ZH
- E/C.19/2017/7 Compilation of information received from indigenous peoples’ organizations | AR | EN | ES | FR | RU | ZH
- E/C.19/2017/8 Compilation of information received from agencies, funds and programmes of the United Nations system and other intergovernmental bodies on progress in the implementation of the recommendations of the Permanent Forum | AR | EN | ES | FR | RU | ZH
- E/C.19/2017/9 Compilation of information from national human rights institutions | AR | EN | ES | FR | RU | ZH

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- Australia | AR | EN | ES | FR | RU | ZH
- Bolivia | AR | EN | ES | FR | RU | ZH
- Annex 1
- Annex 2
- Annex 3
- Annex 4
- Denmark and Greenland | AR | EN | ES | FR | RU | ZH
- El Salvador | AR | EN | ES | FR | RU | ZH
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- Economic Commission for Latin America and the Caribbean | AR | EN | ES | FR | RU | ZH
- Food and Agriculture Organization | AR | EN | ES | FR | RU | ZH

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- Denmark | AR | EN | ES | FR | RU | ZH
- Indonesia | AR | EN | ES | FR | RU | ZH
- Kenya | AR | EN | ES | FR | RU | ZH
- New Zealand | AR | EN | ES | FR | RU | ZH
- Nicaragua | AR | EN | ES | FR | RU | ZH

Responses to questionnaire submitted by Indigenous Peoples Organizations / Institutions and NGOs:

- Aboriginal Rights Coalition | AR | EN | ES | FR | RU | ZH
- Asia Indigenous Peoples Pact | AR | EN | ES | FR | RU | ZH
- Asociacion Qhapaq Pukara | AR | EN | ES | FR | RU | ZH
- Congres Populaire Coutumier Kanak | AR | EN | ES | FR | RU | ZH
- Federation des ONG en Kanaky | AR | EN | ES | FR | RU | ZH
- Indian Law Resource Center | AR | EN | ES | FR | RU | ZH
- Khoe-San Indigenous Women | AR | EN | ES | FR | RU | ZH
- National Indian Youth Council | AR | EN | ES | FR | RU | ZH
- Nation of Hawaii | AR | EN | ES | FR | RU | ZH
- Observatorio de Pueblos Indigenas (Guatemala) | AR | EN | ES | FR | RU | ZH
- Office of Hawaiian Affairs | AR | EN | ES | FR | RU | ZH
- Senat Coutumier de la Nouvelle-Caledonie | AR | EN | ES | FR | RU | ZH
- Union des Peuples Autochtones pour le Reveil au Developpement | AR | EN | ES | FR | RU | ZH

Other documents

- Proposed Agenda – Dialogue with Member States (closed meeting) – Item 3

Submitted by Indigenous Peoples Organizations

- The Declaration of Tecpán, 3rd International Indigenous Peoples Corn Conference, Tecpán, Guatemala, March 9th, 2017

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Operations (UN DPKO).......................................................................5
Recommendations addressed to the United Nations System

10. The Permanent Forum recommends that States and the United Nations system, including United Nations country teams, provide support, including funding, for the efforts of indigenous peoples’ institutions to preserve and revitalize their languages, with the particular goal of fluency. Such efforts may include the sharing of positive experiences and the establishment of informal networks or caucuses involved in the promotion and revitalization of indigenous languages, as well as the use of information and communications technology in indigenous languages. It is important that States provide adequate funding for language revitalization and the preservation of cultural heritage as it relates to indigenous languages. In addition, States should facilitate funding for indigenous language projects from external donors, including the private sector, in accordance with law.

15. In reference to the study by Mr. John and Ms. Dorough on how States exploit weak procedural rules in international organizations to devalue the United Nations Declaration and other international human rights law, the Permanent Forum recommends that all funds, programmes and specialized agencies of the United Nations system and other intergovernmental forums begin to reform their respective procedural rules, with the full and effective participation of indigenous peoples, with the aim of ensuring compliance and consistency with the human rights affirmed in the Declaration.

28. Consistent with articles 18 and 19 of the United Nations Declaration and in line with the implementation of the 2030 Agenda for Sustainable Development, with the call to “leave no one behind”, the Permanent Forum strongly recommend that States and funds, programmes and specialized agencies of the United Nations system ensure the disaggregation of data on the basis of indigenous identifiers/ethnicity and the full and effective participation of indigenous peoples in developing and monitoring national action plans and in all processes relating to the follow-up to and review of the implementation of the Sustainable Development Goals, including at the high-level political forum on sustainable development.

39. The Permanent Forum urges Member States and funds, programmes and specialized agencies of the United Nations system to implement actions to strengthen the leadership and political participation of indigenous women.

57. Sexual and gender-based violence increases in settings of conflict. Sexual violence has also been used systematically as a weapon of war against indigenous women. In the light of the particular risks and vulnerabilities of indigenous women and girls relating to sexual and gender-based violence, the Permanent Forum recommends that Governments, local authorities, specialized agencies of the United Nations system and civil society collaborate with indigenous peoples to establish multisectoral and holistic approaches to combat the various forms of violence against women and girls.

Recommendations addressed to UNESCO

12. The Permanent Forum recommends that UNESCO, with the participation of indigenous peoples, urgently declare as the organization’s priority the preservation, revitalization and promotion of indigenous languages. UNESCO is also urged to initiate international processes for the establishment of international standards on the preservation of indigenous languages. In particular, the Forum recommends that UNESCO collaborate with efforts led by indigenous peoples and others to map indigenous languages, such as the Endangered Languages Project.
14. In the light of the study by Ms. Toki on the relationship between indigenous peoples and the Pacific Ocean and the dire effects of climate change, such as forced relocation and the loss of culture and livelihood, on vulnerable small island Pacific States, the Permanent Forum recommends that United Nations entities, including UN-Oceans, the United Nations Framework Convention on Climate Change and UNESCO, in addition to the International Seabed Authority, comply with and implement the relevant articles of the United Nations Declaration (arts. 18, 27 and 32), so as to ensure the full and effective participation of indigenous peoples. This should include meaningful participation, such as dedicated indigenous representation within each of these United Nations entities, and regard for indigenous peoples’ world views.

47. The Permanent Forum requests UNESCO to host a joint seminar with the Expert Mechanism on the Rights of Indigenous Peoples and other relevant United Nations mechanisms for the purpose of exploring the development of a new international mechanism on the repatriation of ceremonial objects and human remains. Furthermore, the Forum calls upon all States with national repositories of indigenous cultural items and ancestral remains, including museums and universities, to work with UNESCO to create an international database and inventory of these items accessible to indigenous peoples as a basis for initiating dialogue.

Recommendation addressed to UN entities including UN-Oceans, the UN Framework Convention on Climate Change, UNESCO and the International Seabed Authority

14. In the light of the study by Ms. Toki on the relationship between indigenous peoples and the Pacific Ocean and the dire effects of climate change, such as forced relocation and the loss of culture and livelihood, on vulnerable small island Pacific States, the Permanent Forum recommends that United Nations entities, including UN-Oceans, the United Nations Framework Convention on Climate Change and UNESCO, in addition to the International Seabed Authority, comply with and implement the relevant articles of the United Nations Declaration (arts. 18, 27 and 32), so as to ensure the full and effective participation of indigenous peoples. This should include meaningful participation, such as dedicated indigenous representation within each of these United Nations entities, and regard for indigenous peoples’ world views.

Recommendation addressed to the World Bank

20. The Permanent Forum welcomes the initiation of a national dialogue to discuss and achieve key constitutional reforms in the field of justice in Guatemala, and encourages the recognition of indigenous justice systems. The Forum urges Guatemala and the private sector, in addition to the World Bank and other international economic institutions, to acknowledge that serious efforts require structural economic and social reforms rather than rapid growth of gross domestic product in order to reverse widespread and growing poverty among the indigenous peoples of Guatemala. Such crucial reforms must ensure more equitable distribution and access to traditional lands for the indigenous peoples of Guatemala, consistent with the rights affirmed in the United Nations Declaration, and on the basis of respect for and legal recognition of their collective rights, including their self-determined development. Furthermore, the Forum calls upon Guatemala to reinforce the effective and full implementation of the Peace Accords.

Recommendation addressed to United Nations Inter-Agency Network on Youth Development (UN IANYD)
32. The Permanent Forum appreciates the willingness of Envoy of the Secretary-General on Youth to make visible the situation of indigenous youth, in particular concerning suicide and self-harm, in his advocacy. The Forum calls upon Member States to implement the recommendations of the international expert group meeting on indigenous youth, held in 2013 (see E/C.19/2013/3), in collaboration with the United Nations Inter-Agency Network on Youth Development and with the full participation of indigenous youth. The Forum invites the Network to report on progress in this regard at the sixteenth session of the Forum. The Forum invites the Network and the Envoy to increase the participation of indigenous youth in the sessions of the Forum and all relevant United Nations forums, and to report on progress in this regard at the sixteenth session of the Forum.

Recommendation addressed to the Commission on the Status of Women (CSW)

36. The Permanent Forum welcomes the intention of the Commission on the Status of Women to make the issue of the empowerment of indigenous women a focus area of its sixty-first session, to be held in 2017. The Forum invites the Bureau of the Commission to consider organizing a half-day session on the issue. The Forum calls upon the Commission to consider the empowerment of indigenous women as a theme in future sessions, pursuant to paragraph 19 of General Assembly resolution 69/2.

Recommendations addressed to the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)

37. The Permanent Forum recommends that the United Nations Entity for Gender Equality and the Empowerment of Women prepare a specific report on the situation of indigenous women’s empowerment, in collaboration with the Forum and indigenous women’s organizations, for submission to the Forum at its seventeenth session.

38. The Permanent Forum urges Member States and funds, programmes and specialized agencies of the United Nations system to implement action to reduce maternal mortality among indigenous women. The Forum recommends that the United Nations Population Fund, the United Nations Children’s Fund and the United Nations Entity for Gender Equality and the Empowerment of Women publish a factsheet, in collaboration with the Forum, on indigenous women’s maternal mortality and maternal health, with the aim of reducing maternal mortality and promoting sexual and reproductive health.

Recommendation addressed to UNFPA, UNICEF and UN Women

38. The Permanent Forum urges Member States and funds, programmes and specialized agencies of the United Nations system to implement action to reduce maternal mortality among indigenous women. The Forum recommends that the United Nations Population Fund, the United Nations Children’s Fund and the United Nations Entity for Gender Equality and the Empowerment of Women publish a factsheet, in collaboration with the Forum, on indigenous women’s maternal mortality and maternal health, with the aim of reducing maternal mortality and promoting sexual and reproductive health.

Recommendation addressed to the United Nations Institute for Training and Research (UNITAR)
55. The Permanent Forum urges Member States to contribute support to make possible the annual UNITAR training programme to enhance the conflict prevention and peacemaking capacities of indigenous peoples’ representatives so as to strengthen indigenous capacity to engage in negotiation, dialogue and peace processes to contribute to sustainable peace.

Recommendation addressed to the UN DPKO

62. Owing to the particular vulnerability of indigenous peoples in conflict situations, the Permanent Forum recommends that the Department of Peacekeeping Operations of the Secretariat and regional peacekeeping forces factor the protection of indigenous peoples into analysis, planning and guidance on the protection of civilians.

Recommendations addressed to the Inter-agency Support Group (IASG)

72. On the basis of the constructive dialogue between the Permanent Forum and the Inter-Agency Support Group on Indigenous Peoples’ Issues, the Forum recommends that the members of the Support Group demonstrate strong commitment from the highest level, including by:

(a) Institutionalizing dialogue between the expert members of the Forum and the principals of the funds, programmes and specialized agencies of the United Nations system;

(b) Allocating sufficient resources to implement the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration;

(c) Establishing institutional consultation mechanisms to ensure active collaboration and partnership with indigenous peoples at the national, regional and global levels, in both developing and developed countries;

(d) Incorporating specific targets and indicators with disaggregated data to address the key issues and priorities of indigenous peoples at the national level;

(e) Ensuring active cooperation between the Support Group and Forum members holding relevant agency portfolios.

73. The Permanent Forum requests the members of the Inter-Agency Support Group to include in their annual reports to the Forum information on progress made in the implementation of the system-wide action plan.

Recommendation addressed to the Committee on the Rights of Persons with Disabilities (CRPD) Secretariat

75. Building upon the study prepared by members of the Permanent Forum on the situation of indigenous persons with disabilities, with a particular focus on challenges faced with respect to the full enjoyment of human rights and inclusion in development (see E/C.19/2013/6), and in the light of the call in the 2030 Agenda for Sustainable Development to “leave no one behind”, the Forum is concerned that the experiences and rights of indigenous persons with disabilities require further study and examination. In that regard, the Forum calls upon the secretariat of the Convention on the Rights of Persons with Disabilities, as the focal point within the United Nations system on matters relating to disability, to
conduct a qualitative study with regard to indigenous persons with disabilities, in all seven regions of the world.

Numerous other documents from the 16th Meeting of the UNPFII are available at: https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/sixteenth-session.html, including decisions by the forum, reports and statements from UN bodies, Indigenous organizations and states, along with listings (with some reports) of side events and other materials. The Report of the 16th Session is in Research Notes, below.

The 16th session's special theme is: “Tenth Anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration”


Consulting with and implementing the recommendations of Tribal governments remains a central issue, Tauli-Corpuz explained, 'The legislative regime regulating consultation, while well intentioned, has failed to ensure effective and informed consultations with Tribal governments. The breakdown of communication and lack of good faith in the review of federal projects leaves Tribal governments unable to participate in dialogue with the United States on projects affecting their lands, territories, and resources.' Resource extraction and other energy projects including the Dakota Access Pipeline (DAPL) and the Keystone XL pipelines were prominent in Special Rapporteur’s conversations. Tauli-Corpuz visited Washington, D.C., Albuquerque, NM, Window Rock, AZ, Boulder, CO, Fort Yates, ND, Fort Berthold, ND, Bismarck, ND and met with federal government representatives from: Army Corps of Engineers, Department of State, Department of the Interior, Environmental Protection Agency, Department of Health and Human Services, Department of Energy, Advisory Council on Historic Preservation, and Department of Justice.

In North Dakota, she also held meetings with Governor Doug Burgum, representatives from the State Historic Preservation Office and the Commission on Indian Affairs, members of the legislative branch including the office of Senator John Hoeven, chair of the Senate Committee on Indian Affairs and the office of ranking member Norma Torres of the House Subcommittee on Indian, Insular, and Alaska Native Affairs.

Tribal communities Tauli-Corpuz met with and visited include the Navajo Nation, Hopi Tribe, Tohono O’odham Nation, several Pueblos, Standing Rock Sioux Tribe, Cheyenne River Sioux Tribe, Yankton Sioux, Mandan, Hidatsa, Arikara Nation, Ute Mountain Ute Tribe, Southern Ute Tribe, Northern Ute Tribe of Uintah and Ouray Reservation, and the Crow Creek Sioux Tribe.

Additionally, via the first ever virtual consultation, Tauli-Corpuz spoke with representatives from Indigenous communities she was not able to visit due to time constraints, including communities from Alaska and Hawaii. She also met with the Inter-American Commission on Human Rights and a wide range of other civil society and human rights organizations working on Indigenous Peoples’ rights. While in DC, the
Special Rapporteur conducted meetings with officials from the Trump Administration to discuss budget cuts and executive orders that will impact the Indigenous Peoples’ rights and the environment, especially the Dakota Access pipeline. As part of her visit, Tauli-Corpuz sought to follow-up on recommendations made by her predecessor, James Anaya, in 2012 and 2013. Tauli-Corpuz recognized some ‘encouraging steps being taken by federal agencies to follow procedures set out in the UN’s Declaration on the Rights of Indigenous Peoples” but found that many of the recommendations made by Anaya still remain unrealized and “are not really implemented in any significant way, especially human trafficking and domestic violence on reservations.’

On March 2nd, the National Congress of American Indians (NCAI) hosted a consultation event entitled ‘Improving Tribal Inclusion in the Federal Infrastructure Permitting Process’ for the Special Rapporteur to hear from civil society organizations and Tribes. A representative from the Native American Rights Fund discussed the Cheyenne River Sioux injunction and the fact that Tribes who are pro development want to share in the benefits. Now most profits go to the state governments and private developers. A representative from an International Leonard Peltier Rights Commission discussed the role of mineral resources in Native American activism both of Peltier and others. Roberto Borrero, representing the International Indian Treaty Council spoke about the need for the US to also respect sacred lands and practices in territories such as Puerto Rico and other non-Federally protected lands such as state recognized reservations. He also mentioned that Indigenous religious practices should have equal protection as religions such as Christianity and that if sacred lands have mineral resources, Tribes should have some input on their use and compensation. The Amnesty International representative shared findings from the human rights observers sent to Standing Rock which led to Amnesty International’s demand that the Department of Justice investigate the policing at Standing Rock protests. The spokesperson for the National Women’s Indigenous Resource Center addressed the increase in crime and especially in sexual violence, in areas where more than 100,000 non-Native workers from extractive industries work. These workers tend to be temporary or transient and if one rapes or murders a Native woman outside reservation boundaries, such a crime is also outside Tribal police’s jurisdiction. So far, federal authorities have declined to prosecute 67 percent of these sexual assaults.

The discussion at the March 2nd event reflected many of the same themes discussed in Tauli-Corpuz’s End of Mission Statement, including extractive industries and energy development. Regarding the DAPL and Keystone XL pipelines, Tauli-Corpuz stated, “I am deeply concerned by the January 24, 2017 presidential memorandum, granting the last easement necessary to begin construction of the Dakota Access Pipeline under Lake Oahe, and the Notice of Termination of the Intent to Prepare an Environmental Impact Statement. I am also concerned about similar impacts on Indigenous Peoples of the Keystone XL Pipeline and the January 24, 2017 executive order inviting TransCanada to resubmit its permit application to the State Department, while ordering the Secretary of State to expedite the review process.” Citing the show of disrespect for treaties and Tribes when the Army Corps approved a draft environmental assessment that ignored the interests of the Standing Rock Sioux and included maps that omitted the reservation and made no mention of proximity to historic treaty lands, Tauli-Corpuz pointed out that the Corps “gave multiple domestic authorizations permitting the construction of DAPL,” including the authorization for discharging materials and waste into waters throughout Tribes’ ancestral lands “without an adequate social, cultural or environmental assessment, and the absence of meaningful consultation with or participation by the Tribes.”

She also discussed the Pick-Sloan project, another example of a project 'undertaken without Tribal consent.' The Pick-Sloan project which included the construction of two dams by the US Army Corps of Engineers to control the flooding of the Missouri River “to improve irrigation, and to provide hydroelectric power to the region … created Lake Oahe and Lake Sakakawea' and 'submerged hundreds of miles of Tribal lands and displaced
thousands of Indigenous people. The submerged lands, adjacent to the Missouri River that were flooded in the construction of the project were the most fertile and abundant in wildlife. In displacing Indigenous peoples from this watershed, the Corps failed to relocate Native American graves. The project has been described by the late scholar Vine Deloria, Jr. as ‘the single most destructive act ever perpetrated on any Tribe by the United States’ … Though Congress provided monetary compensation to the Tribes, the devastating effects of the Pick-Sloan persist today in the form of poverty and continued conflicts over Tribal lands. Particularly, the painful history of Lake Oahe has resurfaced in the ongoing Dakota Access Pipeline issue./

Tauli-Corpuz called on the federal government to meaningfully consult Tribal communities, positing that 'the goal of Tribal consultation is not simply to check a box, or to merely give Tribes a chance to be heard. Rather, the core objective is to provide federal decision makers with context, information, and perspectives needed to support informed decisions that actually protect Tribal interests. Treaty rights, the federal trust responsibility to Tribes, environmental justice, and the principles enshrined in the Declaration all must be given life and meaning in federal decisions that impact Tribes. Meaningful consultation has the potential to provide the solid foundation for such decision, but federal agencies must be willing to recognize these principles and to work actively to put them into practice uniformly at the local, regional, and national level.' Tauli-Corpuz commended the Bear Ears Monument which with its 'unprecedented model of co-management with local and regional Tribes … allows for the continued use of the area for cultural practices for future generations while using Indigenous communities’ traditional knowledge to protect a unique cultural and ecological landscape for the use and enjoyment of the Indigenous peoples concerned, as well as the public.'

In other cases, however, the protection of sacred places is severely restricted by the US legal system. Tauli-Corpuz cited Mount Taylor and Chaco Canyon, which are designated as traditional cultural property and a UNESCO World Heritage site, respectively. However, 'despite these designations, proposed mining and oil and gas projects threaten to desecrate these landscapes and Indigenous lifeways as the federal government, rather than the Indigenous peoples concerned, has final authority over the exploration and development of these areas.' Tauli-Corpuz recommended working with Tribal Historic Preservation Officers to protect Tribal cultural materials and suggests that efforts “be made to amend existing laws governing the protection of sacred and cultural places to encompass an Indigenous definition of sacredness as an interconnected landscape with unique relationships to the practice of religions, strengthening of community, livelihoods, subsistence, and gathering of traditional medicines and resources.”

The Special Rapporteur also addressed the risks to the health and safety of Indigenous people from extractive industries. Uranium mining in the 1940s continues to haunt the Navajo Nation, while the Gold King mine in Colorado, which caused 'three million gallons of contaminated water to flow into the Animas River onto the Navajo Nation reservation over one hundred miles away … [and] caused severe damage to crops and livestock, threatening the livelihoods of farmers and ranchers' even after the Gold King Mine has not been operational since 1923. Tauli-Corpuz also referenced natural gas flaring in North Dakota’s Bakken formation as well as natural gas pipeline infrastructure that exposes the Mandan, Hidatsa, and Arikara Nation to harmful pollutants whose impacts include cancer, lung damage, and neurological defects. Water safety remains a critical issue in the Standing Rock protests but also for Indigenous people in general, for whom 'water provides lifeways, subsistence, and has undeniable spiritual significance. In Lakota they express this belief as Mni Wiconi: water is life.'

Extractive industries also put women and girls at an increased risk of sexual abuse and trafficking; 'already Native women are 2.5 times more likely to be sexually assaulted in their lifetimes as compared to other women in the United States. And, when the oil boom began
in the Bakken, the influx of oil and gas workers to the area coincided with a dramatic increase in violent crime and an incredible increase of human trafficking of Native women and children.” Tauli-Corpuz recognized that Indigenous control over their energy resources as part of a desire for self-determination, would better serve their communities both economically and with regards to health and safety. The Special Rapporteur thus expressed support for Tribe-owned companies, stating “I have been very impressed by the remarkable and unshakeable resolve Tribes have to find creative ways to self-determine their development. For example, the Mandan, Hidatsa, and Arikara Nation recently formed Missouri River Resources, a wholly-owned Tribal company dedicated to using best practices in the oil and gas industry to generate economic benefits for the Tribal community through responsible oil development. Similarly, the Red Willow Production Company, a $2 billion company wholly owned and managed by the Southern Ute Tribe, has been generating revenue through oil and gas development on their reservation since 1992 and continues to maximize benefits for their Tribal community while carefully managing their lands and resources.’

In September 2017, at the UN Human Rights Council, the Special Rapporteur will present a comprehensive report on her findings and recommendations to United States government. The Special Rapporteur will continue to monitor organizations and governments to see if her recommendations are implemented.”


‘In my capacity as United Nations Special Rapporteur on the rights of indigenous peoples, I carried out a visit to the United States of America from 22 February to 3 March 2017 to study the human rights situation of indigenous peoples, in particular with regard to energy development projects, and to follow up on key recommendations made by my predecessor, James Anaya, in both his 2012 report on the situation of indigenous peoples in the United States (1) and his 2013 report on indigenous peoples and extractive industries.(2)

Over the last ten days I have travelled to: Washington, D.C.; Albuquerque, New Mexico; Window Rock, Arizona; Boulder, Colorado; Fort Yates, Fort Berthold and Bismarck, North Dakota. I met with representatives of the federal government in Washington, D.C., including federal and regional representatives from the Army Corps of Engineers, the Department of State, the Department of the Interior, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Energy, the Advisory Council on Historic Preservation and the Department of Justice. In North Dakota, I met with the Governor, and representatives from the State Historic Preservation Office and the Commission on Indian Affairs. I also met with members of the legislative branch including the office of Senator John Hoeven, chair of the Senate Committee on Indian Affairs, and the office of ranking member Norma Torres of the House Subcommittee on Indian, Insular, and Alaska Native Affairs. Finally, I met with the Inter-American Commission on Human Rights.

I visited several tribal communities: the Navajo Nation in Window Rock, Arizona, and other tribes from the Southwest, including the Hopi Tribe, the Tohono O'odham Nation, and several of the Pueblos, as well as tribes from the Great Plains, including the Standing Rock Sioux Tribe, the Cheyenne River Sioux Tribe, the Yankton Sioux Tribe, and the Mandan, Hidatsa, and Arikara Nation. I also met with leaders from the Ute Mountain Ute Tribe, the Southern Ute Tribe, the Northern Ute Tribe of the Uintah and Ouray Reservation, and the Crow Creek Sioux Tribe. I received numerous requests for visits from indigenous communities throughout the
country who described their difficult situations, but due to time constraints I was unable to visit them all. I did however hold the first-ever virtual consultation where I spoke with representatives from indigenous communities around the country including from Alaska and Hawaii. I also met with representatives of indigenous peoples and a wide range of civil society and human rights organizations working on indigenous peoples' rights.

I am grateful to the Government of the United States for its invitation and the full cooperation it has provided, and for allowing me to carry out my visit freely and in an independent manner. I would also like to express my deep gratitude to the representatives of indigenous peoples who invited me to visit their communities, to indigenous organizations, and to individuals who assisted me in organizing parts of my agenda, as well as to those who travelled from their communities in order to meet with me in various localities. This visit was made possible by a number of tribal nations, Native American individuals, and academic institutions that coordinated the regional consultations in various parts of the country and organized my agenda locally. These include the Councils of the Mandan, Hidatsa and Arikara Nation and the Standing Rock Sioux Tribe, the University of New Mexico, the University of Colorado, the Navajo Nation Human Rights Commission, Sitting Bull College, United Tribes Technical College, and the National Congress of American Indians. I am also grateful for the continued support of the Office of the High Commissioner for Human Rights.

During the course of my visit, I received a large volume of information from indigenous peoples, civil society organizations, and government representatives. Over the coming weeks, I will be reviewing this information in order to develop the report I will present to the United Nations Human Rights Council in September 2017. The purpose of the report is to identify best practices and to assist tribal nations and the federal government to find solutions to the ongoing challenges that indigenous peoples face in the United States. In advance of this report, I will provide some preliminary observations and recommendations on the basis of the findings of my visit. These do not reflect the full range of issues that were brought to my attention, nor do they reflect all of the initiatives on the part of the United States government.

In the United States, engagement with indigenous communities in the context of resource extraction and infrastructure projects is governed by several domestic statutes, orders, regulations, policies, and protocols that specify procedures as to how federal departments and agencies are to conduct "government-to-government" consultations. During my visit, I studied energy development projects and impacts in part due to the issues surrounding the Dakota Access Pipeline, a $3.2 billion energy infrastructure project that crosses the Missouri River five hundred meters from the tribe's northern boundary.

From my conversations with people throughout Indian Country, I have learned that many of the complex issues that Native Americans face in the energy development context today are rooted in a long history of land and resource dispossession. In particular, the policy of allotment implemented by the Dawes Act in 1887 continues to have significant impacts on the development of energy resources throughout Indian Country. The different types of land ownership that exist within reservation boundaries make consistent resource management and regulatory control difficult and complex. Additionally, the checkerboard ownership of private land within reservations resulting from centuries-old policies allows for a double-edged sword whereby state governments may assert tax and regulatory authority over energy development within tribal lands. Meanwhile, the Bureau of Land Management and other federal agencies approve energy projects on lands within reservation boundaries without the consent or input of the tribal government.

More recent events affecting tribes in North and South Dakota continue to have ongoing impacts on the indigenous peoples in that region. The 1868 Treaty of Fort Laramie established the territory of the Great Sioux Reservation, an area whose boundaries have continually diminished in the last century and a half. For the Standing Rock Sioux Tribe and other tribes in North and South Dakota, the Pick-Sloan project, undertaken without tribal consultation, resulted
in the construction of two dams by the United States Army Corps of Engineers. The purpose of
the project was to control flooding of the Missouri River, to improve irrigation, and to provide
hydroelectric power to the region. The project which created Lake Oahe and Lake Sakakawe
submerged hundreds of miles of tribal lands and displaced thousands of indigenous people. The
lands, adjacent to the Missouri River that were flooded in the construction of the project were the
most fertile and abundant in wildlife. In displacing indigenous peoples from this watershed, the
Corps failed to relocate Native American graves. The project has been described by the late
scholar Vine Deloria, Jr. as "the single most destructive act ever perpetrated on any tribe by the
United States." Most affected were the Mandan, Hidatsa, and Arikara Nation; the Standing Rock
Sioux Tribe; the Cheyenne River Sioux Tribe; the Crow Creek Sioux Tribe; the Lower Brule
Sioux Tribe; the Yankton Sioux Tribe; and the Nebraska Tribe. Though Congress provided
monetary compensation to the tribes, the devastating effects of Pick-Sloan persist today in the
form of poverty and continued conflicts over tribal lands. Particularly, the painful history of Lake
Oahe has resurfaced in the ongoing Dakota Access Pipeline issue.

The United States' commitment to a process of consultation with tribal governments
presents opportunities for a more positive future and meaningful engagement. But challenges
remain. The contemporary executive action that provides the most direct guidance on
consultation with tribes, Executive Order 13175, while well intentioned has developed into a
confusing and disjointed framework that suffers from loopholes, ambiguity, and a general lack of
accountability. The regulatory regime has failed to ensure effective and informed consultations
with tribal governments. The breakdown of communication and lack of good faith involvement
in the review of federal projects has left tribal governments functionally unable to participate in
consequential dialogue with the United States on projects affecting their lands, territories, and
resources. As the United States indicated at the time it supported the Declaration, meaningful
consultation with tribes, without the need for the tribes' agreement, is the preferred process of the
United States in lieu of obtaining "free, prior, and informed consent" as set forth in the
Declaration. Therefore, at a minimum, meaningful engagement and effective participation of
tribal governments in assessing and reviewing extractive industry projects is a key element to the
United States' meeting its human rights obligations as a signatory to the Declaration. Further,
implementation of best practices about tribal consultation will ensure a more positive and
profitable outcome for all stakeholders concerned.

Throughout the course of my mission, I heard universally that there is a pressing
need for the federal government to precisely identify requirements for meaningful
consultation with Indian tribes and to implement a consistent system across all federal
agencies to ensure that consultation is undertaken with the goal of reaching agreement on
projects and actions that affect indigenous peoples.

Many indigenous peoples in the United States perceive a general lack of
consideration of the future impacts on their lands in approving extractive industry projects
in particular, and a lack of recognition that they face significant impacts from development
of not just their own, but neighbouring resources as well. In the context of the Dakota
Access Pipeline, the potentially affected tribes were denied access to information and
excluded from consultations at the planning stage of the project. Furthermore, in a show of
disregard for treaties and the federal trust responsibility, the Army Corps approved a draft
environmental assessment regarding the pipeline that ignored the interests of the tribe.
Maps in the draft environmental assessment omitted the reservation, and the draft made
no mention of proximity to the reservation or the fact that the pipeline would cross historic
treaty lands of a number of tribal nations. In doing so, the draft environmental assessment
treated the tribe's interests as non-existent, demonstrating the flawed current process.
Although the final environmental assessment recognized the presence of the Standing Rock
Sioux Tribe five hundred meters away, it dismissed the risks to the reservation and failed
to mention any of the other tribes that traditionally used the territory. Without an
adequate social, cultural or environmental assessment, and the absence of meaningful consultation with or participation by the tribes, the Corps gave multiple domestic authorizations permitting the construction of DAPL. One such authorization permitted construction beneath the Missouri River at Lake Oahe, while another authorized the discharge of materials and waste into waters throughout the tribes' ancestral lands.

Sadly, I found the situation faced by the Standing Rock Sioux Tribe is shared by many other indigenous communities in the United States, as tribal communities nationwide wrestle with the realities of living in ground zero of energy impact. The goal of tribal consultation is not simply to check a box, or to merely give tribes a chance to be heard. Rather, the core objective is to provide federal decision makers with context, information, and perspectives needed to support informed decisions that actually protect tribal interests. Treaty rights, the federal trust responsibility to tribes, environmental justice, and the principles enshrined in the Declaration all must be given life and meaning in federal decisions that impact tribes. Meaningful consultation has the potential to provide the solid foundation for such decisions, but federal agencies must be willing to recognize these principles and to work actively to put them into practice uniformly at the local, regional, and national level.

I also received reports during this mission regarding the criminalization of indigenous peoples asserting their right to protest in the now-world famous struggle of several tribes in opposition to the Dakota Access Pipeline. As is well-documented, the controversy surrounding the Dakota Access Pipeline has drawn thousands of people to the boundaries of the Standing Rock Sioux Reservation as they sought to protect the land and the water and uphold tribal sovereignty. While the actions taking place have been almost completely non-violent and peaceful, there has been a militarized, at times violent, escalation of force by local law enforcement and private security forces. As noted in my predecessor James Anaya's previous reports, indigenous peoples have the right to oppose extractive activities that impact their land and resources free from reprisals, acts of violence, or undue pressures to accept or enter into consultations about extractive projects.

Finally, given the impacts on indigenous peoples of the Dakota Access Pipeline, I am deeply concerned by the January 24, 2017 presidential memorandum, granting the last easement necessary to begin construction of the Dakota Access Pipeline under Lake Oahe, and the Notice of Termination of the Intent to Prepare an Environmental Impact Statement. I am also concerned about similar impacts on indigenous peoples of the Keystone XL Pipeline and the January 24, 2017 executive order inviting TransCanada to resubmit its permit application to the State Department, while ordering the Secretary of State to expedite the review process.

Indian lands represent twenty percent of fossil fuel energy in the United States, and possess an even greater percentage of renewable energy potential. In addition to rich oil and gas deposits across Montana, North Dakota, Texas, Oklahoma, Utah, Colorado, Alaska, and New Mexico, Indian lands have incredible wind and solar potential, as well as hydroelectric and geothermal resources. A number of tribes have made entrepreneurial efforts to create tribal utilities for the benefit of their own and neighbouring communities, and are involved in a wide array of energy generation and transmission as large parts of tribal lands serve as thruways for the national electrical grid system. Indian tribes are owners and operators of new and emerging technologies, breaking the pattern of reliance on outside entities. These examples and many more suggest that by exercising political sovereignty, indigenous peoples can approach energy resource development in a diverse way to support economic sovereignty.

During my mission, it became clear to me that the indigenous peoples in the United States have a vibrant and enduring relationship to their culture and sacred places. Tribal colleges are promoting indigenous languages and culture through their curricula and
efforts are being undertaken to preserve stories and traditions. However, the ability for indigenous people to protect their sacred places is severely restricted by the United States legal system. Two important examples are Mount Taylor and Chaco Canyon. Mount Taylor represents one of the six Navajo sacred mountains and has been designated as traditional cultural property under United States law, while Chaco Canyon has been designated a UNESCO World Heritage Site for its vast cultural resources with deep significance to the Pueblo and Navajo people. Despite these designations, proposed mining and oil and gas projects threaten to desecrate these landscapes and indigenous lifeways as the federal government, rather than the indigenous peoples concerned, has final approval authority over the exploration and development of these areas. In such cases, it is imperative that the government consult or otherwise secure the free, prior, and informed consent of indigenous peoples, in order to protect the sacred and cultural resources of indigenous peoples, not only when projects impact their current lands, but also when projects impact homelands that are customarily and aboriginally owned, occupied, or otherwise used regardless of whether they are located on federal, state, or private lands. Domestic laws cannot define sacredness or confine the idea to specific dots on a map. Instead efforts must be made to amend existing laws governing the protection of sacred and cultural places to encompass an indigenous definition of sacredness as an interconnected landscape with unique relationships to the practice of religions, strengthening of community, livelihoods, subsistence, and gathering of traditional medicines and resources.

I learned from my visit that working closely with Tribal Historic Preservation Officers (THPOs) is a best practice to protect tribal cultural material. THPOs hold unique expertise and knowledge about the tribal lands, territories, and resources. Not only are they intimately familiar with the state and federal permitting and regulatory processes but, as one tribal THPO said, 'our oral stories, star knowledge, and cultural history are what help me to evaluate what's on the ground to know what not to disturb.' Tribal member employees have a connection to the lands that cannot be undervalued and must be leveraged to best protect and respect tribal lands. Tribal THPOs should thus have the ability to provide input on projects taking place on tribal territories outside of reservation boundaries given their deep knowledge of history and culture.

One recent example of proactive and laudable government action to protect indigenous sacred and cultural resources is the recent designation of the Bears Ears National Monument. Through its unprecedented model of co-management with local and regional tribes, the land use model adopted for the Bears Ears Monument allows for the continued use of the area for cultural practices for future generations while using indigenous communities' traditional knowledge to protect a unique cultural and ecological landscape for the use and enjoyment of the indigenous peoples concerned, as well as the public.

In fact, development on and near indigenous lands has disparate impacts on tribal communities as distinct from other communities. For example, in the Bakken Shale region, the tribes have significant concerns about the safety of those living on the reservations, especially women and children. Already Native women are 2.5 times more likely to be sexually assaulted in their lifetimes as compared to other women in the United States. And, when the oil boom began in the Bakken, the influx of oil and gas workers to the area coincided with a dramatic increase in violent crime and an incredible increase of human trafficking of Native women and children. Risk factors contributing to the sex trafficking of Native women include higher incidences of poverty, lower educational attainment levels, and historical trauma. As a direct result of outside development, the entrance of transient workers with no ties to the community, who can for the most part not be prosecuted for their criminal acts that occur on the reservation creates an unsafe and unstable environment for families on the reservation. Additionally, there is no mechanism in place
to increase needed resources for the tribe to adequately protect their citizens through law enforcement or other services.

In reference to the increase of violence against women in the Bakken and near the Navajo Nation, tribes informed me that the oil and gas leasing approvals undertaken by the Bureau of Indian Affairs should but do not adequately consider the safety and welfare impacts of extractive energy projects on native women and children. Applicable United States regulations require that, at a minimum, the federal government consider safety, health and welfare impacts of these projects. Further, the United States acknowledges that it is committed to a trust responsibility for native peoples. This responsibility requires the United States to carefully review energy projects on, adjacent to, or outside of indigenous lands where there are potential impacts. In fact, Articles 21 and 22 of the Declaration explicitly task states with taking effective measures to ensure the continuing improvement of social and economic conditions of indigenous women and children, and to ensure that they have full protection and guarantees against all forms of violence and discrimination.

This problem exacerbates other important issues as well. Much of the testimony that I received referenced the historical trauma that deeply affects indigenous individuals every day. This trauma cumulated as a result of the largely discriminatory policies of the government towards Indian tribes and individuals since first contact and today still results in distrust of government initiatives and poor health outcomes for Indian individuals.

When resources are extracted from indigenous territories, the people living in those territories experience the attendant health impacts that result as evidenced in the 1940s when large uranium deposits were developed on the Navajo Nation’s lands. Private companies developing uranium often employed Navajo workers and failed to communicate the known health risks of exposure to uranium. The workers, and the women and children living near the mines, continue to be burdened by high rates of lung disease and various cancers. Recently, the United States and the Navajo Nation entered into a historic settlement agreement to resolve latent claims remaining from the clean-up to restore healthy tribal communities on the Navajo Nation. To date, there are 15,000 abandoned uranium mines in the United States that need to go through the reclamation process, many of which impact indigenous lands.

Indigenous communities experience negative health impacts from extraction that occurs off the reservation as well. For instance, the Gold King mine disaster in Silverton, Colorado caused three million gallons of contaminated water to flow into the Animas River onto the Navajo Nation reservation, over one hundred miles away. Following the spill, levels of heavy metals in the water, including arsenic and cadmium, exceeded allowable state limits for domestic water. The contamination caused severe damage to crops and livestock, threatening the livelihood of Navajo farmers and ranchers. The long term health impacts of the spill remain unknown. Importantly, the Gold King Mine had not been operational since it was abandoned in 1923. The disaster which occurred almost a century after the project closed demonstrates the possible long-term future impacts of natural resource extraction and attendant infrastructure on indigenous peoples.

The Gold King Mine spill and the Dakota Access Pipeline issue highlight the many water concerns associated with energy development. In places like the arid west, the substantial volumes of water used in drilling operations cause stress on surface water and groundwater supplies. Contamination of underground and surface waters is also a concern, with many projects threatening vital resources in water-scarce regions. In fact, a recent EPA study found scientific evidence that activities in the hydraulic fracturing water cycle can impact drinking water resources through spills, faulty well construction, discharges into surface waters, or disposal into underground injection wells. For indigenous peoples, water provides lifeways, subsistence, and has undeniable spiritual significance. In Lakota, they express this belief as Mni Wiconi: water is life.

In addition, another implication of energy development being borne by indigenous
peoples has been a dramatic increase in the flaring of natural gas in North Dakota's Bakken formation.

Because of the lack of sufficient natural gas pipeline infrastructure in the relatively new production area, many wells in the area have been forced to flare the natural gas product as a method of disposal. The health implications of natural gas flaring are related to the exposure of hazardous air pollutants emitted during the combustion of the gas flare. The various pollutants, including methane, have been associated with a variety of adverse health impacts, including cancer, lung damage, and various other neurological defects. These effects are being felt by the residents of the Mandan, Hidatsa, and Arikara Nation, and in surrounding communities.

Indigenous communities in the United States want more control over their energy resources as a part of their overall desire to be self-determined with respect to their lands, territories, and resources. They are committed to balancing many different sets of concerns in their own approaches to energy development. The tribes rely on the income generated from natural resources to not only support critical government programs, but also to balance the protection of their lands, waters, and sacred places with the benefit of revenue and jobs. I have been very impressed by the remarkable and unshakeable resolve tribes have to find creative ways to self-determine their development. For example, the Mandan, Hidatsa, and Arikara Nation recently formed Missouri River Resources, a wholly-owned tribal company dedicated to using best practices in the oil and gas industry to generate economic benefits for the tribal community through responsible oil development. Similarly, the Red Willow Production Company, a $2 billion company wholly owned and managed by the Southern Ute Tribe, has been generating revenue through oil and gas development on their reservation since 1992 and continues to maximize benefits for their tribal community while carefully managing their lands and resources.

Despite their successes, tribes continue to face significant challenges in harnessing their own development possibilities. In particular, the legal, regulatory, and tax structures currently in place serve to create additional hurdles while reducing the possibility of realizing important benefits. Of particular concern is the dual taxation regime that allows state governments to tax energy revenues derived from tribal lands without any requirement that those taxes are deployed to serve those tribal communities. Whether it is repaving destroyed roads, creating adequate environmental mitigation, providing emergency response plans, or bulk up the capacity of law enforcement, the energy-producing tribes find themselves alone in managing the impacts of development without adequate resources to do so.

The issues surrounding energy development underscore the need for reconciliation with indigenous peoples in the United States. Tribal leaders and representatives indicate that they are interested in engaging in a program of reconciliation to remedy the harms they have faced and improve the government-to-government relationship going forward. Such a program would acknowledge the historical wrongs inflicted upon indigenous peoples in the United States and confront systemic barriers that prevent the full realization of indigenous peoples' rights.

Nevertheless, there are encouraging steps being taken by federal agencies to implement the Declaration in consultation policies. Since 2012, the federal government has made commendable efforts to develop policies toward more robust measures to effectively implement existing policies and to advance towards full recognition of the rights of indigenous peoples. For example, the Advisory Council on Historic Preservation has issued guidance to federal agencies in carrying out their Section 106 responsibilities under the National Historic Preservation Act, in line with the Declaration. These suggestions include developing a working knowledge of the Declaration and its articles, reviewing and updating agency policies to reflect the Declaration principles, and considering the Declaration to be a policy reference in the Section 106 process and beyond.
Further, in January 2017, the Department of the Interior, the Department of the Army, and the Department of Justice issued a report, 'Improving Tribal Consultation and Tribal Involvement in Federal Infrastructure Decisions,' following a series of regional consultations with tribal leaders to solicit recommendations on engaging tribes in infrastructure-related activities. The report provides an encouraging path forward that strongly upholds the government-to-government relationship between tribes and the federal government. The report also provides constructive strategies to increase communication, to maximize opportunities for good faith negotiations, and to ensure tribal input at every decision point. I am encouraged by the process of meaningful consultation with the tribes that the United States undertook in creating this report, and applaud the efforts made by the government to consider ways in which to improve consultation processes consistently across agencies, incorporating input from indigenous peoples. In order to meet the obligations of the Declaration, the United States should continue to build efforts to incorporate principles of meaningful consultation with the goal of obtaining free, prior, and informed consent from indigenous peoples as set forth in Articles 10, 11, 19, 28, 29, and 32.

As when my predecessor issued his 2012 report, significant work still needs to be done to implement policies and initiatives to further the rights of indigenous peoples. Unfortunately, the many recommendations of my predecessor in his 2012 report have yet to be realized.

In order to fully realize the rights of indigenous peoples as enshrined in the Declaration, I recommend that the United States government continue to improve upon its policies to develop stronger government-to-government relations with tribes. To do so, the government must, at a minimum, adhere to its own consultation policy as set forth in Executive Order 13175. The federal, state, and local governments should adopt consistent practices in consulting with tribes on projects that could affect indigenous rights. The federal government should take steps to consider fully and implement the suggestions from its own 2017 report, 'Improving Tribal Consultation and Tribal Involvement in Federal Infrastructure Decisions.'

Tribes must continue to be supported to develop capacity and resources to realize self-determination to take advantage of their expanded authority in all areas including in energy development and law enforcement. I urge the government to continue to honour its treaty and trust obligations to indigenous peoples.

To ensure that native communities are not further plagued by violence, for measures that have the potential to create positive impacts on tribal communities, such as the 2013 reauthorization of the Violence Against Women Act, the United States must continue to take measures to ensure that tribal governments are able to implement them, including by providing adequate resources.

The United States should take appropriate measures to ensure the United Nations Guiding Principles on Business and Human Rights are properly considered by all accountable actors in any projects that have impacts on indigenous peoples in the United States.

Finally, I recommend that for any extractive industry project affecting indigenous peoples, regardless of the status of the land, the United States should require a full environmental impact assessment of the project in consideration of the impact on indigenous peoples' rights.

Regional and Country Developments

hunters-want-hunt-ancestral-lands-bc-government-says-no/, reported, "On April 25, the British Columbia government filed the appeal with the British Columbia Supreme Court, asking that a Provincial Court decision from March 27 be repealed. This appeal states that the Judge erred when deciding that Sinixt people living outside Canada can hold Canadian aboriginal rights as that is not consistent with Canadian sovereignty and the 1982 Constitution act."


Executive Summary

Born in the aftermath of civil war and boosted by mass deportations from the U.S., Central American gangs are responsible for brutal acts of violence, chronic abuse of women, and more recently, the forced displacement of children and families. Estimated to number 54,000 in the three Northern Triangle countries – El Salvador, Guatemala and Honduras – the gangs’ archetypal tattooed young men stand out among the region’s greatest sources of public anxiety. Although they are not the only groups dedicated to violent crime, the maras have helped drive Central American murder rates to highs unmatched in the world: when the gangs called a truce in El Salvador, homicides halved overnight. But it is extortion that forms the maras’ criminal lifeblood and their most widespread racket. By plaguing local businesses for protection payments, they reaffirm control over poor urban enclaves to fund misery wages for members. Reducing the impact of these schemes, replacing them with formal employment and restoring free movement across the Northern Triangle’s urban zones would greatly reduce the harm of gang activity.

Charting this route, however, requires a sharp switch in current policies. Ever since mara-related insecurity became visible in the early 2000s, the region’s governments have responded through punitive measures that reproduce the popular stigmas and prejudices of internal armed conflict. In programs such as Iron Fist in El Salvador, the Sweep-Up Plan in Guatemala or Zero Tolerance in Honduras, mass incarceration, harsher prison conditions and recourse to extrajudicial executions provided varieties of punishment. The cumulative effects, however, have fallen far short of expectations. Assorted crackdowns have not taken account of the deep social roots of the gangs, which provide identity, purpose and status for youths who are unaccommodated in their home societies and “born dead”. The responses have also failed to recognise the counterproductive effects of security measures that have given maras prisons in which to organise and confirmation of their identity as social outcasts.

The succession of unsuccessful punitive measures is now coming under closer scrutiny across the Northern Triangle. All three countries are experimenting with new forms of regional collaboration in law enforcement. Guatemala has introduced vanguard measures to combat extortion rackets, many of them run from within jails, and has proposed a range of alternatives to prison terms. Although the collapse of the truce with the maras in 2014 spurred unprecedented violence in El Salvador, murder rates appear to have fallen again, while parts of the maras have proposed fresh talks with an eye to their eventual dissolution – an offer shunned by the government. Mass deportation from the U.S. back to these countries risks a repeated upsurge in gang crime. However, U.S. concern with reducing the migrant flow from Central America has generated significant new funds for development in the region via the Plan of the Alliance for Prosperity.

At the core of a new approach should stand an acknowledgement of the social and economic roots of gang culture, ineradicable in the short term, alongside a concerted state
effort to minimise the violence of illicit gang activity. Focused and sophisticated criminal investigations should target the gangs responsible for the most egregious crimes, above all murder, rape and forced displacement. Extortion schemes that depend on coercive control over communities and businesses, and which have caused the murder of hundreds of transport workers and the exodus of thousands in the past decade, could be progressively transformed through a case-by-case approach. Ad hoc negotiations and transactions with gangs responsible for extortion are not uncommon in the Northern Triangle, and have generated insights into how the maras may be edged toward formal economic activity. Targeted and substantial economic investment in impoverished communities with significant gang presence could reduce the incentives for blackmail.

Despite the mistrust bequeathed by the truce as well as El Salvador’s and Honduras’ classification of maras as terrorist groups, new forms of communication with gangs could be established on the basis of confidence-building signals from both sides, potentially encouraged by religious leaders. Government and donor support for poor communities and for improved prison conditions would ideally be answered by a significant reduction in violence from the maras. A momentous step by the gangs, above all in El Salvador, would be to guarantee free movement of all citizens through gang-controlled territories, as well as a restoration of the veto on violence and recruitment in schools.

Rounding up all gang members, or inviting gangs to an open-ended negotiation, represent a pair of extremes that have both proven fruitless in the Northern Triangle. Gangs are both embedded in society and predatory upon it, and both victims and perpetrators. Policies toward them need to recognise their social resilience and find ways to reduce the harm they undeniably cause without branding them enemies of the people.

**Recommendations**

To reduce the harm caused by gangs’ violence, restore the rule of law and address the socio-economic bases of gang recruitment and extortion

To the governments of El Salvador, Guatemala and Honduras:

Acknowledge that the Northern Triangle is facing a serious security and forced displacement crisis, and call for international support to tackle the humanitarian fallout by collaborating with local organisations in offering temporary shelter and assistance to those displaced by violence.

Engage transparently in confidence-building measures with the maras without necessarily engaging in direct dialogue; and prepare to support improved prison conditions in exchange for peaceful signals from gangs.

Promote a responsible approach to integral investment and business support in areas and communities showing signs of pacification but still affected by entrenched gang-run criminal rackets, especially extortion.

In Honduras, repeal categorisation of gangs as terrorist groups; and respect rule of law by promoting accountability efforts via the Office of the Attorney General and the Mission Against Corruption and Impunity in Honduras (MACCIH).

In El Salvador, release all facilitators of the gang truce accused of illegal association as a trust-building action; reverse the decision to renew the “extraordinary measures” against the gangs; and approve the stalled rehabilitation law.

Prioritise tri-national collaboration between prosecution services as a means to identify the most effective harm reduction approaches to gang crime; and promptly target certain mara crimes, above all murder, rape and forced displacement.

To the government of the U.S.:

Continue providing Central American governments with financial support to carry out violence prevention initiatives and community development under the aegis of the Alliance for Prosperity, albeit with greater emphasis on long-term development projects involving grassroots organisations.
Refrain from instigating mass deportations or harsher anti-migration measures against Northern Triangle countries without prior guarantees of investment in returnees’ communities, proper attention to returnees’ employment and vocational needs, and close monitoring of security effects; and strictly respect human rights of migrants and deportees.

Drop the designation of the MS-13 gang as a significant transnational criminal organisation.

To the UN:

Extend the mandate of the UN special envoy in El Salvador for a further six months and design long-term goals in the areas of education and economy; and create a working group on peacebuilding and invite all parties, including local churches, to explore the possibility of inclusive dialogue.

To the Mara Salvatrucha and Eighteenth Street gangs:

Initiate efforts at pacification and spur future dialogue by declaring freedom of movement through gang-run territories; assure that schools and hospitals are violence-free zones; and renounce violence as a means of mass public intimidation.

"Another Indigenous Radio Station is Born: The Inauguration of Radio Xyaab 'Tzuultaq'a,'" Cultural Survival, March 10, 2017, https://www.culturalsurvival.org/news/another-indigenous-radio-station-born-inauguration-radio-xyaab-tzuultaqa, reported, "'It will go down in history, all the men and women who promoted radio, the radio will be used to defend our rights and defend our language, as Q'eqchi' people,' said teacher Guadalupe Quinich, during Radio Xyaab 'Tzuultaq'a's inauguration on March 5, 2017, in El Estor, Guatemala. The inauguration coincided with the beginning of the Mayan New Year, Joob Tz'ikin.

With candles, ocotes, and chocolates, the spiritual guides conducted a Mayan ceremony to thank God for giving life to the radio station. Pacaya leaves and pine decorated the community radio station. Little by little the local people stopped by to see the radio cabin and to congratulate the organizers in launching the radio.

With great joy, people from El Estor listened to the first broadcast. 'What started as a dream became reality with the support of Cultural Survival, WACC and the accompaniment of Sobrevivencia Cultural,” said Robin Sicajan, director of Association for Integral Development (AEPDI). “We went through a process to truly understand what a community radio consists of. The support of Cultural Survival and Sobrevivencia Cultural was essential, as was ensuring the participation of women and spiritual guides in organizational processes.' Sicajan pointed out, “We are going to amplify the voices of the community, we are not going to censor anything, radio will be a means for communities to make their complaints heard and to inform others about what is happening at the national and international level.” Sicajan also explained that the term Xyaab 'Tzuultaq'a means “the voice of the hills” in the Q'eqchi' language.

According to Anselmo Xunic from Sobrevivencia Cultural, 'community radio is a right of the Indigenous Peoples.” During the signing of the Peace Accords in 1996, Guatemala committed to provide frequencies to Indigenous Peoples, yet that has not been fulfilled. “We do not want to be illegal, for that reason we have presented four bills to legalize community radio stations, and last year congress took the first two steps, by holding the first two readings of the proposed revision to the telecommunications law. However, the commercial radio owners, stopped the process,' said Xunic.

'Information is fundamental to demand our rights. In 2013, we denounced the State of Guatemala for violating the right to freedom of expression and the lack of democratization of media before the Inter-American Commission on Human Rights,” said Cesar Gomez, who is the legal representative of Sobrevivencia Cultural. “Laws are not made for us, Indigenous Peoples,
and only benefit a small privileged group. We must inform ourselves about our rights through radio and demand these rights.'
Cornelia Cul, a Women’s Department office representative called on women, men, young people, young women to join in the communication process, to defend the station that is part of El Estor.

'We are happy to be part of Radio Xyaab 'Tzultaq’a’s inauguration. It is the voice of the hill, of the planets, of the valleys, where voices from those who have not been heard will come. They will share their customs, traditions, their sadness and joy, and it will be a space where they can come and exercise their free thinking,' Community leader Domingo Caal pointed out. "We have to go back to our homes and tell our friends that we have a community radio station," he said.

After hearing the words of Indigenous authorities, representatives, institutions, organizations and youth, the symbolic cut of a tape was inaugurated, accompanied by the music of the marimba.

Since 2013, El Estor-based AEPDI had dreamed to have a radio station serve the community, to inform, educate, entertain, and strengthen their identity as a people. They began planning and negotiations in July 2013, when Angélica Rao and Anselmo Xunic from Cultural Survival and Sobrevivencia Cultural made their first visit and met with Adelso Romel Reyes Reyes, the director of the Defensoría Q'eqchi' at the time who expressed the interest of the municipality to have this means of communication.

Matilde Chocooj, leader of AEPDI, who was given the role of following up on the proposal, brought together about 35 people from various sectors of the community, including the Community Development Council and auxiliary municipalities to explain what community radio is and how it can benefit local people. At the meeting, Angélica Cubur and Anselmo Xunic shared the experience of Radio Ixchel, from Sumpango Sacatepequez.

The organization AEPDI, better known as the Defensoría Q'eqchi, has promoted the Indigenous Peoples’ rights and the demand for the right to Land and Territory through programs and radio spots on commercial media, paying high costs for limited time slots. Therefore, the participants were eager to open their own community-controlled radio stations that would reflect their needs and values.

Since then, several proposals for funding were submitted but international support was not obtained. Despite these adversities, they continued searching and last year an opportunity with Cultural Survival’s Community Media Grants Project opened up. Consultations were made with various organizations and institutions in El Estor to find out about the viability of a community radio. "The result was positive," said Avexnim Cojti from Cultural Survival. "With the financial support from the grant, the community was able to purchase transmission equipment. AEPDI bought the land where the station was established and the communities collaborated in constructing the building."

El Estor is a municipality of Guatemala which is approximately 320 kilometers from Guatemala City. Eighty percent of the population speak Q’eqchi’. With the station’s opening, Indigenous leaders present at the inauguration expressed their hope to strengthen their struggle and their identity and work hard utilizing educational and informational radio programs about their rights and civic participation.

"Hidro Santa Cruz Terminates Dam Project in Barillas, Guatemala ," Cultural Survival, January 23, 2017, https://www.culturalsurvival.org/news/hidro-santa-cruz-terminates-dam-project-barillas-guatemala, reported, "After almost a decade of resistance, a cautious victory has been declared for a Maya community in Guatemala in their fight against a Spanish hydroelectric company attempting to install a dam on their sacred river.

In December 2016, Hidro Santa Cruz, a subsidiary of Spanish infrastructure companies owned by brothers Luis and David Valdivia, announced it would be pulling out
of its project in Huehuetenango, Guatemala, after years of consistent and powerful resistance from Q’anjob’al communities prevented them from constructing the dams.

The company announced the termination of the project in a press release, saying that it no longer considers the project viable: ‘For various reasons, [the project] has not gained the acceptance of a significant part of the inhabitants of the territory in which it was planned for installation...The decision was adopted months earlier, after careful analysis that considered the fundamental social impact, as well as the petitions received from different non-governmental organizations. It has been officially communicated to the State of Guatemala.’

The release does not mention that the company’s financial backers pulled their multi-million dollar investment in Hidro Santa Cruz in November of 2015 after complaints were filed to the World Bank.

In July of 2015, representatives of the community in Santa Cruz Barillas, Guatemala submitted a official complaint regarding a proposed hydroelectric dam on the Q’am B’alam River in their small town in the department of Huehuetenango. Cecilia Mérida, the partner of an environmental defender who was arrested and falsely charged and imprisoned in Guatemala, testified at the World Bank in Washington, D.C. She spoke of the damage being inflicted by the Bank's financing of the project and the strategies of criminalization being employed by the Guatemalan government and Hidro Santa Cruz in an attempt to silence local opposition, giving firsthand testimony about the impacts on families and communities when leaders are illegally detained and imprisoned for months, or even years, on end.

Since 2009, Hidro Santa Cruz has been planning a series of dams on the Q’am B’alam river that surrounds the town of Santa Cruz Barillas. The river and its three waterfalls are considered sacred by the Q’anjob’al community, whose ancestors named the river “yellow tiger” in the Q’anjob’al language after the animal that was said to drink from its waters. The project was to be installed in an area used by the community for ceremonial, recreational, and agricultural purposes, and in an ecosystem that is of highest priority for conservation, according to the International Commission on Tropical Biology and Natural Resources.

The community has twice held referenda and both times voted unequivocally to reject the exploitation of its natural resources by transnational corporations. Nevertheless, the government approved the Cambalam I Dam without the Free, Prior and Informed Consent of the community, nor any legitimate social or environmental impact assessments.

Dozens of community organizers and leaders have been arbitrarily detained and arrested after speaking out against the dam, including Mérida’s partner, Ruben Herrera. Some were imprisoned for over two years. All were eventually released due to lack of evidence of having committed a crime. Two men have been killed; one, Andres Francisco Miguel, was shot at by security guards of the company in 2012, and another, teacher Daniel Pedro Mateo, was kidnapped while on his way to a community meeting training environmental defenders in 2013. His body was later found with signs of torture.

Following the Money

The World Bank continues to be a major funder of resource extraction companies around the world, lending hundreds of millions of dollars each year to companies working in the global South who are unable to guarantee that these investments are not contributing to human rights violations.

The Hidro Santa Cruz project, proposed by Spanish-owned Ecoener/Hidralia Energia, through its subsidiary Hidro Santa Cruz, was funded by a private equity fund, Corporación Interamericana para el Financiamiento de Infraestructura (CIFI), which is supported by the International Finance Corporation (IFC). The IFC, part of the World Bank Group, had committed to a $10 million equity and $20 million loan investment to Hidro Santa Cruz via the CIFI, with an additional $48.5 million syndicated loan.
CAO, the Compliance Advisor/Ombudsman, is the group tasked with investigating the complaint from the community. As an independent recourse mechanism for the private sector lending arms of the World Bank Group, CAO's mission is to address complaints by people affected by these projects and to enhance the social and environmental accountability of both the World Bank and its private sector lending institutions.

CAO’s findings agreed that the accusations in the community’s complaint were serious and substantial in nature. The CAO is now investigating whether IFC performed its due diligence in reviewing the Environmental and Social Impact Assessments carried out by Hidro Santa Cruz. Results of that investigation are expected in June 2017.

All evidence points to the fact that the IFC should never have invested in Hidro Santa Cruz. The project violated the rights of Indigenous Peoples by ignoring the community referendum of 2009, ignoring the community’s right to Free, Prior and Informed Consent, and turning a blind eye to the use of violence, excessive force, intimidation, rape, and false imprisonment as methods to further their business interests.

The traditional authorities of the Maya nations in Huehuetenango, known as Payxail Yajaw Konob’, released a statement regarding the announcement of the termination of Hidro Santa Cruz in Guatemala. Rather than celebrating the announcement of the company’s exit, leaders who are all too familiar with the deceptive strategies of foreign companies are concerned that the license for the project may have simply changed hands, allowing another future company to move forward. They also point out that Hidro Santa Cruz is just one of various subsidiary companies of Ecoener and Hidralia Energia.

In fact, as the Hidro Santa Cruz project in Barillas has quieted down in recent years, neighboring community San Mateo Ixtatan has faced increased aggression from hydroelectric project Promociones de Desarrollo Hidrico (PDH), which also has ties to the Valdivia brothers: Hidralia Energia, Hidro Santa Cruz’s parent company, was awarded a contract to design the series of two dams in 2011.

As the community has organized in opposition to the project, the same patterns of community unrest and repressive violence are being used against them. On January 17, 2017, 72-year-old Sebastián Alonzo Juan was killed during a demonstration in the Maya Chuj community of Yich K’isis, San Mateo Ixtatan, Huehuetenango, when National Police and armed private security opened fire on demonstrators outside of the facilities of PDH during a skirmish between community members for and against the dam. He is the third person to be killed as a result of conflict relating to the plans for that dam, in a community of just 39,000.

PDH has also received funding from international development banks, specifically the Inter-American Investment Corporation (ICC), a branch of the Inter-American Development Bank, which has provided more than $13 million in financing for the project in San Mateo Ixtatan. There are 13 other licenses in various stages of development for hydroelectric projects in Huehuetenango.

In the United States, the battle against oil and gas pipelines has been characterized as a fight against a medusa, a monster with many heads; it’s the same monster, activists say, with different names in different places. Meanwhile, Guatemala fights a similar monster in its conglomeration of hydroelectric projects.

Less than a week after the ancestral government released a public statement warning that the fight against Hidro Santa Cruz is not over, they released another statement following the death of the Maya Chuj elder. 'We demand, once again, the immediate cancellation of all the licenses authorized on Q’anjob’al territory and the immediate removal of all extractive industry and security forces...Our nations have inhabited this territory for thousands of years'."

Nika Knight, "Honduran Farmers Sue World Bank Lending Arm for 'Profiting From Murder': A private lending arm of the World Bank is not 'ending poverty,' it is 'ending
the lives of the poor,' says one farmer," Common Dreams, March 08, 2017, http://www.commondreams.org/news/2017/03/08/honduran-farmers-sue-world-bank-lending-arm-profiting-murder, reported, "Honduran farmers on Wednesday filed a lawsuit against a branch of the World Bank for funding a massive palm oil corporation that the suit alleges has been responsible for the killings of over 100 farmers, as well as torture, violent assaults, and 'other acts of aggression.'

The World Bank has 'knowingly profited from the financing of murder,' argues the lawsuit filed in a federal court in Washington, D.C.

'We have lost our compañeros, they have left our children without fathers, it's been difficult to move forward, we live from our families and our land and now we are left with nothing,' said one of the farmers, according to EarthRights International (ERI), the nonprofit which filed the suit on the farmers' behalf.

All the farmers named in the suit were protected by the pseudonyms Juan Doe and Juana Doe, to shield them from retaliation on the part of the palm oil company, Dinant.

'We want justice and the ability to raise our children again,' the farmer added. 'We have to move forward.' The suit is requesting damages for specific deaths.

The suit alleges that the International Financial Corporation (IFC), the World Bank Group's private lending arm, together with an IFC financial intermediary, the IFC Asset Management Corporation, have provided millions of dollars in financing to Dinant, even though, at the time, there were widespread allegations that Dinant employed hitmen, military forces, and private security guards to intimidate and kill local farmers who claim Dinant's owner stole their land decades prior,' ERI wrote in a statement.

The rights advocacy organization continued:

The IFC (with U.S. taxpayer money) and IFC-AMC knowingly financed Dinant's campaign of terror and dispossession against Honduran farmers. The IFC's own internal watchdog, the Office of the Compliance Advisor/Ombudsman (CAO), found that IFC failed to adhere to its own policies to protect local communities, and continued to allow the company to breach those safeguards and either failed to spot or deliberately ignored the serious social, political and human rights context in which this company is operating.

The result was an explosion of extreme violence by public and private security forces against the farmers, their movement leaders, and lawyers representing them. Over 100 farmers have been killed since November 2009 when the IFC disbursed the first half of a $30 million loan to Dinant; and the number of killings continues to grow today. So too has IFC's support for Dinant; even after the IFC's internal watchdog scolded the IFC for the 2009 loan, the IFC continued supporting Dinant via an opaque system of financial intermediaries, including the IFC-AMC and the Honduran bank, Ficohsa.

The suit claims that the purpose of the systemic violence is to 'intimidate farmers from asserting competing rights to land that Dinant has sought to control.'

'The horrendous spate of violence that followed the IFC's loan to Dinant is probably one of the most severe instances of corporate-related human rights abuse and financier negligence in the past decade,' said one ERI lawyer, also unnamed because of security concerns.

Another Honduran farmer quoted by ERI described the horrific violence: 'The police pulled people out of their houses. Military, police, and guards. We saw they were beating people including kids, so we were yelling, 'Don't hit the people!' One bullet hit me, it still affects my breathing. I didn't realize I'd been shot, but I touched it and saw blood. Another person was shot through the stomach.'

'Every day I am scared, but this is how life has become,' said a different farmer. 'At the end of the attack against me, the guards and military told me that they know where I live and that they will come to get me if I file a complaint against them.'

ERI argues: 'While the IFC boasts of its mission to 'end extreme poverty by 2030 and
boost prosperity in every developing country,' the IFC has knowingly entered one of the world's most persistent and abusive land conflicts on the side of Dinant, a primary author of poverty and violence in Honduras. In the words of one farmer in the Bajo Aguán, the IFC is not 'ending poverty;' it is 'ending the lives of the poor.'

The IFC clearly cannot police itself and it should no longer be allowed to hide behind a veil of immunity,' an ERI lawyer said. 'The courts of the United States must be open to hear this case because nobody—not individuals, not corporations, not governments, and not the IFC—can get away with aiding these human rights abuses.'

*Honduras is one of the most dangerous countries in the world for land and rights defenders. In 2016 alone, multiple Indigenous activists—including Berta Cáceres, who won the Goldman Environmental Prize for her work—were killed.*


The permit, issued in 2007 under former President Oscar Arias, had declared the dam to be located at the mouth of the General River Valley in the southern Pacific and part of the country of 'national interest'

The court ruling did not question the “national interest” part of the permit, but said ICE had failed to comply with a previous high court order to adequately consult the Indigenous communities. The project has been stalled since 2011 over the Indigenous consultation issue.

The 650 megawatt hydroelectric project was to be the largest such project in Central America. The project’s reservoir would occupy 7363 hectares of land, 830 hectares of which are Indigenous territories, and displace over 1547 people.

The project would also flood 10 percent of the Terraba (also known as Teribe) China Kichá Indigenous territory (104 hectares) and 8 percent of another Terraba communities of Curré and Boruca (726 hectares). Officials estimate that 200 sacred Indigenous sites would be destroyed by the reservoir.

Some see the development as very positive. The $2.5 billion project would provide employment in the region to 3,500 people. The Diquis project would increase that renewable energy capacity and also allow Costa Rica to sell energy to neighboring Central American countries. Costa Ricans are proud of their electrical energy system which provides energy mostly from renewable resources. In 2016, the country went most of the year without resorting to using oil-fired thermal generators. But sometimes even renewable energy has high cost, especially when it comes to hydro-electric dams.

The high court ruling referred to Article 8 of the Arias Administration decree which would have allowed ICE to gather materials for the dam, power station, and connected works in locales in the areas of El General, Buenos Aires, Changuena and Cabagra, despite the fact that Indigenous people live in the areas.

According to the Constitutional Chamber’s press office, the annulled article was challenged previously in September of 2011, when the court determined that the decree was constitutional just as long as the Indigenous communities were consulted within a period of six months from the notification of the ruling.

However, early the next year, the court ruled that the six months established by the Court had passed and the consultation had not been made. 'The Constitutional Chamber has
demonstrated that, in fact, in the space of time established in the 2011-12975 ruling, the referred to consultation was not made nor did any party come to this Chamber request an extension of the time limit granted. Therefore, since the condition dictated in ruling 2011-12975 have not been met, the Article 8 of the No. 34312-MP-MINAE executive decree is unconstitutional because the consultation failed to occur.' said the press office.

The Terraba say they are not interested in the offers made so far to relocate their communities to other lands and provide them with well-paid jobs. 'We don’t believe in the promises of employment for Indigenous Peoples, as up until today it had been demonstrated that all the qualified and best paid personnel have been brought from outside, Indigenous workers are used only to break rocks,’ said community leader Jehry Rivera.

For Indigenous people, ICE offers are only opportunism. Indigenous Peoples want better lands and compensation in order to agree for the project to go forward.

The Court said that the consultation of Indigenous communities under Costa Rican law was necessary since the project is located in areas declared as an Indigenous reserve, “In fact, Costa Rica could be in violation of not complying with international conventions in relation to the autonomy of Indigenous Peoples over their territory. Costa Rica is a signatory of the International Labor Organization’s Convention on Indigenous and Tribal People.”

Indigenous Peoples are not the only ones opposed to the project. Environmentalists say that the dam's reservoir would dry up the intensely green Térraba River Valley and would destroy irreplaceable habitats such as the Ramsar wetland and the river delta that drains into the Pacific. The wetlands and delta are the nesting grounds for many species including the endangered hump-back whale."

Introduction and translation by Laura Hobson Herlihy

At the end of 2016, a small Indigenous political party, Yatama (Yapta Tasbi Masraka Nanih Aslatakanka/Sons of Mother Earth), achieved a victory in the Nicaraguan general elections and effectively confronted the dictatorial Sandinista state.

Everyone knew that Daniel Ortega, the perennial candidate of the Sandinista National Liberation Front (FSLN) party, would win the presidential election. There were no real opposition candidates and Ortega, alongside Rosarillo 'Chayo' Murillo, his hugely popular wife and vice-president running-mate, had over half the country’s support. As expected on November 6, 2016, Daniel Ortega was elected to his fourth overall and third consecutive term as President of Nicaragua.

A much more interesting battle in the general elections took place on the Caribbean Coast. Here, Yatama was running as an independent party for the first time, the only opposition party to the FSLN in the region. Yatama was hoping to send one or more regional candidates to the National Assembly, with five candidates (two Miskitu; two Kriols; and one mestizo) running for assemblyman in the North (RACCN) and South (RACCS) Caribbean Coast Autonomous Regions. However, everyone’s attention was focused on one candidate from the North: Brooklyn Rivera.

Rivera was both son and the highest leader of the Miskitu Nation. Rivera rose to power during the US-backed Contra War within the Sandinista revolution (1979-1990), and he used his position as a Contra military leader to fight for the Indigenous and Afro-descendant people’s regional autonomy. The Sandinista state passed the autonomy law (Law 28) in 1987, establishing two pluri-ethnic autonomous regions on the Caribbean Coast, the same year Rivera founded Yatama and became its long-term director.
In 2007, Rivera (Yatama) made an alliance with Ortega (FSLN) that enabled him to serve for eight years as an assemblyman in the Nicaraguan National Assembly and as President of the Comisión de Asuntos de los Pueblos indígenas, Afrodescendientes y Regímenes Autonómicos. A year after Rivera broke the alliance in 2014, the FSLN-controlled assembly illegally deposed him. The assembly majority leader accused, tried, and found Rivera guilty of selling Indian lands, thus, criminalizing Nicaragua’s most respected and renowned Indigenous leader.

Instead of this ending his political career, Rivera became stronger. The Caribbean peoples began to view him as a political martyr, a scapegoat used by the FSLN to disguise their own involvement in the internal colonization and the invasion of Indian lands. Now Rivera was back in 2016, running as an independent Yatama candidate. This would be quite a story if he could win back his legislative seat.

**The Yatama Campaign: Saneamiento**

At the Yatama campaign’s grand finale march in Puerto Cabezas-Bilwi over 10,000 people took to the streets where the local population numbers around 50,000. The growing support base for Yatama included new Indigenous and ethnic supporters (Indigenous Miskitu, Mayangna, and Rama; Afro-descendant Kriols and Garifuna; and Native-born mestizos). Some were opposed to the FSLN-approved, Chinese-backed inter-oceanic canal set to cut through Rama and Kriol territories. Many more were motivated to join Yatama because of the current land crisis on the Caribbean Coast.

Mestizo colonists from the Pacific, seemingly unaware of Nicaraguan communal property law (Law 445), have illegally purchased titles and settled nearly half of the Indigenous and Afro-descendant ancestral lands. Miskitu people have organized in defense of their territories and now engage in periodic armed-conflicts with mestizo colonists near the middle-Rio Coco region. Most of the violence revolves around saneamiento (part of Law 445), which calls for the removal of all colonists and outside industries from Indigenous and Afro-descendent lands.

Confidencial reported that since September 2015, colonists have killed 33 Miskitu men, injured 47, and kidnapped three with impunity. Most contentious was the Sandinista youth’s killing of Yatama leader Mario Leman, and still today, justice has not been served. The Sandinista government continues to look the other way and has not provided protection to Indigenous people or support to the 3,000 Nicaraguan Miskitu refugees that fled to Honduras.

On the night of Sunday, November 6, election results on the Caribbean Coast indicated that at least one Yatama candidate—Rivera—had won an assemblyman position. Yatama planned a peaceful victory march the next day for their candidate. The victory march turned violent, as Yatama officials accused the FSLN of stealing at least one assemblyman position in the RACCN by voter fraud. The next day, one-hundred crowd control police arrived from Managua. Bilwi became militarized over-night. In the end, the FSLN allowed only Rivera (Yatama) to take a seat in the National Assembly.

Below is the statement by Rivera, giving historic context to his victory as an independent candidate and to Yatama’s fight for representation at the national level.

**YATAMA’S ELECTORAL VICTORY IN NICARAGUA**

By Brooklyn Rivera (En español)

"The Indigenous and Afro-descendant peoples of the Nicaraguan Miskitu Coast, who reside along the Caribbean Coast, represent about 5% of the national population. Although they elect their leaders in community assemblies, they also participate in Nicaragua’s electoral processes, at the municipal, regional, and national level. Yatama began in 1990 as an Indigenous organization, with formal leadership, a party logo, candidates in elections, and a ballot box (casillo 8). In 2000, Yatama became a political party, and it remains so today.

Since the armed conflict in the country, Yatama has made consistent advances and gains in the country’s electoral processes at all levels, even though Yatama has been at a major
disadvantage, without consistent, loyal national alliances and as always, beneath the control of the Supreme Electoral Council (CSE). In the Nicaraguan general elections of 2001, Yatama had no alliance with a national party and failed to win one seat in the National Assembly. This reveals how both Sandinista and Liberal parties [from both the political left and right] have dominated the Indigenous and Afro-descendant peoples of the region, since the so-called ‘reincorporation’ of Muskitia imposed from Managua in 1894. In this way, we have been invisible, forced to vote for national parties, absent from an authentic fight for our agenda in the national parliament.

In the last national elections of November 2016, Yatama was called on to challenge the ruling national party, and we were at a great disadvantage in competitive strategies with the FSLN. This disadvantage was caused by our decision to run as an independent party after the ‘Mario Leman’ Assembly, when the people decided to ratify the breaking of the alliance with the FSLN. Yet unfortunately, we later were not able to make an alliance with national political parties like PLI or PLC. We were all alone.

Without clear direction regarding Yatama’s running as an independent party, we proceeded forward. Our movement spontaneously ignited the spirit of the people. The people’s enthusiasm took over in the communities. As such, we became a regional political force participating on the national stage, in a battle to open a space and give representation to Indigenous Peoples. We had begun to challenge the powerful and hegemonic Sandinista state.

To confront the state, we stressed our common history and cultural and regional identity, and the rights and goals of our Muskitia homeland. Yatama officials began to work at the community level to include the political participation of Indigenous community members, who were formerly excluded from voting process. Common themes that motivated our supporters were the problem of the colonists; the killing of Mario Leman; and my ousting from the National Assembly. These themes were viewed by the people as part of the national government’s anti-Indigenous policies.

In the recent elections, our Indigenous movement faced serious voting obstacles. FSLN voters were provided a clear path to vote, even multiple times, while the FSLN arbitrarily excluded our supporters at the voting precincts, so that they could not vote--the FSLN changed the voting precincts of many Yatama supporters, whose names were missing from the registries. Voting identification cards also were channeled toward FSLN youth, while they were denied to Yatama supporters. Additionally, the placement of our ticket, buried at the end of the voting ballot, confused Yatama sympathizers and encouraged them to mistakenly vote down ticket, following the FSLN party-line, effectively nullifying their vote.

In these ways, the FSLN minimized our vote and stole at least one assemblyman position from Yatama in the RACCN. We had shown the popular support for the Indigenous movement during the Yatama campaign finale march on November 2 and in the Bilwi and Waspam voting precincts. The votes we garnered represent the demands of the people for saneamiento of the colonists illegally occupying our Indigenous and Afro-descendant territories; and for justice in the name of Mario Leman; and for my expulsion from the National Assembly. These themes were viewed by the people as part of the national government’s anti-Indigenous policies.

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Yoryanis Isabel Bernal Varela, 43, was a leader of the Wiwa tribe and a campaigner for both indigenous and women’s rights. The Wiwa are one of four tribes that live on the Sierra Nevada de Santa Marta, a unique pyramid-shaped mountain in northern Colombia. The Sierra Nevada Indians believe it is
their responsibility to maintain the balance of the universe.

Bernal Varela is the latest victim in a long line of attacks against Sierra Nevada leaders, who have been at the forefront of the indigenous movement in South America. Many Indians have been killed by drug gangs, left-wing guerrillas and the army.

In November 2012 Rogelio Mejía, the leader of one of the other Sierra Nevada tribes, the Arhuaco, narrowly escaped an assassination attempt.

José Gregorio Rodríguez, secretary of the Wiwa Golkuche organization, stated: “Indigenous people are being threatened and intimidated. Today they murdered our comrade and violated our rights. Our other leaders must be protected.”

The problem is not limited to Colombia. Indigenous activists throughout Latin America are being murdered for campaigning against the theft of their lands and resources. The murderers are seldom brought to justice.

In January, Mexican Tarahumara indigenous leader Isidro Baldenegro López was killed. In 2005 he had received the prestigious Goldman prize for his fight against illegal deforestation.


The ruling effectively dissolved the elected legislature, which is led by Mr. Maduro’s opponents, and allows the court to write laws itself, experts said.

The move caps a year in which the last vestiges of Venezuela’s democracy have been torn down, critics and regional leaders say, leaving what many now describe as not just an authoritarian regime, but an outright dictatorship. Following international and domestic pressure, the Venezuelan Supreme Court, a day later, began to revive its decision dissolving the country’s legislature. The court’s new ruling, not finalized or entirely clear as of April 1, would seem hold the legislature in contempt, preventing it from passing laws, but not giving the Supreme Court the power to do so (Nicholas Casey and Patricia Torres, "Venezuelan Court Revises Ruling That Nullified Legislature," *The New York Times*, April 1, 2017, https://www.nytimes.com/2017/04/01/world/americas/venezuela-court-national-assembly.html?ref=todayspaper).

"New Maya Leadership Elected in Southern Belize," Cultural Survival, January 23, 2017, https://www.culturalsurvival.org/news/new-maya-leadership-elected-southern-belize, reported, "On January 20, 2017, while the United States watched the swearing in of one its most controversial and oppressive presidents ever elected, the Maya people of Southern Belize swore in new leadership under their traditional governance system, recognized under both Maya cultural authority and the State of Belize. The alcaldes were elected in a peaceful process by 39 villages. Cultural Survival congratulates the new leaders, including Mr. Santiago Quib, the newly president of the Toledo Alcaldes Association, and welcome a continued working relationship over the next two years in support of the realization of Indigenous rights in Belize. Press release by the Maya Leaders Alliance:"
Throughout history, the Maya people have provided examples of tolerance, order and respect in a community based life. A life that is deeply connected with our lands and sacred sites, and with very low incidents of crime. Key to this is the centennial work of the Alcaldes. For over a century now, the Alcaldes work together with the Maya villages as guardians of Maya values and norms. Entrusted by their communities, the Alcaldes are the authorities of the Alcaldes System established to maintain the order of the villages using traditional governance.

Toledo Alcaldes Association, the representative body of the Maya Peoples of Southern Belize, applauds the 38 Maya villages for the peaceful transition of leadership. This Friday January 20 2017, marks the swearing in of 76 Alcaldes to traditional leadership roles. Elected by a majority of votes within each village, the Alcaldes will represent the members of their village over a term of 2 years, and act under the authority of both the Maya cultural tradition and the Constitution of Belize. The swearing-in ceremony was administered by Justice Antoinette Moore in representation of Chief Justice Kenneth Benjamin. At the time of the swearing in ceremony, the alcaldes also elected Mr. Santiago Quib, Alcalde of San Benito Poite, as the next president of the Toledo Alcaldes Association.

The Alcaldes serve their communities in local and regional affairs and by working with local police and government bodies towards building a just, peaceful, and equitable Belize. At today’s ceremony Maya Elder Mr. Pio Coc J.P, Mr. Ernest Banner of the Ministry of Rural Development, Superintendent Clemente Cacho of the Punta Gorda Police Formation and Mr. Lawrence Bolon the President of DAVCO-Toledo offered words of wisdom and support to the newly elected Alcaldes.

The Maya people of southern Belize takes the opportunity to also congratulate the State of Belize for their continued role in supporting and recognizing the authority of the Maya Peoples’ traditional governance, in accordance with international human rights frameworks such as the United Nations Declaration on the Rights of Indigenous Peoples and recommendations made under the Universal Periodic Review. Supporting the Alcaldes and the autonomy of the Maya people’s governance is a way of showing respect to our collective and peaceful way of living. Through the alcalde system, we have been able to hold our world together even in the most remote villages and in so doing contributing to the construction of a truly diverse and just Belizean society.

The swearing in ceremony of the 76 elected Alcaldes took place at the Parish Hall in Punta Gorda Town, starting at 7:00am, with a traditional Mayan ceremony and culminating with the signing of oaths of office."

"Power without the People: Averting Venezuela’s Breakdown, Latin America and Caribbean Report #36, June 19, 2017, https://www.crisisgroup.org/latin-america-caribbean/andes/venezuela/b036power-without-people-averting-venezuelas-breakdown?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=9ed7a1f76c-EMAIL_CAMPAIGN_2017_06_19&utm_medium=email&utm_term=0_1dab8c11ea9ed7a1f76c-359871089, commented, "Violence is escalating in Venezuela, killing 70 people in over two months of ever-angrier popular protests against a government that is abandoning representative democracy. Regional states should avert a humanitarian catastrophe by pressuring the Maduro regime to withdraw plans to elect a phony constituent assembly on 30 July."

**Overview**

Venezuela is in turmoil after more than two months of almost daily mass demonstrations organised across the country by the opposition Democratic Unity (MUD) alliance. Almost 70 people have been killed; human rights groups ascribe at least a third of these deaths to excessive force by National Police (PNB) and National Guard (GNB) riot squads, sometimes accompanied by groups of gunmen on motorcycles (so-called colectivos).
Thousands have been arrested – some in violent raids on residential properties carried out without warrants – and hundreds arraigned before military tribunals, in violation of the constitution. Systematic looting in several cities adds to the misery of daily life in a country suffering from chronic shortages of food, medicines and other basic goods. Armed thugs, either affiliated with or tolerated by the government, hold de facto authority in many areas.

Venezuela has ceased to be a democracy. President Hugo Chávez and his successor Nicolás Maduro have systematically eroded constitutional checks and balances over nearly two decades. The government has suspended democratic elections and stripped the opposition-led National Assembly of virtually all its powers. It intends to rewrite the 1999 constitution, electing a 545-member constituent assembly next month under a specially designed system that almost guarantees a loyalist majority, despite the government’s low poll ratings. The assembly will be empowered to write a new constitution that sweeps aside existing institutions and installs a “communal state”. Government spokesmen have threatened to close the National Assembly, eliminating legislators’ parliamentary immunity and “turn upside down” the prosecution service (fiscalía general) whose head – the former loyalist Luisa Ortega Díaz – now publicly opposes the president.

Venezuela’s descent toward violent anarchy threatens not only its 31 million inhabitants but also the wider region, whose leaders are unable to agree on how to help their neighbour restore democracy, the rule of law and stability. A negotiated resolution remains the best hope for avoiding even greater bloodshed, but not by returning to the futile, time-consuming “dialogue” of 2016. Negotiations should be rigorously structured, with an agreed timetable and agenda, and mediated by external actors able to act as guarantors. The active engagement of the Organization of American States (OAS) will be essential. Negotiations should be rigorously structured [...] and mediated by external actors able to act as guarantors. The active engagement of the Organization of American States (OAS) will be essential.

Since the present government has rejected such negotiations, however, there is little hope for progress without the emergence of significant fractures between pragmatists and hardliners within both the military and civilian leaderships. Carrots as well as sticks are needed. Chief among the former is a credible plan to restore peaceful democracy that offers guarantees to both sides, including a transitional justice scheme. But first the government must abandon its project for a constituent assembly, which would only intensify the conflict and make a solution even more difficult."

"How to Prevent a Catastrophe"

Venezuela is immersed in a profound crisis that is not just political but also economic (see graphs 1 and 2 below). Per capita GDP has fallen by more than a third since 2012, the second worst economic collapse in recent Latin American history. Ten per cent of the population living in extreme poverty (around 1.5 million people) admits to obtaining food from the garbage. Infant mortality increased by more than 30 per cent between 2015 and 2016, and more than 11 per cent of children suffer from acute malnutrition. Most essential medicines are unobtainable. Domestic production has collapsed, with manufacturing firms operating at 20-30 per cent of installed capacity. Imports fell by 72 per cent between 2012 and 2016, and continue to plummet in 2017.
Negative Growth. Venezuela’s national income plummeted in 2015. Although forecasts suggest some recovery, the economy is not expected to grow in real terms for years. (Change in GDP at constant prices). Data after 2016 are estimates. International Monetary Fund and Bloomberg.

Economists forecast that Venezuela’s economy in 2019 will be roughly the same size it was in 1999. (GDP in real terms relative to 1996). Note: Data for 2016 is an estimate, reflecting IEA data showing a drop of 220,000 barrels a day that year. BP, International Energy Agency and Bloomberg.

To pay its most urgent bills (especially the foreign debt) the government is selling off assets at massive discounts. Lack of food, medicines and other basic goods, along with a collapse in the purchasing power of wages, is driving tens of thousands to leave the country, especially to neighbouring Colombia and Brazil, straining their resources. The government’s response is to blame its enemies and radicalise its base – a recipe for further polarisation, violence and poverty. There is no indication that the group around Maduro, including both civilian and military leaders, has any intention of negotiating a return to democracy. Such a restoration will only take place if pragmatists in government and the judicial system gain the upper hand, or if the government collapses, either because it runs out of money, or because the armed forces withdraw support.

The opposition sees little option but to maintain its campaign of non-violent demonstrations in a bid to persuade both the armed forces and/or civilians in key positions (especially the National Assembly, the Supreme Court, the electoral authority and the ombudsman’s office) to break ranks. Offers of leniency to government members through a transitional justice bill passed by parliament could prove useful in that regard. Government hardliners may ultimately need to be offered safe passage to exile, since no feasible transitional justice system is likely to offer them immunity from prosecution for human rights violations or involvement in serious organised crime.
Neither Venezuela’s neighbours nor the wider international community should remain on the margins. The region should put in place a “contact group”, ideally comprising four to six countries, including at least two allies of the Venezuelan government, to push for a negotiated solution. This effort will need to secure broad international support, including from major powers friendly to the *chavista* regime, such as China and Russia. Such a move already has been contemplated by a majority bloc within the OAS. But a consultative meeting of foreign ministers on 31 May failed to reach consensus, with the fourteen-nation CARICOM bloc of Caribbean states urging “non-interference”. The meeting was to reconvene just before the OAS General Assembly in Cancún, Mexico, 19-21 June 2017.

If the OAS fails to set up a contact group, an ad hoc group of countries should step in to promote a negotiated solution. The most urgent task of either a contact or an ad hoc group would be to put pressure on the Maduro government to abandon plans for a constituent assembly, commit to free and fair elections, and begin complying with the four key commitments it made during the 2016 dialogue but never implemented. The powers of the National Assembly should be restored, political prisoners released, a humanitarian assistance program launched and steps taken to replace government loyalists in the Supreme Court and the electoral authority with independent, respected professionals in accordance with constitutional requirements.

It is likely, as indicated above, that little progress will be made until the Maduro government runs out of alternative options, or is replaced by a more pragmatic leadership. Should neither persuasion nor protest force the government to change course, then the international community must be prepared to deal with the humanitarian consequences of even more intense conflict, including mass emigration, extreme hunger, and even more bloodshed.

Should the government prove willing to negotiate in good faith, however, restoration of constitutional rule probably will require formation of a transitional government of national unity under a mutually acceptable interim president, pending regional elections (currently scheduled for December 2017) and presidential elections in December 2018 as required under the 1999 constitution. The constitution may need to be amended to reinstate adequate checks on executive power and reassure *chavistas* there will be no witch hunts under a future opposition presidency. Given the massive foreign debt and critical scarcity of foreign reserves, there is also an urgent need for debt relief and a swift injection of capital to restore financial viability. An emergency economic program should also include extensive welfare programs for the most vulnerable groups in society.

There is still time to avert an outbreak of full-scale violence, but only if the government exercises restraint, the opposition shows leniency, and the international community presses both sides to cooperate while holding out the promise of immediate humanitarian relief and long-term economic aid."

"Brazil: Government abandons uncontacted tribes to loggers and ranchers," Survival International, April, 29 2017, http://www.survivalinternational.org/news/11671, reported, "All the government units currently protecting Brazil’s uncontacted tribes from invasion by loggers and ranchers could be withdrawn, according to information leaked to Survival International. The move would constitute the biggest threat to uncontacted Amazon tribes for a generation.

Agents from FUNAI, the country’s indigenous affairs department, perform a vital role in protecting uncontacted territories from loggers, ranchers, miners and other invaders. Some teams are already being withdrawn, and further withdrawals are planned for the near future. Thousands of invaders are likely to rush into the territories once protection is removed.
There are estimated to be over 100 uncontacted tribes in Brazil, well over two-thirds of the global population of uncontacted people. Many of them live in indigenous territories, which total over 54.3 million hectares of protected rainforest, an area about the size of France.

These territories are guarded by just 19 dedicated FUNAI teams. It is possible that all 19 teams could be eliminated from the Brazilian state budget, despite the fact that money spent maintaining these teams is equal to the average salaries and benefits paid to just two Brazilian congressmen per year.

The proposals are the latest in a long list of actions from the Temer government, which came to power in 2016 after the impeachment of Dilma Rousseff, that could have catastrophic consequences for indigenous peoples.

Indigenous activist Sonia Guajajara said: 'By cutting down the FUNAI budget, the government is declaring the extinction of indigenous people.'

Paulo Marubo, an indigenous man from the Javari Valley in Brazil's Amazon said: "If the protection teams are withdrawn, it will be like before, when many Indians were massacred and died as a result of disease… If the loggers come here, they will want to contact the uncontacted, they will spread diseases and even kill them.'

Campaigners have suggested that the government’s close ties to Brazil’s powerful ranching and agribusiness lobbies – which consider indigenous territories to be a barrier to their own expansion – could be part of the reason for the proposal.

Major indigenous protests are taking place this week in Brasilia against government proposals to water down protection for indigenous rights.

Uncontacted tribes are the most vulnerable peoples on the planet. Whole populations are being wiped out by violence from outsiders who steal their land and resources, and by diseases like flu and measles to which they have no resistance.

Survival International is leading the global fight for uncontacted tribes’ right to their land, and to determine their own futures.

Survival’s Director Stephen Corry said: “Cuts in government budgets to protect uncontacted tribes are clearly nothing to do with money – the sums involved are tiny. It’s a political move from agribusiness which sees uncontacted tribes as a barrier to profit and is targeting rainforest which has been off-limits to development. The reality is these cuts could sanction genocide.”

"Revealed: Genocidal plot to open up territory of uncontacted Amazon tribe," Survival International. April 11, 2017, http://www.survivalinternational.org/news/11651, reported, "Survival International has learned that politicians from a notoriously violent town in Brazil are lobbying behind the scenes to open up the territory of a vulnerable uncontacted tribe.

Councillors from Colniza in central Brazil, which is dominated by illegal logging and ranching and for years was Brazil’s most violent town, have met the Minister of Justice to lobby for the Rio Pardo indigenous territory to be drastically reduced in size. The minister is reportedly sympathetic to the councillors’ proposals.

Their plan is for road-builders, loggers, ranchers and soya farmers to move in, despite the territory being home to the last of the Kawahiva tribe, one of the most vulnerable peoples on the planet.

The Kawahiva depend entirely on the rainforest for survival, and have been on the run from loggers and other invaders for years.

The Rio Pardo territory was only recognized in 2016, following a global campaign by Survival International and pressure within Brazil. Thousands of Survival supporters contacted the then-Minister of Justice demanding action. Oscar-winning actor and Survival ambassador Sir Mark Rylance fronted a major media push, culminating in the signing of the decree that should have secured the Indians’ territory for good.
Now, however, vested interests in the region could undo much of that progress. Survival’s Director Stephen Corry said: 'Brazil must respect the rights of its tribal peoples. Uncontacted peoples, like the Kawahiva, clearly want to be left alone and to live as they please. But Brazil’s current leaders are holding closed-door meetings with corrupt politicians, and kowtowing to the agribusiness lobby, expressly to deny them that right. The stakes could not be higher – entire peoples are facing genocide as a result of this callous approach.'

**Background briefing**

The Kawahiva are hunter-gatherers, who migrate from camp to camp through the Rio Pardo rainforest.

Roads, ranches and logging all risk exposing them to violence from outsiders who steal their lands and resources, and to diseases like flu and measles to which they have no resistance.

All uncontacted tribal peoples face catastrophe unless their land is protected. Survival International is leading the global fight to secure their land for them, and to give them the chance to determine their own futures.

The current Brazilian government is attempting to roll back decades of gradual progress in the recognition of indigenous peoples’ rights in the country. The Minister of Justice recently said: 'Enough of all this talk of land [demarcation] – land doesn’t fill anyone’s stomach.' And the new head of Indigenous Affairs Department FUNAI has said “Indians can’t be ‘fixed in time.’”


Its findings have been met with outrage and incredulity in Brazil and beyond.

Francisco Runja, a Kaingang spokesman said: “Killing off FUNAI is tantamount to killing us, the indigenous peoples. FUNAI is a crucial institution for us; our survival; our resistance; and it’s a guarantee of the demarcation of our traditional territories.”

The report attacks indigenous leaders, anthropologists, public prosecutors and NGOs, including Survival International.

It alleges that FUNAI has become a “hostage to external interests” and calls for dozens of its officials to be prosecuted for backing what it calls “illegal demarcations” of tribal territories.

Yesterday a group of 50 Indians was barred from attending the session in congress discussing the inquiry.

The inquiry took 500 days and the report is over 3,300 pages long. It is a blatant attack on indigenous peoples and a crude and biased attempt to destroy their hard-won constitutional rights.

It was headed by politicians representing Brazil’s powerful agri-businesses who have long coveted indigenous territories for their own financial gain. One member, congressman Luis Carlos Heinze, received Survival’s Racist of the Year award in 2014 following his deeply offensive remarks about Brazilian Indians, homosexuals, and black people.

Another member, congressman Alceu Moreira, called for the eviction of tribal people attempting to reoccupy their ancestral lands.

The increasingly hostile, anti-indigenous climate in many sectors in congress is fuelling violence against indigenous peoples. Last month, 22 Gamela Indians were injured following a brutal attack at the hands of local landowners’ gunmen.

FUNAI has suffered severe budget cuts, which have resulted in the grounding of several teams responsible for protecting uncontacted tribes’ territories. This effectively
leaves some of the most vulnerable people on the planet to the mercy of armed loggers and land grabbers.

The organization has been greatly weakened. Many staff have been made redundant, and political appointees now run key departments.

In the last five months, it has had three presidents. Earlier this month the second president, Antonio Costa was dismissed. In a press conference he strongly criticized President Temer and Osmar Serraglio, the Minister of Justice, stating that they 'not only want to finish off FUNAI, but also public policies such as demarcation of [indigenous] land… This is very serious.'

Yanomami shaman and spokesman Davi Kopenawa said: “FUNAI is broken… it is already dead. They killed it. It only exists in name. A nice name, but it doesn’t have the power to help us.”

"UN condemns Brazil’s “attack” on indigenous peoples," Survival International, June 9, 2017, http://www.survivalinternational.org/news/11709, reported, "Inter-American Commission on Human Rights have condemned Brazil's 'attack' on its indigenous peoples. In a new statement, UN and IACHR experts have warned that Brazilian Indians are at great risk as politicians continue pushing to weaken their hard-won land rights.

Brazil’s constitution states that indigenous territories must be mapped out and protected for the Indians’ exclusive use. But anti-indigenous politicians linked to Brazil's powerful agribusiness lobby are calling for changes to the law which could enable them to steal and destroy these lands for large-scale plantations and “development” projects. This is the most serious attack Brazilian Indians have experienced in decades.

Without their lands, indigenous peoples cannot survive. Tribes nationwide have united in protest against this onslaught on their rights. One indigenous leader, Adalto Guarani, said that the politicians’ plans “are like an atomic bomb… which could kill all the Indians in Brazil” and has called for people around the world to take action.

Brazil is home to over 250 tribes, including over 100 who are uncontacted and reject contact with mainstream society. Uncontacted tribes are the most vulnerable peoples on the planet. They face genocide and will be killed by disease and violence brought by invaders if their land is not protected, but the teams charged with keeping outsiders away are paralyzed by recent budget cuts.

The statement slams the “illegitimate criminalization” of indigenous peoples’ allies. The anti-indigenous agribusiness lobby instigated an inquiry whose recently published report attacked indigenous leaders, anthropologists, public prosecutors and NGOs, including Survival International. The report was met with outrage and incredulity in Brazil and beyond.

The experts also highlighted that over the last 15 years, Brazil has seen 'the highest number of killings of environmental and land defenders of any country'. Dozens of indigenous leaders have been assassinated in recent years, following attempts to reoccupy their ancestral land, and last month, thirteen Gamela Indians were hospitalized after a violent attack by men armed with machetes in the Amazon.

The UN and the IACHR have recommended that 'Brazil should be strengthening institutional and legal protection for indigenous peoples'. Survival has launched a campaign to defend indigenous rights in Brazil."

"INDIGENOUS AND ENVIRONMENTAL RIGHTS UNDER ATTACK IN BRAZIL, UN AND INTER-AMERICAN EXPERTS WARN

'The rights of indigenous peoples and environmental rights are under attack in Brazil,' said the UN Special Rapporteurs on the rights of indigenous peoples, Victoria Tauli Corpuz, on human rights defenders, Michel Forst, and on the environment, John Knox, and the IACHR Rapporteur on the Rights of Indigenous Peoples Francisco José Eguiguren Praeli.

Over the last 15 years, Brazil has seen the highest number of killings of environmental and land defenders of any country, the experts noted, up to an average of about one every week. Indigenous peoples are especially at risk.

'Against this backdrop, Brazil should be strengthening institutional and legal protection for indigenous peoples, as well as people of African heritage and other communities who depend on their ancestral territory for their material and cultural existence,' the experts stated. 'It is highly troubling that instead, Brazil is considering weakening those protections.'

The experts highlighted proposed reforms to the National Indian Foundation (FUNAI), the body which supports indigenous peoples in the protection of their rights, and which has already had its funding severely reduced. A report recently adopted by the Congressional Investigative Commission calls for the body to be stripped of responsibility for the legal titling and demarcation of indigenous lands. The experts were also concerned with allegations of illegitimate criminalization of numerous anthropologists, indigenous leaders and human rights defenders linked to their work on indigenous issues.

'This report takes several steps back in the protection of indigenous lands,' the experts warned. 'We are particularly concerned about future demarcation procedures, as well as about indigenous lands which have already been demarcated.'

The Congressional Investigative Commission’s report also questions the motives of the United Nations, accusing it of being a confederation of NGOs influencing Brazilian policy through its agencies, the ILO Convention 169, and the UN Declaration on the Rights of Indigenous Peoples.

'The report also states that the UN Declaration presents a grave threat to Brazil’s sovereignty, and it further encourages the Brazilian government to denounce ILO Convention 169, claiming it manipulates the establishment of non-existent indigenous peoples in order to expand indigenous lands in Brazil,' the experts stressed.

'It’s really unfortunate that instead of exemplifying the principles enshrined in the Declaration, the Congressional Investigative Commission questions the motives behind it and those of the UN itself, and waters down any progress made so far,' they said.

Ms. Tauli Corpuz expressed particular alarm at accusations that her 2016 visit to Brazil intentionally triggered an increase in the number of indigenous peoples reclaiming their lands, exposing them to further violence. She highlighted the fact that some of these communities suffered attacks immediately following her mission.

The human rights experts also noted that a number of draft laws establishing general environmental licensing that would weaken environmental protection were being circulated in Congress on Friday 2 June. For example, the proposed legislation would remove the need for environmental licenses for projects involving agri-business and cattle ranching, regardless of their size, location, necessity, or impact on indigenous lands or the environment.

'Weakening such protections would be contrary to the general obligation of States not to regress in the level of their protections of human rights, including those dependent on a healthy environment,' they stressed.

The experts warned that the proposed laws were at odds with the American Declaration on the Rights of Indigenous Peoples, which guarantees the rights of indigenous peoples to the conservation and protection of the environment, and protects the productive capacity of their land and resources.
Both the report and the draft legislation had been submitted by members of the 'ruralist' lobby group, a coalition representing farmers’ and ranchers’ associations, the experts noted.

'Tensions over land rights should be addressed through efforts to recognize rights and mediate conflicts, rather than substantially reducing the safeguards in place for indigenous peoples, people of African descent and the environment in Brazil,' they said.

The UN experts are in contact with the Brazilian authorities and closely monitoring the situation.

Ms. Victoria Tauli-Corpuz, Special Rapporteur on the rights of indigenous peoples, Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders, and Mr. John H. Knox, Special Rapporteur on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment are part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council’s independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures’ experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

Mr. Francisco José Eguiguren Praeli, Rapporteur on the rights of indigenous peoples of the Inter-American Commission on Human Rights, was elected on June 16, 2015, by the OAS General Assembly, for a 4-year mandate ending December 31, 2019. A principal, autonomous body of the Organization of American States (OAS), the IACHR derives its mandate from the OAS Charter and the American Convention on Human Rights. The Inter-American Commission has a mandate to promote respect for human rights in the region and acts as a consultative body to the OAS in this area. The Commission is composed of seven independent members who are elected in an individual capacity by the OAS General Assembly and who do not represent their countries of origin or residence.'

The UN Human Rights, country page is at: http://www.ohchr.org/EN/Countries/LACRegion/Pages/BRIndex.aspx.

At least into the early days of the pro-anti environment business, post-Impeachment Regime, Brazil's environmental protection agency was deploying the Special Inspection Group, formed in 2014, to seek out and stop illegal logging. The nine member special forces and forestry trained 9 person policing team has been guided by satellite surveillance and has traveled by helicopter to stop illegal logging that it detects in the vast Amazon. Though a small group acting against a large problem in a vast area, it has made inroads into the illegal activity, and thus also helped Indigenous people (Simon Romero, A Brainy SWAT Team Patrolling the Lawless Amazon," The New York Times, April 7, 2017).

Brazil's Guarani people, once with a population of 1.5 million, now only a few thousand, mostly forced to live precariously along roadsides in their own lands, are in danger of complete genocide as Brazil's post-impeachment government moves away from Indigenous and environmental protections in favor of development (Lorenzi Brenna, "Ládio Veron. The Guarani Kaiowá people could soon be wiped out," Lifegate, April 20, 2017, http://www.lifegate.com/people/news/ladio-veron-guarani-kaiowa-interview).

"Horrific: Ranchers attack and mutilate Indians who demanded their land back," Survival International May 4, 2017, http://www.survivalinternational.org/news/11684, Thirteen Brazilian Indians have been hospitalized after a brutally violent attack by men
armed with machetes in the Amazon.
One man appears to have had his arms severed in disturbing photos released to Survival International.

The attack was in retaliation for the Gamela Indians’ campaign to recover a small part of their ancestral territory. Their land has been invaded and destroyed by ranchers, loggers and land grabbers, forcing the Gamela to live squeezed on a tiny patch of land. The Gamela are indigenous to the area in Maranhão state in northern Brazil. Powerful agribusiness interests – reportedly including the Sarney landowning family – have been in conflict with the tribe for some time. The family includes a former president of Brazil and a former governor of Maranhão state.

Eyewitnesses say that the ranchers gathered at a barbecue to get drunk, before surrounding the Gamela camp, firing guns, and then attacking with machetes, causing grievous injuries. Local police are reported to have stood by and allowed the attack to happen.

The Gamela have received death threats in response to their attempts to return to their land. In a declaration released by Brazilian NGO CIMI, they said: 'People are mistaken if they think that by killing us they’ll put a stop to our fight. If they kill us, we will just grow again, like seeds… Neither fear nor the ranchers’ bullets can stop us.'

The attack came just days after massive indigenous protests in Brazil’s capital against proposed changes to Brazil’s indigenous laws, which could have disastrous consequences for tribal peoples.

Land theft is the biggest problem tribal peoples face. Around the world, industrialized society is stealing tribal lands in the pursuit of profit. Campaigners fear that the close ties between Brazil’s agribusiness lobby and the Temer government installed after the impeachment of Dilma Rousseff in 2016 could lead to further genocidal violence and racism against Brazilian tribal peoples.

Survival’s Director Stephen Corry said: 'Right now, we’re witnessing the biggest assault on Brazilian Indians for the last two generations. This truly horrific attack is symptomatic of a sustained and brutal onslaught which is annihilating indigenous communities across the country. Heinous acts like this won’t end until the perpetrators are prosecuted and Brazil starts enforcing tribal land rights as it should do under national and international law.'

"Talks begin at last over fate of uncontacted tribe," Survival International, March 22, 2017, http://www.survivalinternational.org/news/11621, reported concerning the Amazon Region in Paraguay. The area is home to the last uncontacted Indians outside the Amazon; • It has the highest deforestation rate in the world.

Efforts to protect the territory of a vulnerable uncontacted tribe from rampant illegal deforestation have received a boost with the opening of talks between the Paraguayan government and tribal representatives.

The uncontacted Ayoreo are the last uncontacted Indians outside the Amazon. Their territory, in western Paraguay, has the highest deforestation rate in the world.

Contacted members of the tribe submitted a formal land claim in 1993, with support from local organization GAT. Since then vast swathes of their forest have been destroyed. The talks are the result of a formal request, submitted by local organization GAT to the Inter-American Commission for Human Rights (IACHR), for the land be returned to its rightful indigenous owners.

Government representatives will meet monthly with Ayoreo leaders for one year, in a process overseen by a U.N. official.

The Ayoreo’s territory is occupied by a number of companies that are deforesting the land to make way for cattle. These include Brazilian ranching enterprise Yaguarete
Porá S.A and Carlos Casado S.A (a subsidiary of Spanish construction company Grupo San José).

An unknown number of Ayoreo remain uncontacted. They live on the run, fleeing the rapid destruction of their forest home.

Many, however, have already been forced out of their territory by outsiders. A number of them have contracted a mysterious TB-like disease which has killed several members of the tribe.

In February 2016, the IACHR issued an emergency injunction ordering the Paraguayan government to stop any further deforestation and protect the vulnerable uncontacted Indians living in the region. The government, however, has not complied with the order. A recent satellite image shows that in 2016, the forests were still being cleared.

Ayoreo land is some of the last remaining intact forest left in Paraguay.

Survival’s Director Stephen Corry said: 'The government has ignored the Ayoreo for far too long. If real progress is not made this year, their uncontacted relatives could soon be wiped out. The Ayoreo are best placed to protect their forest homes. Destroying the Ayoreo will also destroy some of the most biodiverse land in Paraguay.'

**Background Briefing**

- Uncontacted tribes are the most vulnerable peoples on the planet. 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.
- They are the best guardians of their environment. And evidence proves that tribal territories are the best barrier to deforestation.
- Ayoreo land is part of a UNESCO Biosphere Reserve.
- It is estimated that over 14 million trees are being cut down every month in Paraguay.
- The U.N. has found that the Ayoreo are in a ‘state of emergency’ and has warned that the government’s failure to return the land to its rightful owners puts the Indians’ lives in great danger."

"Exclusive: Oil company pulls out of uncontacted tribes’ land under pressure from Survival," 15 March 15, 2017, http://www.survivalinternational.org/news/11615, reported, "A Canadian oil company has told Survival International it will withdraw from the territory of several uncontacted tribes in the Amazon where it had been intending to explore for oil.

The company, Pacific E&P, had previously been awarded the right to explore for oil in a large area of the Amazon Uncontacted Frontier, a region of immense biodiversity which is home to more uncontacted tribes than anywhere else on Earth. It began its first phase of oil exploration in 2012.

The move follows years of campaigning by Survival International and several Peruvian indigenous organizations, including AIDESEP, ORPIO, and ORAU. ORPIO is suing the government over the threat of oil exploration.

Thousands of Survival supporters had protested by sending emails to the company’s CEO, lobbying the Peruvian government, and contacting the company through social media.

Survival also released an open letter, protesting against the threat of oil exploration, which was signed by Rainforest Foundation Norway and ORPIO. Sustained campaigning helped bring attention to the issue within Peru and around the world.

In a letter, Pacific E&P’s Institutional Relations and Sustainability Manager said that: “[The company] has made the decision to relinquish its exploration rights in Block 135... effective immediately... We wish to reiterate the company’s commitment to conduct its operations under the highest sustainability and human rights guidelines.”

At a tribal meeting in late 2016, a man from the Matsés tribe, which was forced into contact in the late 20th century, said: ‘I don’t want my children to be destroyed by oil and war. That’s why we’re defending ourselves... and why we Matsés have come together. The oil
companies … are insulting us and we won’t stay silent as they exploit us on our homeland. If it’s necessary, we’ll die in the war against oil.’

Oil exploration involves sustained land invasion which can dramatically increase the risk of forced contact with uncontacted tribes. It leaves them vulnerable to violence from outsiders who steal their land and resources, and to diseases like flu and measles to which they have no resistance.

The announcement that it was not going ahead was welcomed by campaigners as significant in the fight to protect uncontacted peoples’ lives, lands and human rights.

Survival’s Director Stephen Corry said: 'This is great news for the global campaign for uncontacted tribes and all those who wish to halt the genocide that has swept across the Americas since the arrival of Columbus. All uncontacted peoples face catastrophe unless their land is protected and we believe they are a vitally important part of humankind’s diversity and deserve their right to life to be upheld. We will continue to lead the fight to let them live.'

**Background briefing**

- Oil block 135 is within the proposed Yavari Tapiche indigenous reserve. Peru’s national Indian organization AIDESEP has been calling for the creation of the reserve for over 14 years.
- Part of the oil concession is within the newly created Sierra del Divisor national park. The Peruvian government had awarded Pacific E&P rights to explore within the park.
- The Yavari Tapiche region is part of the Amazon Uncontacted Frontier. This area straddles the borders of Peru and Brazil and is home to more uncontacted tribes than anywhere else in the world.
- Peru has ratified ILO 169, the international law for tribal peoples, which requires it to protect tribal land rights.
- We know very little about the uncontacted tribes in the area. Some are presumed to be Matsés, but there are other uncontacted nomadic peoples in the region.

"Peru: Last female speaker of indigenous Amazonian language murdered," Survival International, December 22, 2016, http://www.survivalinternational.org/news/11549, reported, "The last female speaker of the Resigaro language has been murdered in Peru. Her body was found decapitated at her home in the Amazon rainforest.

Rosa Andrade, 67, lived with the Ocaina tribe. Her father was Ocaina and her mother Resigaro.

The Ocaina and Resigaro tribes were victims of the rubber boom, which began at the end of the nineteenth century. Tens of thousands of Indians were enslaved by rubber barons intent on extracting rubber in the Amazon. Many indigenous people died from sheer exhaustion, or were killed by violence and diseases like flu and measles to which they had no immunity.

The Resigaro tribe was eventually wiped out, and Rosa and her brother became the last remaining speakers of the language.

Rosa was also one of the last speakers of Ocaina and was regarded as a pillar of her community. She knew a wide repertoire of songs and stories in both languages and had recently been designated, by the government, to teach children Ocaina

**Five thousand of the world’s six thousand languages are indigenous, and it is estimated that an indigenous language dies once every two weeks.**

There are over a hundred uncontacted tribes worldwide, and their languages are the most endangered. Survival International is campaigning for the lands of uncontacted tribes to be protected, for where their rights are respected, they continue to thrive.

Rosa’s community suspects that an outsider, known for violent behavior, is responsible for the murder. However, the local prosecutor has declared that there is insufficient evidence to prosecute. The community is calling for a serious investigation to take place to find the culprit."

Denmark has experienced a failed Indigenous policy in Greenland, paralleling
similar failures in North America. Attempting to create an Inuit Elite that would allow them to thrive in the modern world, in the 1950s Inuit Children in Greenland were sent to boarding schools in Denmark to learn Danish ways. Separated from their elders, they lost much of their language and traditional culture. They were alienated from their people when returning home, leading to a social crisis. Seeing the problem, Danish authorities attempted to remedy the problem, ending the shipping out to boarding school. But appropriate action was not taken, as many Inuit in Greenland do not speak the fluent Danish necessary to hold good jobs. Many are homeless in urban areas, while many who remain in Denmark are marginalized ("Best Columns: Europe," This Week, May 9, 2017).

International Crisis Group (ICG), Claudia Gazzini, Senior Analyst, Libya, "Traversing the Tribal Patchwork of Libya’s South West," Commentary/Middle East North Africa, June 12, 2017, https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/traversing-tribal-patchwork-libyas-south-west?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=bfa2a6-EMAIL_CAMPAIGN_2017_06_12&utm_medium=email&utm_term=0_1dab8c11ea-bfa2a6-359871089, reported, "Our Senior Analyst Claudia Gazzini travels to southern Libya and finds neglect, smugglers, a gold rush, and simmering tensions among a patchwork of ethnic, tribal and militia actors on the edge of the Sahara Desert. She also discovers much longing for a united, well-governed Libya.

To understand the full extent of the impact of the civil war that has fractured the rest of the country into warring fiefdoms, it is critical to visit southern Libya. In April, I had my first chance in two years to get there. There are no commercial flights, no foreign aid missions and traveling 800km by car through a maze of militia-run checkpoints and eager kidnappers is simply not an option.

By a stroke of luck, I am offered a lift by one of the few organisations still operating in south Libya and one of the most important players there: the National Oil Corporation (NOC). Despite recurrent fighting for control of oil fields, export terminals and pipelines, the NOC sustains the north-south flight link to maintain oil fields and keep production flowing.

I check in at a now-bustling former military airfield in Metiga, in Tripoli’s eastern suburbs to join a shift of mostly northern Libyan oil workers on a 100-seat commercial jet. Since fighting in 2014 crippled the capital’s main airport, all domestic and international flights operate from here. My fellow travellers are quiet on what for them is a routine journey.

But south Libya is hardly calm. A plane from the south’s main city, Sebha, was hijacked last year, forcing the closure of that airport. Indeed, the cycles of violence can be bewildering.

Before my trip, the Libyan National Army (LNA), under the command of Gen. Khalifa Haftar, threatened to attack another Sebha airport, the Tamenhint air base, which at the time of my visit to the south was controlled by another faction, the so-called 'Third Force', originally from the northern city of Misrata. Tamenhint was subject to recurrent attacks by a militia backed by the LNA.

Shortly after my trip, the Third Force took apparent revenge by attacking Haftar’s forces in the Brak al-Shati air base, 80km north of Sebha. They killed between 80 and 130 people (numbers are still disputed), mostly LNA soldiers, but also some civilians that were on the base or driving nearby. For the northern belligerents, Sebha and the south are strategic prizes in an ongoing conflict, and neither side will easily give up control.

Luckily the NOC plane is flying me to somewhere else, the Sharara oil field, about 200km west of Sebha. All these places are deep in the Sahara Desert and are seldom visited by outsiders. Analysts like me usually focus on Libya’s long Mediterranean coastline and far more populated cities of Tripoli, Benghazi, Tobruk, Sirte and Misrata, which have been at the political and military core of the conflict.
When Muammar Qadhafi, the self-styled 'Brotherly Leader' of Libya, was ousted in 2011, the shattering of his iron grip fractured the country into warring pieces. There are now three rival governments and parliaments, but barely any sense of a state anymore. The key players are a multitude of militias, none of which can control the whole country.

I want to find out to what extent these centrifugal forces have split the tribes and ethnic groups that live in the urban oases and arid sands of the south. And how the local economy has evolved: while the collapse of central authority has turned the region’s desert routes to the Sahel into a crossroads for smugglers, migrants heading to Europe and jihadists, the south is also home to Libya’s great riches. These include not just oil, but also deep aquifers of water and gold as well.

One Desert, Many Factions

The main political-military actors from the north vie for influence in the south, especially control of main roads and key infrastructure. Haftar’s LNA works with the eastern government and parliament, whereas Misrata’s Third Force is nominally loyal to the UN-backed Government of National Accord headed by Prime Minister Faiez al-Serraj in Tripoli. Still others are aligned with a rival government in Tripoli headed by Prime Minister Khalifa al-Ghwell. The picture is further complicated by local factions that are loosely aligned with the above-mentioned centres of power. More often than not, these factions are internally split, with some of their members supporting one political-military grouping or another.

Access to this region is so limited that few foreigners, including myself, can know with certainty what is happening on the ground. Libyan media coverage of events in the south tends to be politically charged, and often paints a distorted picture of reality.

After a 90-minute flight, we touch down in Sharara. From the small oval airplane window I can see the shiny complex around the oil field. Even the oil sector workers who travel here rarely make it out of their well-groomed compound. Frustrated local communities often complain that those operating in Libya’s lucrative oil business have no understanding of local dynamics. One consequence is that armed groups or protesters living close to the oil fields or along the pipeline that transports crude oil to the north frequently shut down production as a way to lobby for their demands, adding to strains on the already fragile Libyan economy.

At the airfield, I split off from the oil workers to follow the road less travelled. I’m with Abderrahim, my long-time driver in Tripoli, who accompanies me on my journeys. I speak Arabic and have known Libya for ten years, but his solid presence is an interface and reassurance for everyone I meet – and for me. He has a warm smile, is soft-spoken and somehow manages to get along with all Libyan interlocutors of different religious and political affiliations whom I meet across the country.

It is vital to have local contacts as well, ready to receive me wherever I go in Libya. This is Tuareg country, so I have arranged for a Tuareg acquaintance to meet and look after us on the first leg of my journey. He is a trusted and well-connected civil society activist. We have been introduced by a very respectable Tuareg sheikh I have known for years. Like anywhere else in the country, you need to know who you can trust.

What I didn’t expect is for my contact to be accompanied by three cars and several gunmen. It is not uncommon for the Tuareg to carry weapons, and many residents – not necessarily professional soldiers – are armed. The men who escort me are discrete and do not flash their weapons ostentatiously, but I notice that aside from the ubiquitous semi-automatic AK-47 rifles, they also have PK heavy machine guns with belts of bullets. My guide explains it is just a precaution against kidnapping. Two Italian engineers were seized in a nearby town last year and he alleges that a ransom was paid for their release. Many locals, especially impoverished youth, could be seeking to replicate that to secure what locally amounts to a fortune. I’m in his hands.

Given our arsenal, it’s not surprising that these men would not be comfortable going
through checkpoints manned by members of other tribes. All of the checkpoints between Sharara and Obari, where we are headed, are under the control of Tuareg in military fatigues who say they take orders from a Qadhafi-era Tuareg commander, Ali Kana. So as long as I stay in this area, I am able to move around easily with my escort.

**Disinherited Tuaregs**

We reach my first stop, the town of Obari. Under Qadhafi, Obari was a hub for any traveller seeking to experience desert life in the Sahara. I myself had been here back in 2008, part of an archaeological mission from Oxford University researching rock art. Now there are battle-damaged buildings, the hotels are all closed and I am the closest thing to a tourist anybody has seen since a handful of journalists came here in 2016 to report on battles that broke out in the town. After I’m welcomed into a private home, I set out to find the Tuareg guides who took care of me during that two-week long mission in the desert plateau behind Obari. There is so little for anyone to do now, it’s not hard to track them down.

They and others gradually fill me in on the downward spiral of commercial collapse, the gradual shutting down of links with the outside world and two years of war between two groups: the Tebu, a dark-skinned people who live in Sudan, Chad, Niger and Libya; and the Tuareg, a historically nomadic Berber people who straddle the borderlands of the Sahara across Niger, southern Algeria and Mali. In 2014, the Tuareg accused the Tebu of attempting to impose themselves militarily on Obari, which the Tuareg consider historically their territory. For their part, the Tebu claim that they had to attack Obari, where some Tebu also live, because it had become a hotbed for jihadists. The war ended in the summer of 2016 with a ceasefire but without a clear winner.

On the surface at least, life seems normal. But the town is falling through the cracks of post-revolutionary Libya. Municipal services like electricity, water or schools barely function. Under Qadhafi, most Libyan Tuaregs served as a military force, paid for by the central state. But he didn’t give them official citizenship, and after the revolution their salaries were abruptly cut off. Unlike the Tuaregs of popular imagination, in their everyday life the Obari Tuaregs don’t wear mysterious wrappings of indigo-dyed desert robes or habitually ride camels. Some don military uniforms, reflecting the reality that most inhabitants align with one militia or the other simply in order to get paid. My friends wear tight jeans and sandals, and feel abandoned.

The irony, though, is clear. There is great wealth in the southern oil fields, but it is funnelled to the north, helped by those same NOC flights that lift workers far above deprived locals’ heads.

After two days in Obari, my contact passes me over to my next helper. My new guide is from a respected southern Arab tribe and is able to travel between Tuareg-controlled Obari and Sebha, which is mainly controlled by other factions. We set off on what is still a good asphalt road. The occasional checkpoints wave through ordinary cars, but trucks are getting stopped and their drivers have to pay tolls for their loads. This is the illicit economy in action.

**The Cracked Jewel of the South**

Sebha is not suffering from active conflict during my visit, but it looks battered after experiencing five rounds of local war between Arab tribes like the Qadhadhfa (Qadhafi’s tribe), the Awlad Suleiman and the Tebu. There are burned-out cars on the streets. The former main hotel sits lifeless and derelict. Migrants can be seen passing through, crowded onto the back of pickup trucks. Small wonder, perhaps, that on the road in from Obari I see green flags painted on the gates of some homes, showing occasional nostalgia for the old Qadhafi regime.

There are no central government security forces. Fuel is being sold on the black market on many street corners. The city is carved up into neighbourhoods, with makeshift barriers serving as de facto border demarcations between various militias. No single faction is fully in command. Very few international organisations are now present in Sebha, just one or two offices stripped back to a nominal local presence.
Despite the divisions and uncertainties, there is a kind of normality too. I am able to rent a flat for our stay. In my light veil and long clothes, I move about most parts of the city to meet the various factions and commanders. I don’t meet the people traffickers themselves, but speak to others who know what’s going on. I’m free to ask as many questions as I like about all aspects of the huge rise in the smuggling economy. Sebha’s residents know that in theory smuggling – including of people – is illicit, but most consider it legitimate, normal and profitable. These are just jobs, indeed the only way to make ends meet now that Libya’s economy is in ruins and cash is hard to obtain.

A municipal council operates in an imposing building in downtown Sebha, but tensions among councillors are so high that some prefer to meet me in a more informal setting. Other friends arrange for me to pass into the shanty town dwellings of their poor quarter of Tuyuri, divided into one section where Tebu live and another with Tuareg. Others again are keen to show me Sebha’s old city, now uninhabited but once the heart of this oasis town. They even show me where the Italian school was in the 1930s.

When there is no fighting, like now, schools and the local university are functioning. Electricity comes and goes (at times for more than 12 hours), but while I am there power seems steady. Drinking water still flows to many houses thanks to Qadhafi’s “Great Man-made River”, connected to fossil aquifers deep under the Sahara. Surrounded by desert, I even see some gardens that are lush and blooming.

Some illegal immigrants can be seen in the streets, but they are evidently the lucky few. Many are kept in large warehouses, often in atrocious conditions, across town, until they change hands to other smugglers who take them one step further north in a long supply chain that ends in southern Europe. Others, unable to pay for their trip, are forced to stay put to cultivate land, load trucks or undertake other labour-intensive work to earn money for their onward journey. Organisations like the International Organization for Migration (IOM) report that in Sebha sub-Saharan migrants are being sold and bought by Libyan traffickers, a trade they denounced as being comparable to ‘slave markets’. I did not see this and heard many Sehba residents complain that these accusations are exaggerated. But there is no doubt that these migrants I see have already endured a lot, and could suffer even beatings and rape in the next leg of their trip.

**Libya’s Wild West**

After three nights in Sebha, I’m on the road again, fortunately this time without an armed escort. The next destination is Murzuq, in territory that is dominated by the Tebu and which has not seen any fighting in recent years. A good Tebu friend in Tripoli sends his cousin to take me there.

We pass many trucks filled with goods on their way to Chad and Niger. The Libyan government imports refined fuel and then subsidises it for local use, which makes onward sales to sub-Saharan Africa highly profitable for smugglers. I expect to see many more vehicles with migrants, but I am told that though we are also driving in the direction of the border to Niger, smugglers transporting migrants to Sebha take another route, slightly further east from where we are.

As soon as we enter Murzuq, it’s clear the town is better off than Obari and Sebha. Luxurious houses rise in some streets and the atmosphere is clearly calm. An Ottoman-era fortress dominates the town. There are no hotels here, as in Sebha and Obari, so visitors like me have to stay in people’s homes. This works out better for me too, as I learn far more about daily life there than on my own or in hotels.

The city has enjoyed relative stability primarily because there is just one dominant group, and also because the town’s two security chiefs – one loyal to Haftar, the other to Ghwell – have gone on with their respective jobs without picking a fight.

The boom in gold mining in the area bordering Chad and Niger is also boosting the local economy, probably more so than human smuggling. My hosts here say as much as seven kilos of gold (worth nearly $300,000) passes through town daily on the way to outside markets, adding to
a sense that this is Libya’s Wild West.

**Elusive Jihadists**

As I travel through the south, I am constantly aware of reports of Islamic State fighters transiting through the south, fleeing the major setback they were handed by a coalition of Misratan militias that drove them out of Sirte in December 2016 after a six-month battle. I see no sign of jihadists, but so many people tell me about them that it’s clear that some are passing through discreetly and most likely heading to one of the countries to the south, through the Salvador Pass on the Libya-Niger border.

One reason for this could be that few southerners seem interested in ISIS ideology. Some young women I meet in Obari say that some of their relatives are with the Benghazi Revolutionaries’ Shura Council, a group that is fighting alongside the Islamic State against Haftar’s LNA. But they say these men are mainly motivated by anti-Haftar sentiment, and had already joined another anti-Haftar coalition formed in Tripoli in 2014. Few, if any, seem to have joined ISIS themselves, though some admit that, in the immediate aftermath of Qadhafi’s fall, they had joined armed groups that they later discovered were associated with al-Qaeda.

With all the shifting allegiances, people find it difficult to work out who is supposed to be 'good' and who is 'bad'. They tell me that they want to be with the legitimate factions, but don’t know which those might be. They don’t see the strings being pulled behind the greater daily rush of political chaos. They have people they have to feed, and inadvertently risk aligning with a terrorist group or an illegitimate armed faction, just because that’s all what’s on offer at that time.

**A Libyan Enigma**

An easy return to Obari, then on to the Sharara oil field airfield, and a quiet flight back to Tripoli affords me time to reflect on what I’ve seen. The ethnic and tribal patchwork I have just criss-crossed seems chaotic, but it is not exponentially different from the rest of Libya. In fact, there is much that is still shared. Even if the economy is all about smuggling to neighbouring countries, it is based on Libyan factors like a policy of subsidising fuel imports that make reselling it so lucrative, a national currency that everyone uses and nationwide lines of supply for most of the goods in the shops.

Many of the local ethnic and tribal groups remain at loggerheads despite ongoing efforts to heal these rifts – indeed local leaders tell me that they meet more often at conferences outside the country than at home. But these are still conferences about the south’s place in Libya, and it seems to me that rather than promoting an active separatist dynamic, tribal leaders and local military actors are simply filling a power vacuum. Government officials mostly sit at home, waiting for the political struggles in the big cities on the Mediterranean coast to produce a functioning state again.

The bottom line for southerners is that they have an irresistible financial incentive to continue illicit economic activities, at least compared to the moribund legitimate economy. Profitability trumps legality wherever there are mouths to feed. Unless the legal economy is put back on track, it will be very difficult for interested powers to tackle the smuggling of goods and people. People are in need of salaries, services and security, and they await the moment a central state can once again offer that.

If there is one thing that my trip confirms to me once again, it is a paradox. Despite all the divisions and neglect, Libya is not just a country of two halves, three governments and countless tribes. The Libyans I meet still see themselves as belonging to one country. When the right moment comes, ethnic and tribal divisions can one day be bridged again."

hard-won-independence.html?ref=todayspaper, reported, "Tens of thousands of civilians dead, countless children on the verge of starvation, millions of dollars stolen by officials, oil wells blown up, food aid hijacked and as many as 70 percent of women sheltering in camps raped — mostly by the nation’s soldiers and police officers.

Just a few years ago, South Sudan accomplished what seemed impossible: independence. Of all the quixotic rebel armies fighting for freedom in Africa, the South Sudanese actually won. Global powers, including the United States, rallied to their side, helping to create the world’s newest country in 2011, a supposed solution to decades of conflict and suffering.

Now, with millions of its people hungry or displaced by civil war, a radical question has emerged: Should South Sudan lose its independence?

As international frustrations and worries grow, some momentum is growing for a proposal for outside powers to take over South Sudan and run it as a trusteeship until things calm down.

Several academics and prominent opposition figures support the idea, citing East Timor, Kosovo and Bosnia as places where, they say, it has worked, though of course there are plenty of cautionary tales where outside intervention failed, like Somalia and Iraq."

As of March 2017, the inter-ethnic group fighting was spreading in South Sudan, with peaceful areas vanishing and more Indigenous and other peoples being drawn into the conflict (Jeffery Gettleman, "A New Nation Cracking Apart," The New York Times, March 5, 2017).

ICG, "Instruments of Pain (II): Conflict and Famine in South Sudan, Africa Briefing #124, April 26, 2017, https://www.crisisgroup.org/africa/horn-africa/south-sudan/b124-instruments-pain-ii-conflict-and-famine-south-sudan?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=0df0d5aac6-EMAIL_CAMPAIGN_2017_04_26&utm_medium=email&utm_term=0_1dab8c11ea-0df0d5aac6-359871089, commented, "War in South Sudan led the UN to declare 100,000 people are suffering famine, with a further 5.5 million at risk. This special briefing urges the country to work harder to establish parameters for a ceasefire. At the same time, humanitarian corridors from Sudan should be kept open and donors must fully fund the UN aid appeal.

Overview

As South Sudan’s conflicts, which began in December 2013, have fragmented and expanded, the hunger crisis has deepened and widened. Over 40 per cent of the population is severely food insecure, 60 per cent higher than at this time last year. On 20 February, the UN declared that some 100,000 people are already living in famine conditions in Leer and Mayendit counties. But some 5.5 million are at risk unless urgent measures are taken to reduce conflict and enable humanitarians to deliver more aid safely.

Conflict among various factions has prompted massive displacement that in turn has prevented farming, while looting and cattle rustling have destroyed many people’s assets. Some 1.9 million civilians are internally displaced persons (IDPs), 224,000 of whom have fled to UN peacekeeping bases. Another 1.6 million have found refuge in neighbouring countries. Currency depreciation, hyperinflation and insecurity have led to declining trade and soaring food prices.

Addressing the humanitarian crisis is hugely expensive. In its 2017 appeal, the UN requested $1.6 billion; so far, only $439 million has been pledged. Helping starving people also is perilous; 82 humanitarian workers have been killed. In the absence of bolder policy decisions to reduce fighting, humanitarian actors will remain at the forefront of the myriad
internal conflicts and, with their lives at risks and budgets under pressure, be able to do less as needs continue to grow.

To mitigate the worst effects of the conflicts, the peace process oversight body – the Joint Monitoring and Evaluation Commission (JMEC) – and its partners need to support ceasefire implementation, as well as local dialogue and negotiations between the government and warring factions. To prevent famine in the meantime, however, the humanitarian appeal needs to be fully funded. To ensure that the aid reaches those most in need, all actors should avoid politicising it. Finally, the two existing and third needed humanitarian corridors through Sudan must be kept consistently open.

II. Civil War in South Sudan

The origins and dynamics of the conflicts that are occurring across South Sudan differ dramatically. At the war’s outset, there were two main warring parties: the government and its allies on the one hand, and on the other, the Sudan Peoples’ Liberation Movement/Army-In Opposition (SPLM/A-IO) and affiliated groups. Despite the signing in August 2015 of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), the disputes continue to evolve, with opposition groups simultaneously factionalising and localising. The government has offered amnesty to some armed groups, while maintaining military pressure on others. Though external policymakers have struggled to respond to these nuances, international political inertia prevails.

Fortunately, relatively few locations have experienced sustained warfare, as military dynamics tend to suspend fighting for months or years at a time. This means most IDPs and other civilians are in relatively stable camps or other refuges, and humanitarian actors can provide basic services. However, many of the worst humanitarian situations occur in areas with ongoing conflict, where civilians are often deliberately targeted, thus creating the conditions for famine. Warring parties tend to view civilians as integral elements of their enemy’s economic, political and social support system. This is particularly evident during incidents of revenge violence, when civilians are likely to be treated not as distinct and protected but as part of an armed group. Following government combat operations or ambushes against government vehicles, it is common for soldiers to turn on local civilians. Rebels have also attacked civilians belonging to different ethnic communities.

The proliferation and fracturing of rebel groups give many of these conflicts increasingly local characteristics. The government’s strategy is to militarily pressure the disparate groups into political accommodation. Its own experience, during the two-decade liberation struggle with the government in Khartoum, leads it to believe that attrition will eventually create conditions for a political resolution. It is prepared to play a long game with what is seen as a predictable conflict trajectory, though one with an uncertain timeline.

As opposition groups fracture and multiply, there is often no higher rebel authority than the commander on the ground. The government’s co-option of some former rebel leaders often divides communities, leading to a yet more chaotic situation, as in the ongoing conflict in Mayendit, one of the counties now experiencing famine.

III. The Man-made Crisis in Southern Leich State

Civilians in Leer, Mayendit and Koch counties in Southern Leich State (the former Unity state) have experienced extensive depredations since the civil war began. At its outset, the trigger to the humanitarian crisis was mistreatment by the armies of both sides, as well as their respective allies. Over the past year or so, the number of warring factions has multiplied, as the government has sought to peel off factions from the rebel coalition. The result is a host of armed groups, most nominally aligned with either the government army (the Sudan Peoples’ Liberation Army, SPLA) or an SPLA-In Opposition faction. In the absence of tactical command and control, pillage and raiding is common, devastating communities and further complicating the search for local political solutions. Armed groups repeatedly attack civilians, leaving them
without productive assets; towns are not safe; and food markets are devastated. The insecurity constrains aid groups’ ability to sustain operations.

The gender dynamics of violence confront families and communities with impossible choices for feeding themselves and their children, over 30 per cent of whom in these counties are severely malnourished. Men face considerable risk from armed groups if they travel to seek food, as they are often shot if they encounter opposing forces. This has forced women to take enormous risks for their families. When they encounter opposing forces, they are often subject to horrific sexual violence, but their chances of survival are higher. Women were raped by fighters from several different armed groups – including fighters belonging to factions they supported – as they fled fighting in Southern Unity en route to safety at the UN base in Bentiu. Violence in Southern Leich state has pushed many far into the southern swamps along the Nile River, where food is unavailable and leaving to seek it is to risk attack.

IV. War-exacerbated Drought and Economic Challenges

Beyond Southern Leich, even peaceful areas such as the Aweil region on the Sudanese border in the north are at risk of famine. This is the outcome not only of drought (in both South Sudan and neighbouring countries) and other climatic challenges, but also of fighting elsewhere in the country. South Sudan’s economy deteriorated dramatically in 2016, as the government struggled to respond to the global drop in oil prices and borrowed heavily to fight the war. This triggered hyperinflation, even as spreading conflicts in places such as the formerly peaceful Equatorias contributed to 2017’s 40 per cent national decline in food production from the same February-April period in the previous year. More broadly, insecurity has increased costs for both traders and humanitarian actors. Poor people already living on the edge now face low food production due to erratic rainfall and far higher prices for what food there is in the markets.

After extensive negotiations with Khartoum, aid agencies opened two of three proposed humanitarian corridors through Sudan in an attempt to increase available imported food and reduce the cost of moving food aid to South Sudanese border areas. Sudan’s cooperation is a tangible, welcome outcome of its ongoing negotiations with the U.S. over sanctions relief. A priority now is to open a third corridor, to carry food into Aweil.

V. Humanitarian Access

The warring parties at times have sought to use humanitarian assistance as leverage over civilian populations by pressuring aid agencies to provide food for civilians in areas they control. At others, they have refused to halt fighting to enable access to those populations. Many combatants believe aid inevitably will support not only civilians, but also the opposing side’s fighting forces. Accordingly, both government and opposition groups have presented aid agencies with bureaucratic impediments. Still, South Sudan is one of the only conflict countries where humanitarian organisations are able to negotiate access directly and mostly successfully. It is not easy. In addition to the government, the negotiations must involve neighbouring countries and dozens of rebel leaders. Yet, in part thanks to joint pressure from neighbours – Sudan, Ethiopia, Kenya and Uganda – as well as from the U.S., China, the African Union (AU) and UN, all warring parties endorse the principle of impartial humanitarian access. This further illustrates that the primary access constraint, as well as cause of the famine, is the conflict. Where active fighting takes place, humanitarian workers face looting and harassment. They must frequently evacuate staff who do not receive the special protection from warring groups to which they are entitled and which they negotiate with the government and rebel leaders. Sometimes they are directly prohibited access to locations during and immediately after fighting. As a result, assistance can be inadequate or delayed. Some civilians fleeing constant violence are unable to remain in one place long enough to receive sustained assistance.

There are other challenges as well. Food cannot be pre-positioned in conflict areas lest it be stolen. Humanitarian groups are the only international contacts some rebels have. In a handful of cases, humanitarian workers have brokered unpublicised local ceasefires in order to deliver aid. Negotiations take time and money, but more costly options can usually guarantee aid
workers’ security. In some cases credible security guarantees cannot be made to enable access across front lines, for example, so expensive airdrops are necessary. At a time of shrinking budgets, however, trade-offs directly impact how many people will receive assistance. It is thus imperative that the UN’s humanitarian appeal be fully funded.

VI. International Political Paralysis

Following the bitter July 2016 fighting in Juba, international actors struggled to influence internal peace and conflict dynamics. While the overall policy is to support the government, there has been little tangible engagement other than with the international institutions related to the 2015 peace agreement. Most donor funding goes to international peace and ceasefire monitoring bodies which have relatively little impact, while that for South Sudanese institutions, such as the Joint Military Ceasefire Commission, is almost non-existent. There are no simple solutions in South Sudan, and moves toward genuine peace require compromises both among South Sudanese and between international actors and the government. Given the multiplicity of factions, peace is more likely to be a local affair, in which progress in some areas may occur at the same time as stagnation in others. There is little appetite beyond South Sudan’s immediate neighbours to support local dialogue, however, whether to promote peace, reconciliation or humanitarian access.

Recent statements from President Salva Kiir and the government in support of dialogue and a unilateral ceasefire are a welcome change in rhetoric. The modalities required for implementation are technically complex, however, and require direct international assistance as well as political will. Greater political support and ceasefire-oriented technical assistance could help mitigate the impact of the current crisis, provided they do not come at the expense of the funding and effort needed for humanitarian operations.

UN officials and diplomats outside South Sudan have made high-level calls for a ceasefire. Yet, they have not put forward realistic ideas on how it might be negotiated among the government and multiple opposition factions, and no tangible work on a ceasefire is being done in-country. Such focus as there is has been on how a ceasefire might enable temporary humanitarian access. That would be welcome but by definition have limited utility. Any ceasefire, whether national or local, should be developed in such a way as to create conditions for dialogue and with an aim of achieving sustainability.

VII. What Is Needed

To prevent further famine and related humanitarian catastrophe in South Sudan, the following steps are urgently needed:

**Donors should fully fund the UN’s humanitarian appeal.**

Sudan and South Sudan should keep open, and increase, humanitarian corridors from Sudan.

Domestic and international actors should avoid politicising humanitarian assistance and support aid agencies in their efforts to deliver assistance to civilians in locations where civilians feel safe receiving aid, based on impartial negotiated access, and refrain from using the humanitarian situation for political leverage.

To support President Kiir’s commitment to announce a unilateral ceasefire soon and hold the government to its word, the Joint Monitoring and Evaluation Committee (JMEC) and its partners should provide technical assistance to the government to develop the modalities, with the aim of expanding that ceasefire to include opposition groups and become permanent.

**South Sudan’s partners should support local dialogue and negotiations between the government and warring factions.**

"Kenya: Victory for Ogiek tribe in historic court ruling," Survival International, June 7, 2017, http://www.survivalinternational.org/news/11702, reported, "In a landmark decision, the African Court has ruled that the government of Kenya violated the rights of the Ogiek tribe by repeatedly evicting them from their ancestral lands."
The court found that the government had broken seven articles of the African Charter and ordered it to take 'all appropriate measures' to remedy the violations. The Ogiek had sued the government for violations to their right to life, natural resources, religion, culture, property, development and non-discrimination.

The case was brought by the Ogiek Peoples Development Program (OPDP), the Center for Minority Rights Development (CEMIRIDE) and Minority Rights Group International, and was first lodged eight years ago.

Daniel Kobei, director of OPDP said: 'For the Ogiek, this is history in the making. The issue of Ogiek land rights has finally been heard and the case has empowered them to feel relevant… This is a chance for the government to restore the Mau [Forest] and to restore the dignity of the Ogiek people'.

The Ogiek are a hunter-gatherer tribe who have lived in the Mau Forest in Kenya’s Rift Valley since time immemorial.

They have suffered a long history of discrimination and eviction from their land from colonial times to the present.

Much of the Ogiek's rich forest has been invaded and destroyed by outsiders, and converted into logging concessions. Some government officials even attempted to justify the evictions in the name of conservation, by falsely accusing the tribe of destroying the forest. Evictions are often violent and Ogiek people have been killed and had their homes burned. They have never been consulted about the evictions nor received any compensation.

Last month a UN body expressed its concern over Kenya's treatment of hunter-gatherer tribes, and called on the government to: 'Ensure legal acknowledgement of the collective rights of the Sengwer, the Endorois, the Ogiek and other indigenous peoples to own, develop, control and use their lands, resources and communal territories'.

It is hoped the ruling will set an important precedent for other indigenous land rights cases in Africa."


Burundi will soon mark two years since it was propelled into a political crisis by President Pierre Nkurunziza’s determination to be elected to a third term in power. As it stands, more than 327,000 of Burundi’s 11 million people have now sought refuge outside the country according to UN figures from early 2017 – nearly all fleeing since the crisis erupted.

This calamity reverses a decade of refugee returns after the 1993-2005 civil war, and a new surge of people fleeing in late-2016 risks overwhelming the woefully underfunded humanitarian response.

Most live in camps in neighbouring Tanzania, which has hosted Burundian refugees since the 1970s. Others are in Uganda, Rwanda or the Democratic Republic of Congo, while a smaller number live in urban centres, especially Kigali, where many are not registered as refugees.

Despite many people fleeing, the Burundian government has been trying to project a sense of control, arguing that the crisis has passed. It claims that most refugees are either insurgents or have fallen victim to the economic problems brought about, in their eyes, by international sanctions.
At the UN General Assembly in September 2016, Burundi’s foreign minister controversially claimed that many of its refugees are returning voluntarily and that the country was now stable enough for a policy of returns to be pursued. However, the assassination of a government minister on 1 January, a failed attack on a government spokesman in November, and numerous less high-profile acts of violence and terror, show that Burundi remains deeply troubled.

At the same time, East African Community mediation led by former Tanzanian President Benjamin Mkapa reached an impasse in December when he stated that the legitimacy of President Nkurunziza should not be questioned. The exiled opposition read this as blatant support for what they see as a dictatorial regime. The breakdown in mediation will further dent refugees’ hopes of an early resolution to the crisis and increase their frustrations.

During the course of 2016, Crisis Group interviewed over 50 Burundian refugees from all walks of life, and from both Tutsi and Hutu ethnic communities, in Rwanda, Tanzania, Uganda, Kenya and, for a few with some money and connections, Belgium. We asked three questions: How and why did you leave the country? What problems do you face in exile? And how do you envisage your future and that of your country? From the responses, and drawing on long, field research-based knowledge of Burundi, three broad conclusions emerged.

1) The refugee crisis is a result of political oppression

Despite government statements, which some diplomats and international officials have been willing to believe, most exiles have fled a violent political crisis, many in fear for their lives. The impression of internal stability projected by the government is simply incompatible with the still-growing number of refugees.

Nearly all we spoke to fled violence by the police, intelligence services or the ruling party’s militia, the Imbonerakure, who have been threatening, abducting and killing opponents (or so-called opponents) throughout the country.

Repression spiked in the immediate aftermath of the attempted coup against Nkurunziza in May 2015 and after an attack on military camps in December 2015. Following the December assaults, security forces and the Imbonerakure increasingly targeted Tutsis.

Some refugees left the country having been tipped off that their life was in danger, while others had already been attacked or had lost relatives. Police controls on the country’s borders increasingly forced refugees to pay their way through or sneak out at night.

Some took children with them, others left family members behind. Some have friends in detention. We gathered accounts of rape, some ethnically targeted, and of torture. All this attests to political violence being at the heart of decisions to leave.

2) Burundi’s human capital is draining away

The flight of many of the country’s best educated and most entrepreneurial citizens, and a large number of its teachers, will cause significant long-term damage. It will also add to a growing economic crisis with traditional donors and investors shunning the country.

A very small minority of refugees with social connections or economic capital have been able to start a small business or find employment with relatives. But many have lost their businesses and properties and are seeking out menial work far below their qualifications, generating frustration and hurt pride. Others have had to leave their land, in many cases only recently recovered after previous periods of exile. A number of refugees had fled the country before, in some cases up to five times.

The energy and capacity formerly engaged in working to build up the Burundian economy or educating its future workforce is now absorbed by daily problems: feeding a family; dealing with administration; negotiating relations with local communities; finding employment; getting medical care, including dealing with psychological and physical trauma; accessing services in a foreign language; or, for the elite, trying to travel without
an up-to-date Burundian passport.

3) The refugee crisis will have long-term political consequences

Burundi has spent over ten years recovering from a brutal civil war and trying to regain greater social cohesion. But the recent violence and oppression has brought the fractures of the past back to the surface, accentuated by and accelerating the outflow of refugees.

As recent research shows, many of those who have fled were particularly vulnerable because they were never properly integrated when they returned after the civil war. Many were regarded as politically suspect and land restitution was very poorly managed.

Despite their problems abroad, many are determined to stay politically active. One young exile in Kigali said that to not engage in politics would be a 'betrayal of those left behind'. He had joined the recently-formed International Movement of Burundian Youth (MIJB) to make sure the voice of young people in exile was heard in debates on the country’s future. Such initiatives demonstrate a desire for solidarity, not just among refugees, but with those left behind. However, repression by the Burundian government, including assassination attempts, has spread to asylum countries, generating mistrust among Burundian exiles who often wonder who may be in the pay of the authorities in Bujumbura.

A population of over 300,000 refugees – mainly young, some educated and with justified grievances against the government – is a ticking time bomb in a region where political causes often end up being fought for in the bush.

Those we talked to saw their future with a mix of fear and uncertainty. The vast majority held President Nkurunziza responsible for the crisis and constantly underlined the problem of impunity. Many feared being forced to return. With time, this anger has led to a desire amongst some to take up arms. But despite this, some also expressed hope for their country, citing the low levels of ethnic violence since the end of the war.

Most of all, our research shows that refugees are not mere victims but also active citizens, and while some may resign themselves to their fate or seek to move further abroad, many will remain actively engaged in their country’s problems. Their voices must be heard in future political dialogues."


This was the first in a wave of evictions by the government, determined to open up their ancestral homes to diamond mining and tourism.

The Bushmen of Xade community were given no warning and were ordered to leave their homes immediately. They were herded onto trucks and those who refused to go were told they would be shot by the army.

Along with force, underhand tactics were employed: some Bushman children and their teachers were moved earlier, forcing anxious parents to follow them to the eviction camp, New Xade, which they soon dubbed “the Place of Death”.

Life here, as witnessed by Survival campaigners and much of the world’s media, was bleak. Bushmen were housed in tents like refugees and were totally reliant on handouts from the government.

Many succumbed to HIV/AIDS and alcoholism introduced by outsiders, who flocked to the camp to profit from the Bushmen’s meager compensation money.

From resilient hunters and gatherers with a strong sense of independence and identity, the Bushmen were reduced to a life of boredom, depression and hopelessness which continues to this day.

For many observers, the government’s inhumane treatment of Botswana’s first people
echoed neighboring South Africa’s apartheid regime, where black communities were systemically evicted from their homes and dumped into crowded slums on the outskirts of the cities.

This was the latest chapter in centuries of persecution of southern Africa’s Bushman peoples by white colonists and Bantu peoples.

Twenty years on, however, there have been some positive changes. Bushmen evicted from the reserve in 2002 won a landmark case with support from Survival International in 2006 in Botswana's high court. The court ruled that they had been illegally evicted and had the right to live and hunt in the reserve.

Today, hundreds of Bushmen have left the hated eviction camps and returned home. However, they continue to face harassment, beatings, and torture by wildlife scouts when they exercise their legal right to hunt.

As Bushman spokesman Jumanda Gakelebone explains: “Bushmen are not poachers. We hunt to survive, we don’t kill animals in large quantities. We get what we want to survive.”

Families are still being broken up, as the government says that only individuals who were applicants in the high court ruling are allowed to return to the CKGR. When their children turn 18, they have to get permits to visit their families in the reserve. This is causing enormous distress and hardship.

Bushmen are worried that their land may be opened up to more exploration without their consent. Although the diamond mine in the Bushman community of Gope in the reserve has been scaled back recently, last month the government gave new diamond prospecting licenses to a joint Russian-British mining venture.

In the last few years, the government has also given out fracking licenses in the CKGR.

As one Bushman told Survival: 'Giving companies clearance to extract natural resources is at our expense and is against our human rights.'

Survival is continuing to campaign for the rights of the Bushmen, having launched a global push in 2016, to coincide with the country’s fiftieth anniversary."

ICG, "Instruments of Pain (I): Conflict and Famine in Yemen," Middle East & North Africa Briefing No. 52, April 13, 2017, https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/b052-instruments-pain-i-conflict-and-famine-yemen?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=807c0f0a34-EMAIL_CAMPAIGN_2017_04_18&utm_medium=email&utm_term=0_1dab8c11ea-807c0f0a34-359871089, commented, “War is denying Yemenis food to eat. This special briefing, the first of four examining the famine threats there and in South Sudan, Nigeria and Somalia, urges the Saudi-led coalition not to assault Yemen’s most important port, Hodeida, and both sides to immediately resolve deadlock over the Central Bank.

I. Overview

Yemenis are starving because of war. No natural disaster is responsible. No amount of humanitarian aid can solve the underlying problem. Without an immediate, significant course change, portions of the country, in the 21st century and under the watch of the Security Council, will likely tip into famine. The projected disaster is a direct consequence of decisions by all belligerents to weaponise the economy, coupled with indifference and at times a facilitating role played by the international community, including key members of the Security Council such as the U.S., UK and France.

Avoiding famine, if this is still possible, requires the Saudi Arabia-led coalition, supporting the government of President Abed Rabbo Mansour Hadi against Huthi rebels and fighters aligned with former President Ali Abdullah Saleh, to halt what promises to be a bloody battle for Yemen’s most important port, Hodeida. It also requires immediate
action by both sides to put aside differences and enable central bank technocrats to address
the liquidity problem, pay public-sector salaries nationally and regulate the riyal. For this
to be sustainable, Yemenis need a ceasefire and a durable political settlement to have a
chance at rebuilding the shattered economy.

II. Famine and Conflict

By numbers, Yemen is suffering from the largest food crisis in the world. According
to the UN, an estimated seventeen million persons, 60 per cent of the population and three
million more than were so afflicted at the start of the year, are food insecure and require
urgent humanitarian assistance to save lives. Seven of the country’s 22 governorates are at
a phase four emergency food insecurity level, one step away from phase five: famine. Areas
affected include both government and Huthi/Saleh controlled governorates. UNICEF
reports that 460,000 children suffer from severe acute malnutrition.

The evolving hunger crisis has both a supply and demand side, with an underlying motif
of combatants pursuing war by any means with little to no regard for the population. According
to a prominent Yemeni entrepreneur, “the real story of the humanitarian crisis is that Huthi/Saleh
forces and the corrupt people around President Hadi are all benefitting from the war economy
while the people of Yemen suffer”.

Saudi-led coalition allies repeatedly have hindered the movement of aid and commercial
goods to the population. Huthi/Saleh violations are most egregious in the city of Taiz, where
their fighters have enforced a full or partial blockade since 2015, with devastating humanitarian
consequences. They routinely interfere with the work of humanitarians, at times demanding the
diversion of aid to themselves or denying aid workers access to populations in need, revoking
visas or even detaining them. They heavily tax all imports into their areas in part to finance the
war effort and also run a black market in fuel, enriching military elites while driving prices up
for transport of vital commodities.

The Saudi-led coalition has strangled the flow of commodities into the country’s largest
and most important port, Hodeida, which is under Huthi/Saleh control. Yemen is over 90 per
cent dependent on imports for staple commodities such as wheat and rice; the UN estimates that
80 per cent of all imports for the north currently pass through Hodeida. Under the cover of UN
Security Council Resolution 2216 (April 2015), which called for an arms embargo against
Huthi/Saleh forces, the Saudi-led coalition aggressively imposed a naval blockade for the first
year of the war. Three months after their military intervention, only 15 per cent of pre-war
imports were entering the country, prompting UN humanitarian agencies to issue initial famine
warnings. Following bureaucratic delays on the part of the Security Council, the coalition and the
Yemeni government, the problem was partially resolved in May 2016 through a UN Verification
and Inspection Mechanism (UNVIM) that led to an easing of restrictions, but by then coalition
airstrikes had already damaged the port’s throughput capacity, contributing to long queues and
delays.

The situation is about to become much worse, as the coalition appears determined to
break a military stalemate that has largely held since September 2015 by attempting to capture
the Red Sea coast, including Hodeida. It says that taking the port is necessary to stem the flow of
weapons to Huthi/Saleh fighters and to bring them to the bargaining table. This reasoning is
questionable, since the Saudi-backed Hadi government, not the Huthi/Saleh bloc, officially
rejected the latest peace initiative of the UN special envoy, and the coalition’s navy and the
UNVIM already monitor, albeit not perfectly, the port.

In any case, the campaign’s humanitarian risks are clear. Unlike Aden and areas in the
south, coalition forces would not be greeted as liberators, and Huthi/Saleh fighters have had
ample time to prepare defensive positions. The battle would likely be protracted and could close
and further damage this vital entrepôt. Even if the coalition is able to secure the city, it is far
from clear it would have the will or capacity to ensure imports cross battle lines into
Huthi/Saleh-controlled areas of the north, where the bulk of Yemen’s population resides. Indeed,
there is widespread agreement among Yemenis that the Hadi government would use control of the port to further squeeze Huthi/Saleh-controlled areas economically in an attempt to break that alliance or engender an internal uprising against it, an outcome the Saudi-led coalition has long predicted. The costs of such a strategy would fall disproportionately on the civilian population, with Huthi/Saleh fighters being the last to starve.

Humanitarians argue that even at its reduced capacity, there is no alternative to using Hodeida in terms of location and infrastructure. If the city is attacked and the port closed, it will become the most important choke point in what already is a massive hunger challenge.

The more acute current problem, however, is on the demand side. Notwithstanding mounting challenges, food is still widely available in the markets, including Sanaa. Yet, Yemenis throughout the country increasingly are unable to purchase it. After two years of ground fighting and air bombardment, the economy is in tatters. Families and communities are approaching a breaking point, having sold their assets, spent their savings and exhausted extended networks of support. The situation is most severe for the more than three million internally displaced persons (IDPs) and residents of governorates like Hodeida, who were the poorest before the conflict. It also takes a particularly harsh toll on women and girls, who are typically the last to eat and in December 2016 made up 62 per cent of the four million people suffering from acute malnutrition.

A critical component of the purchasing power crisis is the inability of the central bank to consistently pay public-sector salaries since August 2016. This is a product of shrinking state finances, an acute liquidity crisis and the bank’s inability to move financial resources between areas controlled by conflict parties. The issue has become deeply politicised. Prior to President Hadi’s 19 September decision to move the central bank from Sanaa to Aden, there had been a tacit agreement between the warring sides to allow the institution to function relatively free of interference. Diplomats and economists widely agreed that the bank had remained largely impartial, facilitating the import of an increasingly limited list of basic commodities, protecting the value of the riyal and paying public-sector salaries nationally under increasingly difficult economic circumstances. But this did not last. Without revenues from hydrocarbons, which accounted for approximately half the government’s budget in 2014, or donor support, both solvency and immediate liquidity came under immense strain.

By moving the bank, the government argued, it could prevent the Huthi/Saleh bloc from using central bank funds for its war effort, while allowing the bank to dispense public-sector salaries nationally and stabilise the economy. The bank in Aden has printed much-needed currency to address the liquidity crisis (a move that was blocked by the Hadi government when the bank was in Sanaa); at least 160 billion Yemeni riyals (approximately $640 million) have been delivered to Aden as part of a 400-billion riyal ($1.6 billion) order from a printing company in Russia. However, there is little transparency as to how the money has been disbursed. Moreover, since the relocation, some salaries have been paid in the south but far fewer in the north, and the banking system has all but collapsed, putting additional pressures on the supply side, as commodity importers can no longer access letters of credit.

More worrying yet, the government has not received a much-needed injection of foreign currency that Hadi supporters expected would come from Gulf backers once the bank moved. The small amount of domestic revenue that is generated is not being deposited in central bank accounts, as the country’s various administrative centres are acting autonomously. Neither Huthi/Saleh-controlled territories nor Marib governorate, which is technically controlled by the Hadi government and is the main producer of oil and gas for Yemeni consumption, are making revenues available to the central bank in Aden. The Hadi government is also not depositing oil export revenues from the Masila basin in Hadramout, which came back online in August 2016, and is instead using an external account in Saudi Arabia with no oversight of expenditures. In the absence of access to foreign exchange, pumping additional riyals into the market would create inflationary pressures.
Each side blames the other for the economic disaster. The government says it cannot pay salaries in Huthi/Saleh-controlled territories until these remit tax and other import revenues to the bank in Aden (nationally these revenues accounted for around 30 per cent of pre-war government income). The Huthi/Saleh authorities accuse the government of trying to starve the north and refuse to recognise or share accounts with Aden. As the two sides bicker, Yemenis across the country are slowly starving.

III. What Is Needed

Addressing the looming famine is a complex challenge that requires immediate action to prevent a worsening of the situation and to deliver lifesaving assistance to those most in need. Yemenis are set to starve as a result of the financial consequences of the war, but this trend can still be arrested and even reversed if political actors choose to do so. The following steps are urgent:

The Saudi-led coalition should halt plans to invade the port of Hodeida.

The Huthi/Saleh authorities, the Yemeni government and the Saudi-led coalition should work with the UN envoy to reach a deal that allows technocrats in the central bank in Aden and Sanaa to devise a plan for the resumption of public-sector salaries nationally, disbursement of social-welfare cash transfers to the poorest Yemenis and performance of basic banking functions free of political interference until a comprehensive political settlement is reached. This compromise should contain several elements, including:

- cooperation between the central bank in Aden and the branch in Sanaa, where the majority of bank technocrats and infrastructure are still located;
- agreement by the Huthi/Saleh forces and the government not to interfere with decisions made by technocrats in the central bank, nor to divert the bank’s injections of liquidity for other purposes;
- commitment by all parties to ensure that hydrocarbon, customs and tax revenues are accurately deposited/reflected in the national central bank system; and that the central bank has access to at least some commercial banks and to foreign central banks where it has reserves on deposit. (Currently its accounts are blocked, in part as a result of uncertainties on the part of foreign central banks regarding the move from Sanaa to Aden and the appointment of a new bank management by President Hadi.)
- agreement to pay public-sector salaries nationally based on 2014 pay lists (these exclude any additions made by the Huthi authorities since the February 2015 coup); and

Saudi Arabia and the United Arab Emirates should agree to help finance, along with the World Bank and other donors, the approximately $500 million needed to fund emergency cash transfers to the poorest Yemenis for one year using 2014 social-welfare lists.

To be successful, these stopgap measures ultimately must be supplemented and supported by a ceasefire and peace agreement that allow Yemenis the chance to rebuild state institutions and the economy. To this end:

- the Huthi/Saleh authorities and the government should reengage immediately with the UN special envoy to secure a ceasefire and resumption of talks based on the UN envoy’s roadmap; and

- the UN Security Council should take prompt action to rejuvenate the political track by passing a long-overdue new resolution under its mandatory Chapter VII authority demanding an immediate ceasefire, unfettered humanitarian access and a return to talks based on the existing UN roadmap, which requires compromises from both sides."

violence in the latest escalation of a harsh government crackdown against human rights defenders and civil liberties groups."

Joor Baruah, "On the Border of India and China, the Adi Face a Confluence of Issues," Cultural Survival, January 02, 2017, reported, 'It is never about resolving differences and working together. Never! It is always about India and China,' mourns an elder from Siskin village as he crosses a bridge close to the border of India and China. The Adi community collectively weaves these bamboo bridges every year across the pristine Siang River.

The Siang River originates in Tibet, elegantly flows through the Himalayas, enters the northeast Indian state of Arunachal Pradesh, and like a sacred thread connects the Tribes of the region, especially the Adi villages around the old town of Pasighat. The Adi lifeways are beautiful with shamanic chants of their mythologies of origin, animistic rituals around nature, and amicable resolution of disputes in their traditional courts.

The people here have always faced conflicts. In 1962, soon after the Tibetan Uprising of 1959 when India granted asylum to The Dalai Lama, the Chinese army invaded this area of Arunachal Pradesh (also known as the land of the dawn lit mountains), on the pretext of a disputed Himalayan border. Beyond being subjected to territorial interest, these Indigenous people of the hills were struggling to build bridges with the people of the valley. “The Assamese in the valley used to call us Abhors, meaning uncontrolled savages. The British also continued calling us savages. We revolted; we wanted to be called Adi. In 1972 this area, the NorthEast Frontier Agency (NEFA) became a Union Territory of India and in 1987 a state. From then on we are Adi. Adi means hills. People of the hills,” explains Oshang Ering, a respected Adi elder, the first matriculate of the Tribe.

With the memories of 1962 Sino- Indian War still fresh, China continues to reassert its territorial claim. 'We are a part of India. Though there is a strong history of neglect and alienation, Arunachal Pradesh and this Northeastern region is a part of India. Why will we part? If by chance China invades us again. I will be the first to run ahead and fight,' says the leader of the vegetable sellers in the women-driven Pasighat market. It is apparent that the Adi people want to be left alone. “We are generally cooperative people but during wars, we can be fierce warriors. However, we don’t fight unless it is decided in our Kebang (traditional court),” says Ering calmly. 'Our Kebang is the perfect form of democracy. Perhaps, democracy was born here,' says Kalim Borang, cultural analyst and writer, with beaming pride. However, it is unfortunate that the Kebang is not seriously consulted for decisions regarding Adi land and now water.

On the Chinese side of the border, where the Siang River is called Tsangpo, multiple mega dams have been built. On the Indian side, there are plans to build even more. Flowing through the land of the Adi, the Siang meets the Lohit and Dibang Rivers downstream to form the mighty Brahmaputra River that touches the lives of millions of people as it flows through the Assam valley. The Siang is now a site for a Great Dam War. There seem to be no dialogue between India and China. “Well strategized run-of-the-river can help. But if the dams on Brahmaputra and its tributaries are not planned well, the flora and fauna of the entire region is at risk. There can be a Tsunami every night,' says environmentalist Pradip Bhuyan, whose activism and petition has resulted in the Green Tribunal ordering a detailed assessment of the dams. 'These dams are dangerous. We have our usual catastrophic floods in June and July. During that time if China opens the dams, then even without missiles, the Assamese people will be destroyed,' says Roti Pegu, a boatman ferrying people across the Brahmaputra, between Assam and Arunachal.

In a few years, the 3.07-mile (4.94 km) Bogibeel Bridge connecting Assam and Arunachal will be complete and Roti along with many other boatmen will lose their livelihood. Perhaps the bridge was an influencer for the current government of India to
include Pasighat as a potential smart city in its development agenda. The unending line of posts being constructed for the bridge seems to represent the vanishing point of Indigeneity.

There is already an ongoing migration to this tribal land – both legal and illegal. And as a microcosm of the over two hundred ethnic and tribal communities of northeast India, the Indigenous identity of the Adis, is under threat. The Adi culture and way of life is fast changing. The animistic Dony Polo (sun and moon God) rituals are being forgotten and the Miri (priests) who can chant the Abang (mythological chanting/oral history) are becoming rare.

'Adi does not have a script. It is an oral language. Young people today do not know how to speak Adi. The children of the rich people do not study here. They study far away. When they visit, they speak English and Hindi, though they are Adis. If we speak in Adi, we are stupid. If they can speak in English and Hindi we are stupid. That is what is happening. They forget their own language,' say the elders of Yagrun village over a Solung (Adi planting festival) dinner.

With the Adi youth moving to bigger cities in pursuit of an urban life, the famers have to employ migrant workers. 'Apart from the challenge of paying wages, another problem is that some of these workers from the neighboring states are insurgents in disguise - United Liberation Front Of Assam (ULFA), National Democratic Front of Bodoland (NDFB) from Assam and National Socialist Council Of Nagaland (NSCN) especially in the Tirap/Changlang districts of the state,' says Jamo Tani, an Adi farmer and activist from the Pasighat area. Though Arunachal does not have a homegrown insurgency, various factors including insurgency in the interstate border have resulted in the imposition of the unpopular Armed Forces Special Powers Act (AFSPA), which provides special powers to the Indian army resulting in massive human rights violations. With Chinese and Indian army modernizing their warfare, AFSPA providing impunity to the Indian army and insurgency in the state borders, conflict has become a way of life.

With the recent developments in 2016 - political unrest in the Arunachal Pradesh government, ruthless floods in the Assam valley, increase of Indian and Chinese armed forces to guard or expand territorial interests and the ongoing great dam war – it has become both important as well as urgent that India gives Arunachal Pradesh and the northeast the attention it deserves and the powers in New Delhi and Beijing engage in a serious constructive diplomacy and dialogue."

See MediaNotes, below, on Adi: At The Confluence: an award winning documentary film that portrays the resilience and dives deep into this confluence of issues faced by the Adi people on the border of India and China.


In a sharply worded statement, the experts expressed alarm about 'severe restrictions of religious freedom' in the area.

Most of the expulsions mentioned by the experts have taken place at Larung Gar, the world’s largest Buddhist institute and one of the most influential centers of learning in the Tibetan world. Officials have been demolishing some of the homes of the 20,000 monks and nuns living around the institute, in a high valley in Sichuan Province.

The statement also cited accusations of evictions at Yachen Gar, sometimes known as Yarchen Gar, an enclave largely of nuns that is also in Sichuan and has a population of about 10,000."
The government of Bangladesh, in February 2017, decided to move Rohingya refugees from Mynmar to the remote island of Thengar Char, that is underwater during monsoon season. The decision received strong criticism from around the world (Maher Sattar, "Bangladesh To Relocate Rohingya To and Island," The New York Times, February 4, 2017).

"Bangladesh: Hundreds of Jumma houses torched by settlers – as army and police stand by," Survival International, June 8, 2017, http://www.survivalinternational.org/news/11704, At least 250 houses belonging to Jumma tribal people, the indigenous inhabitants of the Chittagong Hill Tracts in Bangladesh, have been burnt to the ground by Bengali settlers. An elderly woman, Guna Mala Chakma, was trapped in her home and burned to death.

The arson attack happened on June 2, after the body of Nurul Islam Nayon, a Bengali motorcycle driver, was found and local people blamed Jummas for his death.

Eyewitnesses say that army and police personnel stood by and did nothing as settlers, protesting against Mr Nayon’s death, went on the rampage, setting fire to Jumma houses and shops in three different villages.

The Bangladesh government has been moving Bengali settlers onto the lands of the Jumma tribal people for more than 60 years. The Jummas have gone from being practically the sole inhabitants of the Hill Tracts to now being outnumbered by settlers.

Tensions between the communities remain high, and violence in one area can often trigger revenge attacks elsewhere.

Settlers have often been allowed to carry out such attacks with impunity, with the security forces ignoring pleas for help from the Jumma community. It has been reported that on June 4, a peaceful protest against the arson attack was violently dispersed by the police and army. Soldiers punched Jumma protestors and beat them with sticks, after demonstrators had called for the perpetrators of the arson attack to be brought to justice.

Survival International is calling for those responsible for the arson attack, and for the death of Nurul Islam Nayon, to be brought to justice. It’s also urging the Bangladesh government to urgently investigate the role of the security forces during the attack on the villages and the subsequent peaceful protest."


The Dongria’s resistance to mining on their lands has continued since their landmark victory in 2014. Leaders including Dodi Pusika feel that the risk of mining remains as long as a refinery is operational at the foot of the Niyamgiri hills, an area which the tribe have been dependent on and managed for generations. A recent protest at the refinery was met with a baton-charge from police.

Pusika’s daughter-in-law, Kuni Sikaka, was arrested in the middle of the night of May 3 and accused of links with armed Maoist rebels. In exchange for her release, Dodi Pusika and other members of his family were made to 'surrender’” as Maoists and paraded in front of the media.

There has been an alarming increase in arbitrary, politically motivated arrests of tribal people who are resisting mining operations or government policies which endanger their lands and communities. Typically, those arrested are accused of Maoist links – usually without evidence.

Human rights activist and doctor Binayak Sen and tribal teacher Soni Sori have both been imprisoned for alleged Maoist connections and only subsequently released after national and international campaigns.

In April, the Home Ministry issued a report claiming that Maoists were 'guiding the
activities' of the Dongria’s organization, the Niyamgiri Suraksha Samiti (NSS). On the contrary, Maoists instructed the Dongria to boycott the very meetings at which they delivered their decisive 'no' to mining.

Lingaraj Azad, a member of the NSS, stated, ‘We have always opposed violence – either state violence or Maoist violence. We will not bow down, but continue our struggle to protect Niyamgiri from being mined.’

Survival is calling on the government to drop these fabricated charges, stop this persecution of the Dongria Kondh, respect their decision about the Niyamgiri mine, and to uphold their right to protect their lands and determine their own futures.”

"BBC BANNED from India’s tiger reserves after 'shoot on sight' investigation," Survival International, February 28, 2017, http://www.survivalinternational.org/news/11600, reported, "The Indian government has reportedly banned the BBC from filming in any tiger reserve nationwide for five years, after its South Asia correspondent investigated “shoot on sight” conservation in the country.

Justin Rowlatt investigated the impact of deadly conservation tactics on tribal communities living around Kaziranga National Park for a report which aired in February 2017. The report documented instances of beatings, torture and death in the national park, where 106 people are estimated to have been killed without trial in the last 20 years, including a severely disabled tribal man.

Rowlatt has also been threatened with having his visa revoked by India’s conservation authorities.

A seven-year-old tribal boy was shot and maimed for life in the park in July. Guards are “fully ordered” to shoot any intruders, according to a guard interviewed in the film, and are given effective immunity from prosecution if they kill or injure suspects.

Despite interviews with park guards and tribal people affected by the policy, citation of a report from the park’s own director, documentary footage of violent evictions, and a refusal to condemn shoot on sight by a senior WWF-India official, conservation authorities have tried to claim that the report was 'grossly erroneous.'

India’s National Tiger Conservation Authority (NTCA) has complained that the report should have been submitted for ‘obligatory previewing’ at India’s Ministry of External Affairs, 'in order to remove any deviations.'

They have also asserted that the film-makers should not have been 'filming after sunset' and 'deviated' from the original synopsis submitted to the Ministry of Environment.

The park is currently being expanded, which could lead to tribal and other local communities being illegally evicted.

Survival International was interviewed for the BBC film, and is leading the global fight against abuses in the name of conservation. Survival is calling for a conservation model which respects tribal peoples as the best conservationists and guardians of the natural world, and for an end to dangerous policies like shoot on sight.

Survival’s Director Stephen Corry said: “Censorship of the press is a hallmark of oppressive government regimes. This time it’s conservationists who want to clamp down on press freedom. It’s not surprising – they have a lot to hide. As Mr Rowlatt’s investigations exposed, India’s conservation authorities are responsible for gross human rights violations. Shoot on sight is illegal, immoral, and harming conservation efforts. It’s time the big conservation organizations condemned this madness.”


"Tribe facing brutal eviction from 'Jungle Book country,'” Survival
Tribal villagers in India have made a desperate plea to be allowed to stay on their ancestral land in central India – a region which inspired Rudyard Kipling’s Jungle Book – in the face of threats from the local forest department to illegally evict them.

The Baiga people from Rajak village in Achanakmar tiger reserve have been told that they must leave land they have been dependent on and managed for generations – despite there being no evidence that their presence there harms the environment. They have the right to stay under Indian and international law.

Indian campaigners have previously alleged that 'corrupt officials can... siphon off money' from the funds the authorities make available for relocations.

Elsewhere in India, tribes who have been 'relocated' from their ancestral land have been moved to inadequate government settlements or forced into lives of poverty on the fringes of Indian society.

One Baiga man said: 'If somebody takes me from the jungle to the city then it is as if they are killing me.'

In a letter to the forest department, the Baiga said: 'In Rajak the land is very fertile and we have been living here for generations. But because the village is in the core area [of the tiger reserve], we are continuously under pressure. We are being told to go to Bharatpur village. We have seen the land there, it is full of stones and it will not fulfill our needs. It is not suitable for us to raise our children there and their futures will be ruined.'

Survival’s Director Stephen Corry said: 'India’s forests are still being destroyed by industrial 'development' and tigers are still being poached. But forest officials choose to bully tribal people and throw them off their land. It’s a con, and it’ll harm the environment. It’s time the big conservation organizations condemned these fake 'voluntary' relocations and admitted what they really are, illegal evictions that lead directly to the destruction of entire peoples.'

Background briefing
- “Relocations” must be voluntary under Indian law. Despite this, tribal people are frequently bribed, threatened with violence and, in some cases, face arrest and beatings, torture and even death.
- Achanakmar was originally established as a wildlife sanctuary and declared a tiger reserve in 2009. Its 914 square kilometers are home to tigers, leopards, sloth bears, elephants and striped hyenas, among other species.
- Baiga means “medicine man.” Baiga people are known for their distinctive tattoos, and for their very close relationship to their environment.
- Tribal people were evicted from Similipal tiger reserve in 2013, and were soon after found living in dire conditions under plastic sheets.
- Many Baiga were evicted from the nearby Kanha tiger reserve in 2014. They received no land, houses, or support but were supposed to find land to buy with their compensation money, an alien concept for those who’d lived all their lives in the forest. They told Survival: “We got some money, but we are lost – wandering in search of land. Here there is only sadness. We need the jungle.”
- In one tiger reserve in southern India where Soliga tribal people won the right to stay on their land, tiger numbers have increased at well above the national average. Tribal peoples’ lands are not wilderness. 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. They should be at the forefront of the environmental movement. But tribal peoples are being illegally evicted from their ancestral homelands in the name of conservation. The big conservation organizations are guilty of supporting this. They never speak out against evictions.'
Officials in India are threatening to evict a tribe from a tiger reserve in the name of conservation – but have just approved uranium exploration in the same reserve. The move has angered campaigners, who accuse the authorities of hypocrisy.

The Chenchu tribe in Amrabad tiger reserve have pleaded to be allowed to stay on the land which they have been dependent on and managed for millennia.

They say: 'The forest department is planning to evict us from this place. We do not want to go anywhere. We protect our forest. If we go outside it is like taking a fish out of the water, it will die... But now the government, for their own profit, is separating the Chenchu from the forest, this is like separating children from their mothers.

'The government is selling the forest to mining companies. If we go to the plains areas we will become addicted to alcohol and we will drink and die. In the future the Chenchu will only be seen in photographs and videos.

'We live in the forest and we will die in the forest. The forest is our mother and our life. Wildlife is our life, without wildlife we cannot live.'

Indian authorities justify their forced evictions of tribal people – which are illegal according to national and international law – on the ground that any human presence in the reserves is harmful to tigers. However, in many tiger reserves in India, fee-paying tourists are allowed to visit in large numbers, and road-building, mineral exploration and even mining have all taken place.

Background briefing
- The Chenchu are just one of many Indian tribes facing eviction from their ancestral land. Many Baiga communities have already been evicted in central India, either thrown out to fend for themselves, or moved to government resettlement camps where living standards are frequently dire.

- Indian law requires any evictions to be voluntary, and communities are supposed to be compensated. However, tribal people are rarely informed that they have a guaranteed right to stay, and are often threatened. Compensation money is rarely sufficient to allow them to adapt to life outside the forest, and people often don’t receive what they were promised.

- Amrabad tiger reserve is in Telangana state in southern India.

- The Chenchu lived by hunting and gathering in southern and central India for millennia, until hunting was banned in the 1970s. Government efforts to make them take up farming have been largely resisted by the tribe themselves.

- The Chenchu have an incredible knowledge of their forest and the animals they share it with. They collect 20 different types of fruit and 88 different types of leaves. They see all the animals as both their relations and as gods. Their customs dictate that they should never take more than they need from the forest or waste anything. One Chenchu said: “If outsiders come inside the forest, they will cut all the trees and take away all the fruits; we don’t cut the trees and we take just the fruits we need.”

Survival’s Director Stephen Corry said: 'This is the ultimate in hypocrisy: the authorities want to evict the tribespeople who have managed this environment for millennia, on the pretext that tiger numbers will suffer if the people stay, but then allow in uranium prospectors. It’s a con. And it’s harming conservation. Tourists to Amrabad Tiger Reserve should realize they are supporting a system which could lead to tribal people, the best conservationists, being illegally evicted from their ancestral homelands, and that uranium mines might one day take their place.'

muslims.html?ref=todayspaperm, repored, "Pope Francis on Wednesday issued a fresh rebuke against Myanmar over its repression of the Rohingya minority group, just days after a United Nations report concluded that security forces had slaughtered and raped hundreds of men, women and children in a 'campaign of terror.'"

"Myanmar: Kachin Christians Feared 'Disappeared': Urgently Report on Whereabouts, Well-Being; Allow UN Expert Access," Human Rights Watch, January 17, 2017, http://us10.campaign-archive1.com/?u=f15b18127e37174088063b773&id=2ecb923ea6&e=24e6ca1455, reported and commented, "Burmese authorities should urgently provide information on the whereabouts and well-being of two ethnic Kachin Baptist leaders who were apparently forcibly disappeared in Northern Shan State, Human Rights Watch and Fortify Rights said today. Langjaw Gam Seng, 35, and Dumdaw Nawng Lat, 65, who had guided journalists reporting on Burmese airstrikes that allegedly severely damaged a Catholic church, were last seen on December 24, 2016 traveling to a military base.

The disappearances raise grave concerns for the safety of the two men and witnesses to the incident, the two organizations said. The Burmese government and military should immediately address these issues and allow the visiting United Nations human rights expert to visit the area.

'The apparent enforced disappearance of these two Christian Leaders has created a climate of fear and terror in Northern Shan State, said Mathew Smith, chief executive of Fortify Rights (www.fortifyrights.org/publications). 'The government should urgently investigate and report on this case and insure protection for those with information.'"

On December 24 at about 5:30 p.m., Langjaw Gam Seng, a youth leader with the Kachin Baptist Convention (KBC) in Mong Ko, reportedly received a phone call from a person representing himself as a member of the Burmese military. The caller requested that Langjaw Gam Seng and his cousin Dumdaw Nawng Lat, an assistant pastor with the KBC, go to the Byuha Gon military base in Northern Shan State’s Mong Ko town, in Muse Township near the Myanmar-China border, to assist with the release of civilians detained there. Local residents last saw the two men that evening traveling by motorbike towards Byuha Gon base, where Burmese Army Battalions Nos. 99 and 55 are located.

On January 3, representatives of the KBC and family members filed a missing persons report at Myo Ma police station in Muse Township. The KBC’s repeated inquiries to local government authorities have failed to elicit any information on the whereabouts of Langjaw Gam Seng and Dumdaw Nawng Lat.

The government has subsequently denied that the military detained the two men. On January 10, presidential spokesperson Zaw Htay stated that, 'According to our ground report, they were taken by the Kachin Independence Army, not the military.' However, he provided no further information to substantiate that claim or the basis for his assertion.

'The nature of the two men’s disappearance means the military has some serious questions to answer,' said Phil Robertson, deputy Asia director at Human Rights Watch. 'This is a crucial case for Aung San Suu Kyi and other government leaders to demand cooperation from the army, which has continued to resist civilian authority.'

Prior to their disappearance, Langjaw Gam Seng and Dumdaw Nawng Lat helped journalists document the destruction of civilian structures in Mong Ko during clashes in November and December 2016 between the Burmese military and the Brotherhood of the Northern Alliance (BNA), a coalition of four ethnic armed groups. On December 3, a journalist with The Irrawaddy, with the assistance of the two religious leaders, photographed serious damage to the St. Francis Xavier Catholic Church in Mong Ko after it had allegedly been bombed by Burmese military airstrikes. The journalist reported that the Mong Ko township administrator subsequently contacted him and asked him not to publish the photographs of the
On December 18, the Burmese defense ministry issued a statement denying allegations that military airstrikes were responsible for the damage to the church, saying it was 'fabricated news.' The ministry instead claimed that 'the rebels' had hidden explosives and ammunition in the church.

Catholic Bishop Philip Za Hawng then published a letter stating that the Burmese military called members of the church to their outpost on December 8 and claimed responsibility for the bombing, agreeing to rebuild the church. Bishop Za Hawng described the church as 'badly destroyed by bombs...when the government military planes carried out several sorties of airstrikes' and rejected the defense ministry’s suggestion that the damage was due to weapons 'stored up' in the church, fearing the public might believe the church is 'collaborating' with 'the rebels.'

Yanghee Lee, the United Nations Special Rapporteur on human rights in Myanmar, who has been a 12-day monitoring mission to the country, has been denied access by the government to conflict-affected areas of Shan State.

Human Rights Watch and Fortify Rights called on the government to grant Lee and other human rights monitors unfettered access to Shan State and all other conflict-affected areas. Under international law, an enforced disappearance occurs when state officials or agents arrest or detain someone and refuse to acknowledge the deprivation of liberty or conceal their fate or whereabouts, placing them outside the protection of the law. Enforced disappearances violate various rights protected under international law, including prohibitions against arbitrary arrest and detention; torture and other cruel, inhuman, or degrading treatment; and extrajudicial execution. The authorities have a legal obligation to investigate alleged enforced disappearances and fully and fairly prosecute those responsible.

Armed conflict in Kachin and Shan States has intensified since June 2011. In Mong Ko town, fighting increased between November 20 and December 4. On November 20, the BNA—comprising the Kachin Independence Army, Myanmar National Democratic Alliance Army, Ta-ang National Liberation Army (TNLA), and Arakan Army—carried out attacks against the police in Mong Ko and reportedly fired unguided rockets into surrounding civilian areas. The Burmese government reported that 10 civilians died in the attacks, but that could not be confirmed. The BNA seized the town of Mong Ko for several days before the military drove them out in early December with airstrikes from helicopter gunships and warplanes as well as heavy artillery.

For many years, Kachin and Shan civil society organizations have documented unlawful killings, torture, rape, forced labor, and other abuses committed by Burmese military forces against civilians in Northern Shan and Kachin States. In 2014, Fortify Rights documented the systematic use of torture and other cruel, inhuman, and degrading treatment or punishment of more than 60 civilians by government forces during fighting in northern Myanmar from June 2011 to April 2014. In 2012, Human Rights Watch documented how army soldiers attacked Kachin villages, razed homes, pillaged properties, and forced the displacement of tens of thousands of people.

On January 20, 2015, the bodies of two female teachers with the Kachin Baptist Convention—Maran Lu Ra, 19, and Tangbau Khawn Nan Tsin, 20—were discovered in a room they shared in Kaungkha village, Northern Shan State. The Burmese military subsequently threatened legal action against anyone alleging that the military was involved in the killings. A report issued by the Kachin Women’s Association Thailand and Legal Aid Network in January 2016 contended the women’s bodies showed signs of torture and sexual violence, implicating the army’s Light Infantry Regiment No. 503 in the killings. No one is known to have been arrested or prosecuted for the killings.

'Perpetrators of grievous abuses in Kachin and Shan States need to be brought to justice,' Robertson said. “Atrocities won’t stop so long as the military can commit them against civilians
with impunity.'

For more information, please contact: In Bangkok, Phil Robertson, Human Rights Watch, Deputy Asia Director, +66-85-060-8406, RobertP@hrw.org, Twitter: @reaproy. In Bangkok, Matthew Smith, Fortify Rights, Chief Executive Officer, +66 (0) 87.795.5454, Matthew.Smith@fortifyrights.org; Twitter: @matthewfsmith, @FortifyRights; In San Francisco, Brad Adams, Human Rights Watch, Asia Director, +1-347-463-3531 (mobile); or adamsb@hrw.org. Twitter: @BradMAdams."


'Recognize the will of the local ethnic people,' protesters chanted last month as they marched along the waterfront of this historic city in southern Myanmar.

Ms. Aung San Suu Kyi, a Nobel Peace Prize laureate once celebrated as a champion of democracy, was insulting the Mon people, the dominant ethnic group in the area, protest leaders said, by naming the bridge for a Burmese leader infamous here for steamrolling over their rights."

"No one expected governing to be easy for Ms. Aung San Suu Kyi, who became the country’s de facto leader a year ago after her party won a landslide election that ended more than a half-century of military rule.

Even so, her first year has been a disappointment to many. She made it a top priority to end the long-running ethnic insurgencies that have torn the country apart, but her anemic peace effort has proved fruitless so far, and fighting between government forces and ethnic groups has increased.

The world has been shocked by reports that the military has carried out atrocities, including rape and murder, against the Rohingya, a Muslim minority in western Myanmar, but Ms. Aung San Suu Kyi has said little on the matter and done even less.

Her government’s growing suppression of speech on the internet seems perverse for a onetime democracy icon who spent 15 years under house arrest.

Among the public, patience is wearing thin."

DIALOGUING

THE PLANET CAN’T STAND THIS PRESIDENCY

Bill McKibben*

Trump is in charge at a critical moment for keeping climate change in check. We may never recover.


President Trump’s environmental onslaught will have immediate, dangerous effects. He has vowed to reopen coal mines and moved to keep the dirtiest power plants open for many years into the future. Dirty air, the kind you get around coal-fired power plants, kills people.
It’s much the same as his policies on health care or refugees: Real people (the poorest and most vulnerable people) will be hurt in real time. That’s why the resistance has been so fierce.

But there’s an extra dimension to the environmental damage. What Mr. Trump is trying to do to the planet’s climate will play out over geologic time as well. In fact, it’s time itself that he’s stealing from us.

What I mean is, we have only a short window to deal with the climate crisis or else we forever lose the chance to thwart truly catastrophic heating.

In Paris in 2015, the world’s nations pledged to do all they could to hold the rise of the planet’s temperature to 1.5 degrees Celsius (2.7 degrees Fahrenheit). It was a good idea since, though we’re still half a degree short of that number, we’re already seeing disastrous ice melt at the poles, the loss of coral reefs and the inexorable rise of the oceans. But at current rates of burning coal, gas and oil, we could put enough carbon in the atmosphere in the next four years to eventually push us past that temperature limit.

The planet’s hope, coming out of those Paris talks, was that we’d see such growth in renewable energy that we’d begin to close the gap between what physics demands and what our political systems have so far allowed in terms of action.

But everything Mr. Trump is doing should slow that momentum. He’s trying to give gas-guzzlers new life and slashing the money to help poor nations move toward clean energy; he and his advisers are even talking about pulling out of the Paris accords. He won’t be able to stop solar and wind power in their tracks, but his policies will slow the pace at which they would otherwise grow. Other presidents and other nations will have spewed more carbon into the atmosphere, but none will have insured, at such a critical moment, that carbon’s reign is extended.

The effects will be felt not immediately but over decades and centuries and millennia. More ice will melt, and that will cut the planet’s reflectivity, amplifying the warming; more permafrost will thaw, and that will push more methane into the atmosphere, trapping yet more heat. The species that go extinct as a result of the warming won’t mostly die in the next four years, but they will die. The nations that will be submerged won’t sink beneath the waves on his watch, but they will sink. No president will be able to claw back this time — crucial time, since we’re right now breaking the back of the climate system.

We can hope other world leaders will pick up some of the slack. And we can protest. But even when we vote him out of office, Trumpism will persist, a dark stratum in the planet’s geological history. In some awful sense, his term could last forever.

*Bill McKibben is a founder of 350.org and teaches environmental studies at Middlebury College.

The Times Op-Ed was followed by the following, which are only listed here with which can be found at: https://www.nytimes.com/2017/04/21/opinion/the-planet-cant-stand-this-presidency.html?ref=todayspaper:

"Tax cuts and executive orders can easily be reversed. The effects of climate change policy cannot. Here’s what we could lose for good."

Hawaiian Honeycreepers
By RICHARD CONNIFF
On Thursday June 1st 2017, President Donald Trump announced that his government will withdraw from the Paris Climate Change Agreement. The U.S now joins Syria and Nicaragua as the only countries not party to the agreement (and Nicaragua said they did not sign on because it did not go far enough). This irresponsible and reckless action is consistent with his and the Republican party’s anti-environmental agenda, which threatens our sacred Mother Earth and the survival of our future generations.

Like Trump’s recent Executive Orders and Presidential memoranda fast-tracking the approvals for Dakota Access and the Keystone XL pipelines, his latest action continues to put the interest of fossil fuel corporations above the Planet, its Peoples, and human rights.

When the Paris Agreement was adopted by 194 States and the European Union in December 2015, some denounced it while others hailed it as an historic triumph. It is currently legally ratified by 147 countries. For Indigenous Peoples, who are on the frontlines of the climate crises around the world, the Paris Agreement was an incremental step forward for the recognition of our rights in international law. It also committed States to peak greenhouse gas emissions “as soon as possible,” and to seek a balance between human-caused emissions and removals by carbon sinks.

The inclusion of “the rights of Indigenous Peoples” in the preamble of the Paris Agreement was achieved despite the consistent opposition of some countries throughout the process. This addition remains a significant and unprecedented step forward because the preamble of a Treaty provides the context and framework for interpreting and implementing the
Removing the U.S. from an agreement that specifically recognizes the rights of Indigenous Peoples should be an additional cause for concern especially considering the recent U.S. no show at the Inter-American Commission on Human Rights hearing to review the human rights impacts of the President’s Executive Orders in March of this year.

The Paris Agreement also called up on State parties (countries) to hold “the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels.” The 1.5 temperature goal was a core position not only for Indigenous Peoples, but for the Small Island Developing States in Paris. In addition, the Agreement affirms the need for a participatory, transparent, gender-sensitive approach based on science and “as appropriate, traditional knowledge of indigenous peoples and local knowledge systems.”

The implementation of these decisions by State Parties remains a challenge. However, the recognition of the rights of Indigenous Peoples, the commitments to limiting temperature increases, and the recognition of traditional knowledge were core positions held firmly by Indigenous Peoples in their engagement with governments in Paris.

Certainly, the Paris Agreement did not fulfill all the aspirations of Indigenous Peoples and fell short for many vulnerable States as well. But it provides a basis for future advocacy to ensure that all national and international programs addressing Climate Change are carried out with respect for the rights of Indigenous Peoples as affirmed in the UN Declaration for the Rights of Indigenous Peoples. These include rights to lands and resources, free prior and informed consent, subsistence, traditional knowledge and Treaty rights among others.

The withdrawal from the Paris Agreement, along with all the other anti-environmental actions of the U.S. President and the Republican majority should be condemned by those who seek to create a better life for all Peoples and to fulfill our sacred responsibilities to Mother Earth.

TWO MEMBERS OF CONGRESS GET AN $8 BILLION FAVOR … THAT’S MORE THAN 10 TIMES WHAT INDIAN HEALTH PROGRAMS WILL LOSE

Mark Trahant*


How much does it cost to buy the vote of a ‘moderate’ Republican? Today the going rate is $8 billion. (And that, by the way, is more than ten times amount of money the Indian health system is at risk of losing if Congress enacts the “American Health Care Act.”)

The $8 billion would fund a high-risk pool for individuals with pre-existing conditions. The idea surfaced Wednesday as an amendment from so-called moderate Reps. Fred Upton of Michigan and Billy Long of Missouri after a meeting with President Donald J. Trump. This pool of funds is supposed to make it easier to take away a requirement in the current law to cover pre-existing conditions. Upton is quoted by The Hill newspaper saying, “I think it is likely now to
Here’s the thing. An $8 billion pool won’t come anywhere close to meeting the need.

Just think about this: Chronic care, including diseases such as heart disease and diabetes, consume nearly nine-out-of-ten health care dollars (which totaled $2.9 trillion in 2013). Add to that cancer and other costly diseases and it’s clear that $8 billion is not even a down payment.

But as I have been reporting: “The bill would still wipe out Medicaid as we know it. Medicaid represents 13 percent of the Indian Health Service budget (or $808 million).” Indian Country’s biggest concern right now ought to be Medicaid, Medicaid and Medicaid. There are now 30 million children covered by Medicaid; more than half of all Native children.

The last version of the bill sticks with its revision of Medicaid by capping the costs.

The crazy part of this equation is “why?” The Senate is not going to pass this bill. Several Republican Senators, including Alaska’s Lisa Murkowski, have said they support Medicaid as a state decision. This bill will, however, put House Republicans on the record. Alaska’s Rep. Don Young has been listed throughout this process as an undecided or a “lean no.” No other state will lose as much in this legislation as Alaska. So the choice will be a vote for the party or one for constituents.

The revised bill is expected to move to the House floor as soon as today. This legislation is moving so fast that few will have a chance to review it. And the Congressional Budget Office will not be able to look at the bill’s impact on either the budget or on American’s access to insurance.

* 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.

TRUMP ‘SIGNING’ STATEMENT; RISKS FUNDING FOR ALL TRIBAL HOUSING BLOCK GRANTS

Mark Trahant,*

Republished with author's permission from Trahant Reports, MAY 6, 2017, https://trahantreports.com/2017/05/06/trump-signing-statement-risks-funding-for-all-tribal-housing-block-grants/

The flurry that is the Trump Administration continues to impact Indian Country in ways that are expected — as well as those that surprise. A nasty surprise at that. The latest offering is a presidential signing statement that targets federal programs that serve American Indians, Alaska Natives, as well as those that fund historically black colleges. Because this statement is attached to the spending bill that just passed Congress, H.R. 244, it gives the Trump Administration legal cover to cancel grants and funding streams already in motion.

Here is the language from the White House:

My Administration shall treat provisions that allocate benefits on the basis of race, ethnicity, and gender (e.g., Division B, under the heading “Minority Business
In other words the Trump Administration doesn’t want to spend money on Native American housing block grants or on HBCUs. (And that makes me wonder, are tribal colleges next?) The spending bill included some $654 million for tribal housing programs. Will the Trump Administration spend the money that’s appropriated? That’s now a real question. The signing statement is a serious threat to appropriations for this year.

Presidential signing statements are extra-legal authority. No. That’s not right either. The American Bar Association said in 2006 that this process undermines the law. It’s an invention says a president knows more than Congress. Signing statements have been around since James Monroe. But, according to the American Presidency Project, Andrew Jackson was a fan. “In May 1830, Andrew Jackson wrote an message to the House stating his understanding of the limits of an appropriation: “the phraseology of the section which appropriates the sum of $8,000 for the road from Detroit to Chicago may be construed to authorize the application of the appropriation for the continuance of the road beyond the limits of the Territory of Michigan, I desire to be understood as having approved this bill with the understanding that the road authorized by this section is not to be extended beyond the limits of the said Territory.”

The Trump White House is eager to destroy the federal government as it exists now. And this signing statement is a sneak attack.

*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.

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THE ELECTED:
OPENING UP A CHANNEL FOR DISCOURSE ABOUT INDIAN COUNTRY’S ISSUES

Mark Trahant*

Republished with author's permission from Trahant Reports, March 6, 2017, https://trahantreports.com/2017/03/06/the-elected-opening-up-a-channel-for-discourse-about-indian-countrys-issues/.
Native Republicans

Making the political case for Indian Country in the Trump era

Seven states
Two members of Congress
A dozen serving in legislatures

It's tempting to think of American Indians and Alaska Natives as Democrat. But the issues facing Native people don’t quite fit into the framework of two mainstream parties. There have always been Native voices within the Republican party and the conservative movement.

More at TrahantReports.Com #NativePolicy

Debating policy in Indian Country

Rethinking health care,
Violence Against Women Act, and the value of history

Indian Country cannot afford to close the door to Republicans in Congress and in state legislatures, especially those Native Americans who have been elected to office and serve as Republicans. In Congress: Rep. Tom Cole is a key voice on issues ranging from the repeal of the Affordable Care Act to next year’s reauthorization of the Violence Against Women Act. And in state legislatures, ten Republican members have the opportunity to influence their party on issues such as tribal languages, history, jurisdiction, voting rights, and the next version of health care reform. Native Republicans are in caucus leadership in Alaska, Hawaii, and Oklahoma. In Alaska, Sen. Lyman Hoffman, a Democrat, joined the Republican majority and serves as a committee chair. Of course, Native Republicans, like the party itself, have multiple stands on a variety of public policy issues.

Rep. Tom Cole, Oklahoma
Alaska Rep. Charisse Millett
New Mexico Rep. Sharon Clahchischilliage
Wyoming Sen. Affie Ellis

Updated interactive version of this graphic, at:
http://hp.myway.com/mytransitguide/ttab02/index.html?p2=^BNH^sfr000^TTAB02&ptb=0AA141F3-F4E2-4883-A80B-216A5E843EF0&n=7839e645&st=tab (Trahant Reports)

NATIVE AMERICAN REPUBLICANS INCLUDE TWO ELECTED MEMBERS OF CONGRESS; A DOZEN SERVING IN SEVEN STATE LEGISLATURES

Mark Trahant / Trahant Reports

Indian Country cannot afford to close the door to Republicans in Congress and in state
legislatures, especially those Native Americans who have been elected to office and serve as Republicans. There are two tribal citizens serving in Congress: Representatives Tom Cole, a member of the Chickasaw Nation, and Markwayne Mullin, a member of the Cherokee Nation.

There are at least 12 Native American Republicans serving in state legislatures (compared to 51 Democrats) in seven states. That list includes Alaska Sen. Lyman Hoffman, a Democrat, but he caucuses with the Republican majority and now serves as chair of several committees and sub-committees. Hoffman is Yup’ik. In the Alaska House, Rep. Charisse Millett, Inupiaq, is now her party’s minority leader.

Not all the elected Native American Republicans make tribal issues any sort of priority. Minnesota Rep. Steve Green, for example, does not include tribal membership in his biography or in his campaign literature. Yet his district includes the White Earth Nation.

However most of the Native American Republicans who are elected to office also engage in Native policy issues before state legislatures, including support for enhancing tribal languages, teaching Native history, expanding or limiting tribal jurisdiction, voting rights, and, soon, state measures to shape the next version of health care reform.

One shared trait of the Native Americans who are elected as Republicans is support for fossil fuel energy development. “As a local elected official, I am outraged that Indian Country is prevented from harnessing our own energy resources by ever-increasing regulations,” New Mexico State Representative Sharon Clachischillage said in a Native Americans for Trump promotion. “The Trump Administration will ease restrictions on American energy reserves worth trillions of dollars. Together we will block the bureaucrats holding Native American businesses back and bring new jobs into our communities.”

But even the idea of energy development gets more complicated in Indian Country. As Sen. Hoffman reports on his biography page: “Every Alaskan deserves affordable energy. As a resource rich state (oil, gas, wind, and tidal), our state should and could, harness all of this energy to benefit all of its citizens. I pledge to continue to work towards reducing the high cost of energy in rural Alaska.” Anyone who’s purchased gas in a village — topping $6 a gallon in Hoffman’s home in Bethel — gets that.

But many of these same communities, especially in rural Alaska, are at the global warming frontline and more money will soon be required to build sea walls, fight more fires, or even relocate entire villages. In his biography, Hoffman only cites the opportunity. “Our backyard is changing opening new ventures, with the thawing of the tundra and the melting of the Arctic ice,” he writes. “It is my intent and my responsibility as your state Senator, to ensure our region participates …”

Then not every Republican even goes that far. Montana Sen. Jason Small, Northern Cheyenne, ran for office against Sharon Stewart-Peregoy, a Crow, to spur reinvestment in coal. Small recently wrote in The Billings Gazette: “Thirty million dollars a year in lost royalties, hundreds of direct jobs lost, thousands of families out of work and out of options, entire towns destroyed, statewide economic ripples, and over $1 trillion dollars in stranded assets, not necessarily because of market forces, but directly attributable to a political agenda. That is what we face in the current and unprecedented assault on reason and Montana’s economy in what has been dubbed ‘the War on Coal.’”
Then market forces will be a test of this notion. Can pro-coal Republicans legislate the revival of the coal industry? Small argued in the piece that “carbon capture and combined cycle technology can solve the global climate challenge posed in part by the world’s more than 7,000 coal-fired power plants.” Coal prices did surge after Trump’s election, at one point topping $110 per metric ton, but have since declined to about $83.50 per ton. Since the election at least one major power plant, the Navajo Generating Station near Page, has been marked for closure in two years. The Arizona utilities that own the generating station say that the low cost of natural gas is their primary reason for closing the plant. That in two words, market forces.

### Native American Republicans

**U.S. House of Representatives**
- U.S. Representative Tom Cole, Chickasaw
- U.S. Representative Markwayne Mullin, Cherokee

**State legislatures**
- Alaska Rep. Charisse Millett, Inupiaq
- Alaska Sen. Lyman Hoffman, Yup’ik (Hoffman is a Democrat who caucuses with GOP majority)
- Hawaii Rep. Andria Tupola, Native Hawaiian
- New Mexico Rep. Sharon Clahchischilliage, Navajo
- Minnesota Rep. Steve Green, White Earth Ojibwe
- Oklahoma Rep. Scott Fetgatter, Choctaw
- Oklahoma Rep. Mark McBride, Potowatami
- Oklahoma Sen. David Holt, Osage
- Washington Sen. Dino Rossi, Tlingit
- Wyoming Sen. Affie Ellis, Navajo

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### WAITING FOR CONGRESS

Most state legislatures are waiting for Congress before taking action before another round of healthcare reform at the state level. And that’s a debate that is still hot. There are three distinct points of view about repealing and replacing the Affordable Care Act (or Obamacare). The plan by the House leadership (which has not been released yet) is supposed to be designed around tax credits instead of the insurance subsidies that are in the current law. Several of the most conservative members of the House and Senate see that as a new entitlement and have signaled their opposition. A third group of Republican moderates have been working with state governors to preserve Medicaid expansion because that insures some 22 million people (including more than $800 million for the Indian health system).

Rep. Cole is a likely supporter of the plan that emerges from House leadership. That includes a repeal of the Affordable Care Act as well as the Medicaid expansion. He recently told Native America Calling that Oklahoma did not choose to expand Medicaid and that made the system unequal.
However Cole said what ever plan emerges he said the Indian Health Care Improvement Act is a “bedrock” legal authority that must remain. “This legislation was included … purely as ‘vote bait’ to secure Democratic votes and has nothing to do with” the Affordable Care Act,” Cole said. “It is vital and ensures that Native Americans have quality health care available to them and their families. There is no controversy here – it sets the national policy for many programs and services provided by the Indian Health Service.”

A few weeks ago the repeal of the Affordable Care Act seemed like a sure thing. And now? The next week or two could answer that question. And the course that’s picked will have a huge impact on the Indian health system.

And, over that same time frame, Native American Republicans will be asked to take a stand about deep budget cuts across federal agencies. Several news agencies have reported that the Office of Management and Budget is calling for a $1.3 billion cut at the Interior Department. Interior Secretary Ryan Zinke employees that he did look at the budget and is not happy about it, according to Energy & Environment News. “We’re going to fight about it,” Zinke said, “and I think I’m going to win at the end of the day.” E & E News reported that Zinke would engage in a major reorganization of the department, one that focuses the agency on the next one hundred years (including the promotion of tribal sovereignty).

It’s easy to find the issues where Native American Democrats and Republicans disagree. Indeed it would be simple for me to shape every column as doom and gloom, the logic of “Oh, what is that Trump going to do next?” But that won’t help the policy debates that are so important to Indian Country. But that idea discounts how much agreement there is out there — even in this hyper-partisan climate. It was Rep. Cole who helped champion the reauthorization of the Violence Against Women Act in 2013, including the provisions for tribal jurisdiction over non-Indians. Tribes still have a lot of work to do to implement that law. Deborah Parker, former vice chair of the Tulalip Tribes, and a key supporter of the act, said tribes should get their law and order codes ready now to comply with the law. Too few tribes have taken that step and VAWA will again require reauthorization in 2018 so Indian Country has to present its strongest case for this Congress.

One example of a Native American issue that cuts across party lines is unfolding in Wyoming. The Indian Education for All, House Bill 76, would require the state’s schools to educate all children about the history and economic contributions by the Eastern Shoshone and Northern Arapaho Tribes.

Sen. Affie Ellis was just elected in November and is a co-sponsor of the legislation. She’s a Navajo who grew up in Wyoming and she told the Casper Star-Tribune that Native American students sometimes are threatened by verbal abuse during sports trips across the state. “It’s a really important first step to understanding each other a little bit better,” she told The Star-Tribune. “It’s a brief idea, and I think it’s a fitting one.”

At the recent Conservative Political Action Conference, or CPAC, Ellis spoke at a panel titled, “Rising Stars in the Conservative Movement.” Back in Wyoming her appearance generated both praise and criticism. The newspaper Planet Jackson Hole asked the question if Ellis was a “sane Republican alternative” to Trumpism? The paper quoted Ellis saying: “I think our country needs so desperately some thought and some well researched responses … There’s so many times when it’s easy to name call and have these cute hashtags that stick but we have to have strong facts and start communicating those facts in a very effective way. I think the hard
part is the devil in the details of policy you’re working on doesn’t fit into small hashtags. Maybe we just need long hashtags. “I don’t know about longer hashtags. The one I use, #NativePolicy, is short. But we certainly need more thoughtful, complex policy debates.

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FIVE WAYS INDIAN COUNTRY CAN CHALLENGE THE POLICIES OF THE TRUMP WHITE HOUSE

Mark Trahant*


AMERICA FIRST? HOW ABOUT FIRST AMERICAN FIRST?

How does Indian Country survive the Donald Trump era? The new administration is only a few days old and already the chaos of the times have upset business as usual. And possibly the very structure of federal-Indian law. And it’s not just Washington. The North Dakota Legislature in Bismarck acts as if it has permission to ignore the Constitution and precedent in its relationship with tribes. House Concurrent Resolution 3017 calls on Congress to “modify” the reservation system and put the state in charge.

This resolution will last about fifteen minutes if and when legislators put a pencil to what it would actually cost taxpayers. Right now, for example, the federal government picks up the entire tab for Medicaid for American Indian tribal members. Plus add to that the operation of the Indian Health Service. We’re already talking millions of dollars and that’s only one program, health. What’s really driving this is that North Dakota legislators are angry about Standing Rock and greedy for more oil and gas money from the Mandan Hidatsa Arikara Nation. So North Dakota is ready to assume government expenses for Indian Country across the state? Silly, rabbits. But Indian Country is now a target and so many Trump supporters are emboldened by an administration that does not know how to say no to those who would trample on constitutional rights. This will be true for many who run federal agencies, state governments, oil, gas, and coal producers, and the Congress. In their mind: Indian Country has had it too good for too long. Imagine that.

So what’s Indian Country’s response to the nonsense? Consider these five ideas.

First. Don’t count out the bureaucracy. I first started covering federal Indian policy during the late 1970s. I was in DC and was interviewing someone about a reform project at the Bureau of Indian Affairs, a plan that I thought made a lot of sense. But my source smiled and responded, “I have seen them come. I have seen them go.” There are many ways to tie up initiatives — even good ones — through the process of government. President Donald J. Trump’s memoranda might fit into this category. Usually an executive order or a memorandum has a legal framework as part of the document, including citing the statutory authority for the presidential action. On Dakota Access and Keystone that reference has been replaced by the
logic of “because I said so.” We shall see.

Second. Ronald Reagan famously said government is not the solution, but the problem. This era might flip that idea around because the federal government’s inaction on such issues as global warming will make it less relevant. The rest of the world, even conservative allies of the Trump White House, are moving ahead on climate action. To pretend that oil, gas, and coal are the future is only a fantasy. There may be a temporary uptick in fossil fuels, but that cannot last. This is an opportunity for tribes to look for new allies outside of the federal government, even globally. The America First policy signals uncertainty in global governance so perhaps the counter should be, First Americans First.

Tribes should work closer with cities, states, private companies, and any global government that’s open to help. The federal government is going to be close to useless for the next four years (unless the Trump infrastructure program happens, and includes Indian Country, but there is no evidence of that yet.) The modern city state, think a Seattle, Portland, Minneapolis or a Phoenix, as the real engines of growth in this country. What’s the best way for tribes to become partners?

Third. Young people aren’t playing by the old rules, either. If the president wants change he should look at what young people are already doing — and that direction is very different than his.

Take driving. The data shows that both Millennials and Gen-Xers have less interest in driving (and fossil fuel consumption) than any generation in modern history. A recent report published by Time found a “huge drop of 47 percentage points in 16-year-olds with drivers’ licenses. For people ages 20 to 24, there’s been a 16 percentage point decrease over the same time span. And for those ages 30 to 34, the decrease has been about 10 percentage points.” Young people say they are too busy. Driving is too expensive. And It’s easy to catch a ride.

The Millennials are now the largest generation in America so that disinterest in driving — and fossil fuel consumption — is a powerful trend. Of course this is not always the same in rural areas, including reservations. But it’s key to fossil fuel consumption. Make that less fossil fuel consumption. And a shrinking demand for pipelines. Indian Country’s greatest advantage right now is young people, more than 40 percent of our total population (compared to about a third for country as a whole.) We have numbers working in our favor and should look for more ways to leverage that.

Fourth. Don’t count out Republican versus Republican. Right now Republicans in Congress are giving President Trump the benefit of the doubt. They are willing to reverse long held positions (such as free trade) because he’s the leader of their party and he claims to lead a movement. But as the decisions get harder, the act of governing gets more complex, this will evaporate.

There is already evidence of this in the debate about repealing the Affordable Care Act. The idea of getting rid of Obamacare was a unifying force. But there is no consensus about what’s next. Republican governors fear that their state budgets will collapse if Medicaid becomes a block grant with less funding. Insurance CEOs fear their future if the mandate to buy insurance goes away while they are still forced to cover pre-existing conditions. And many Republicans in Congress cling to the idea that health care should be left up to families and government should not be involved or fund it. And Republicans who want to win the election know that stripping heath insurance from millions of people is not a winning hand.
Fifth. Document everything and be transparent. The Trump era is already defined by the wacky claim of alternative facts. The antidote is to respond with hard evidence. We know that zealots are eager to reshape the federal government by shrinking it. So let’s document with that really means. What jobs are lost (and how will those be replaced?) I’ve started a spreadsheet and will update it regularly. This president has promised a new era of jobs. So lost work in Indian Country is not acceptable. There are many ways for tribes to survive the Trump era.

My main point is that we need to think differently. Usually a new presidential term starts with a president trying to bridge gaps and bring the country together. That’s not been the case from President Trump and so we should expect more of the same in the years ahead. It’s more important than ever to have a strategy, a plan for winning. What will it take? Who are potential allies? And what are alternatives that might work? And, of course, we must start getting ready for the next election.

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OPEN LETTER TO MASSACHUSETTS JOINT COMMITTEE ON EDUCATION TO BAN NATIVE AMERICAN MASCOTS

Cultural Survival


Dear Members of the Massachusetts Joint Committee on Education,

Cultural Survival is an Indigenous rights advocacy organization based in Cambridge, MA, since 1972. We urge you to support bill MA S291, An Act to Prohibit Native American Mascots by Public Schools in the Commonwealth, which will be heard on June 6, 2017.

Banning Native American Mascots is the right choice for the state of Massachusetts, which prides itself on being a respectful and safe state for people of all backgrounds and ethnicities, as well as a state that upholds human rights.

A vast majority of Native Americans across the country and in Massachusetts have condemned the idea that a mascot that depicts a stereotyped caricature of a Native American is an acceptable way to honor Native cultures. In fact, many of the largest representative organizations of Native American Peoples and Tribes have requested for years that this practice be ended: The National Congress of the American Indian, Intertribal Council of the Five Civilized Tribes (Chickasaw, Creek, Cherokee, Seminole, and Choctaw Nations) the National
Indian Education Association, the American Indian Movement, and many more.

Reiterating that sentiment are institutions at the state, national and international levels: the Massachusetts Teachers Association, the National Education Association, the American Psychological Association, the U.S. Commission on Civil Rights, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, and many more.

It is clear that educational institutions choosing to use Native American mascots harm children. Mascots based on stereotypical ideas of Native peoples breed cultural insensitivity and misunderstanding about Native American people and our history as a nation and as the state of Massachusetts. Stereotypical Native American mascots have been shown to interfere with a school’s efforts to provide accurate information related to the history, culture, and Tribal sovereignty of American Indian Nations.

The American Psychological Association’s 2005 resolution states, “The continued use of American Indian mascots, symbols, images, and personalities establishes an unwelcome and often times hostile learning environment that affirms negative images and stereotypes that are promoted in mainstream society.” As well, research conducted by Stephanie A. Fryberg (2008) concluded:

- Exposure to race-based Indian stereotypes harms American Indian students,
- Attractive stereotypes cause as much harm as cartoon caricatures,
- American Indian students who approve the use of Indian logos, mascots and names experience more harm than do American Indian students who oppose the use of such imagery.
- Euro-Americans experience a boost of self-esteem when exposed to the same-race based Indian stereotypes.

We urge you to continue holding Massachusetts to the highest standards for our children’s public education and to ensure that all of our children feel welcome in our schools.

STATEMENT TO THE 16th SESSION OF THE UN PERMANENT FORUM ON INDIGENOUS PEOPLES BY THE INDIGENOUS MEDIA AND COMMUNICATIONS CAUCUS


Thank you, Madam Chair, and Indigenous brothers and sisters from around the world.

On behalf of the Indigenous Media and Communication Caucus to the United Nations, we would like to state the following:

To begin, as Indigenous journalists we salute the UN, for its effort to create the first ever Indigenous Media Zone during this 16th UNPFII session. We hope similar mechanisms may be created around the world in other UN sessions which are relevant to Indigenous Peoples to increase access for Indigenous journalists and bring information to our Peoples.

On the tenth anniversary of the UN Declaration on the Rights of Indigenous Peoples this year, we want to focus on the status of implementation of Article 16, which guarantees Indigenous Peoples the right to establish their own forms of media. As Indigenous community
media journalists from around the world, we are evidence that Indigenous Peoples have wholeheartedly embraced this right to free expression, as it is crucial to maintaining our identity.

All around the world, Indigenous communities are making incredible efforts to establish media in our own languages, in our own communities, from, by, and for our communities. However, in many cases we have had to do this work under threats and intimidation and we regularly experience violence perpetrated by agents of own governments. As Indigenous community journalists, many of us live in fear of violence and criminalization simply for exercising our right to freedom of expression.

In Guatemala, in the 10 years since the Declaration was adopted, at least 12 community radio stations have been raided by the national police and Indigenous journalists have been thrown in jail, often without clear charges and for indefinite periods. This has happened because Guatemala’s telecommunications law fails to recognize Indigenous Peoples’ right to community radio, despite recommendations from Guatemala’s own Constitutional Court, the UN Permanent Forum on Indigenous Issues, various Special Rapporteurs, the UPR process, and more.

In other countries, such as Mexico and Colombia, our Indigenous journalist brothers and sisters have even been killed for their work. In Nepal and many other countries, the mainstream media is only available in dominant languages to the exclusion of Indigenous languages, making it inaccessible to many Indigenous Peoples and hampering Indigenous Peoples’ right to access information in the languages they understand.

Thus, we reiterate that although the UN Declaration on the Rights of Indigenous Peoples has been in effect for 10 years, there is still much work to be done to achieve a full implementation of Article 16. We call for all States present today to participate in implementing this right to Indigenous media. Thank you very much.

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BROKEN LAND, BROKEN LIVES OF PASTORALIST PEOPLE IN LAIKIPIA SAMBURU:
OPEN LETTER TO THE PRESIDENT OF KENYA, H.E. UHURU KENYATTA
OVER THE SITUATION IN LAIKIPIA

Cultural Survival


Dear Mr. President,

We at Cultural Survival appreciate your government’s continued effort and commitment in facilitating peace in Northern Kenya.

As an international organization that stands with Indigenous communities around the world, we hereby write to you today in regard to the ongoing land “invasion” crisis in Laikipia County.

The confrontation between Samburu, Maasai and Pokot herders in the last six months is getting out of control, leading to the death of dozens of people.
The herders are on a desperate effort to keep their livestock alive during a deadly drought that you as the President of the republic declared a national emergency.

Mr. President, your government’s response to the crisis is use the police to drive the herders out of the ranches instead of looking at crisis one of compassion for a distressed people. Your government has shown total bias in support of white ranchers. The operation has hurt a lot of people - homes have been burnt down, livestock confiscated from an already vulnerable community and serious violations of human rights by the police.

Mr. President, we also authoritatively inform you that there are operatives in your government who are not interested in long term solutions to the current crisis but rather looking at short term gains like control of Laikipia North Parliamentary seat. There are also claims that people in your government are interested in some of the ranches that are being claimed by the Maasai and Samburu.

We are also concerned by the deliberate media onslaught that is branding pastoralists as “Invaders, Marauders and Criminals.” The campaign is being waged by people in your government and white ranchers. We feel that mudslinging these communities that are on the verge of a serious economic depression due to effects of climate change is unfair. This campaign is dividing the country and portraying the pastoralists as the “other” and not a victim of drought.

Mr. President, we would like to reiterate again that the migration of pastoralists into Laikipia is not a mindless movement. The problem boils down to land fragmentation. Large scale ranches, agriculture and protected areas have taken away or blocked access to remaining historical grazing lands, resulting in negative impacts on the pastoralist production system. Pastoralists who have traditionally dependent on access to communally-held seasonal grazing areas and water sources have been cut off thus the current spate of forceful entrance into the ranches.

Mr. President, we do not condone any form of violence by any of the parties. We seek your understanding of the fact that this pastoral system has been broken by land fragmentation, and this factor cannot be ignored in this conflict.

We must also put this in the perspective of historic land injustices meted upon the Maasai and Samburu people in Laikipia where the bulk of their land was confiscated during the colonial era. Most of this land (937,583 hectares) or 40% is currently owned by 48 individuals as commercial ranches or conservancies. These ranches and farms are fenced off and rarely provide migration routes for pastoralists. Pastoralists are limited to 13 group ranches (7.45%) in the drier northern parts of the county.

Mr. President, we are concerned that your government has continued to show disinterest in resolving historical land injustices in Laikipia or provide support to the Maasai and Samburu to cushion them against the current drought crisis. As a result, a majority is becoming poorer as the land use system is not beneficial to them. Unless addressed, this crisis will continue to intensify as time goes by.

Mr. President, we ask you to do the following:

1. Address the long overdue issue of historical land injustices in Laikipia through a legislative process.
2. Lead a process that will guarantee pastoralists migratory routes and passage to seasonal grazing areas and water sources.
3. Stop the rampant police harassment, illegal arrests and extortion from pastoralists by the police. These abuses also need to be investigated by the Independent Police Oversight Authority.
4. Implement long-lasting programs that will cushion pastoralist from the effects of prolonged drought and climate change.

Regards,

Cultural Survival

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THE DECLARATION OF TECPAN:
3RD INTERNATIONAL PEOPLES CORN CONFERENCE

The Declaration of Tecpán: 3rd International Indigenous Peoples Corn Conference


Ti qacachajij ri ojer qab’anikil pa ruwi’ri tzuqun’ik kichin ri qajotay

3rd International Indigenous Peoples Corn Conference, March 7 - 9, 2017

“Protecting our ancestral origins in order to guarantee the Food Sovereignty of our future generations.”

The Declaration of Tecpán

March 9th, 2017

As Indigenous Corn Peoples representing Nations, Tribes, Communities and organizations from North, Central, South America, and the Caribbean, we gathered in Tecpán, Guatemala, Iximche, the ancestral capital of the Mayan Kaqchikel. We express our sincere appreciation to the Mayan Kaqchikel Peoples for welcoming us to their beautiful homeland and sharing with us their warm hospitality, solidarity and traditional foods. We also thank the International Indian Treaty Council (IITC), Centro de Proyectos de Desarrollo Integral Indígena (CEPRODI) and the Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA) for hosting this important gathering.

We begin by expressing thanks to the heart of the sky, heart of the earth, heart of the wind and heart of the water. We recognize the forces and sources of life such as the four directions, four winds, waters, fire, air, land, trees, birds, animals, and all the traditional seeds that provide us with health and traditional knowledge. We thank and remember our grandmothers, grandfathers and ancestors who left us our traditions, languages, worldviews and cultures. We have listened to them. We make a sacred commitment to them to protect and continue these practices and teach them to the new generations to ensure their continuity.

Corn in its sacred colors and flavors is the historical memory of our Peoples. It is a great gift. Our creation stories show us how we are connected to the sacred corn. In each color there
is an intention, an inspiration, a breath and a wisdom. It is our connection to the past, to the future, to our own identity and to our Mother Earth. The number of kernels and rows, and the time it takes from planting to harvest are sacred numbers that connect us to the energy of the earth and sky.

The life cycles of corn are like our own. We have ceremonies to give thanks for each stage of the corn: when we plant, when the first leaves begin to grow, when the ears ripe, and when the ears are harvested and brought into the house. Each stage of the corn’s life holds important instructions of how to live with integrity. Through planting, harvesting and preparing the corn we maintain our collective way of life, sharing with our neighbors and communities and with the small animals that live in the earth, to ensure the prosperity of the future generations and all living things.

We reaffirm the work that has been done to protect and restore Food Sovereignty by Indigenous Peoples, which is the basis for our work going forward. We reaffirm the Declaration of Atitlán, the Declarations from the 1st and 2nd International Indigenous Peoples Corn Conferences and the other Declarations from Indigenous Peoples to protect their corn and other traditional foods.

We understand that life in modern day society makes it more difficult for us to hear the sacred teachings of the corn. We don’t have time to plant or harvest. Our children are in school and sometimes our youth leave their communities once they are educated. New religions have come into our communities that are taking our people away from the traditional ceremonial way of life. We are forgetting many things that made our Peoples strong. Eating transgenic corn and other colonized foods is enslaving us and making us weak and sick. We must take care of the collective memories of our peoples and transmit them to the next generations. We saw our own power in the successful mobilization of the Mayan peoples against the law promoted by Monsanto in 2013 in Guatemala, and the successful efforts in Tlaxcala, México to achieve the adoption of state laws to prevent the genetic modification of original seeds. We will continue to unite, build our networks and mobilize to oppose the intentions of corporations and governments to patent, control, privatize and modify our traditional seeds.

On March 8th, during our gathering, we commemorated International Women’s Day by affirming the essential and indispensable role of women as leaders, life givers, wisdom keepers and food producers. We gave thanks for all the women in our lives from the baby girl that will be born tonight to the oldest woman elder, to our mothers, grandmothers, great grandmothers, aunts, nieces, daughters, granddaughters, sisters and friends, and especially to the sacred mother of us all, Mother Earth. We recognize with respect our traditional healers and midwives and call for an end to discriminatory policies which fail to recognize their essential knowledge and contributions to the health of our communities. We also express outrage over the deaths of 35 girls on International Women’s Day in a government-run children’s home fire in San Jose Pinula near Guatemala City, and the overcrowding, abuse and neglect which had been reported at that facility. We call upon the Guatemalan government to conduct a thorough investigation into the causes, bring those responsible to justice and provide healthy and safe conditions for children in need so that such a horrific incident will never reoccur.

We are facing urgent and critical threats from mining, including uranium and gold mining, other extractive industries, contamination and depletion of our waters, denial of land and water rights, use of toxic agro-chemicals, and introduction of genetically modified seeds, fish, plants and animals. We support the creation and implementation of Indigenous Peoples Food
We urgently call upon the world community to halt its dependence on fossil fuel-based energy which is putting Indigenous Peoples and the living world as a whole at grave risk. While we support the work of Indigenous Peoples engaged in United Nations processes addressing climate change, the new Platform for Protection and Exchange of Traditional Knowledge must be developed in a manner which respects our knowledge and upholds our rights, including Free, Prior and Informed Consent, full and effective participation and Self-Determination. We must also be assured that our knowledge will not be commercialized, and that new development models based on sustainable energy are implemented as the basis for sharing or exchanging our traditional seeds, practices and knowledge to help the world survive the impacts of climate change. We request to be informed of these developments so that we can decide if and how we will participate as knowledge and rights holders.

We insist that States include Indigenous Peoples in decision-making that affects our lives and rights including our food sovereignty. We will continue to reject attempts by governments and corporations to control and commercialize our seeds, disrespect and disregard our traditional legal and cultural systems, and violate our rights to our traditional lands, territories, waters and resources. We stand in solidarity with the Lakota, Dakota and Nakota Nations at Standing Rock and all other Indigenous Peoples who are opposing oil and gas Pipelines, fracking, mining, tar sands extraction and other destructive forms of development that poison land and water, destroy sacred places and further undermine Food Sovereignty. We reject all national and sub-national legal frameworks that seek to legitimize the displacement of Indigenous Peoples from their traditional lands and support the appropriation and commercialization of the sacred elements of life.

We have experienced the negative impacts of “Green Revolution” policies and Free Trade Agreements imposed on our Peoples without our consent. We know that we don’t need to use pesticides or chemical fertilizers that contaminate our families, our food and the earth. They are destroying the diversity, spirit and strength of corn, and our natural way of life. We need the diversity of corn in all its colors and varieties to be able to adapt to stay healthy and to survive the impacts of climate change which we see increasing in our communities. We do not want to eat the transgenic corn and foods that are being brought into our communities that are breaking the connection with the corn, with mother earth and with ourselves day by day. We are concerned about the “mega-fusions” of corporations that patent and modify seeds, produce toxic pesticides and seek to control the global food market. This includes plans by Monsanto and Bayer Crop Science to merge and form one huge instrument of destruction for the Food Sovereignty, health and survival of Indigenous Peoples around the world.

We call upon States to implement their commitments to uphold, recognize and implement the rights recognized as the minimum standards in the UN and the OAS American Declarations on the Rights of Indigenous Peoples, as well as their obligations under ILO 169, the World Conference on Indigenous Peoples Outcome Document, the Convention on the Rights of the Child, the Convention on the Elimination of all forms of Racial Discrimination, the UN Human Rights Covenants and the Nation-to-Nation Treaties they have concluded with Indigenous Peoples.

We reject the discriminatory attempt by the government of Guatemala to deny the recognition of Mayan juridical systems, which existed for thousands of year prior to colonization, through the proposed Constitutional Reform. These systems are recognized in
Article 34 of the UN Declaration as well as in Articles 22 and 23 of the American Declaration on the Rights of Indigenous Peoples which Guatemala has committed to uphold.

We stand in solidarity with all Indigenous Peoples who are opposing such attempts to violate their rights to cultural heritage and subsistence as affirmed in Articles 20 and 31 of the UN Declaration and Articles 28 and 29 of the American Declaration. We support the struggles presented at this Conference by Indigenous Peoples from Guatemala, México, Ecuador, Panamá, United States, Canada and Perú to protect their Food and Seed Sovereignty. This includes their rights to hunting, farming, gathering, herding and fishing, to have unrestricted access to traditional lands, forests, waters and sacred places and to protect and control their original seeds. Examples include the opposition of the Indigenous Peoples of Ecuador to the proposed new National Seed Law and the assertion by the First Nations of Treaties 1 - 11 in Canada of their Treaty Right to Food, including the right to control fishing and hunting in their Treaty-recognized territories as affirmed in Article 37 of the UN Declaration and Article 24 of the American Declaration.

We reject the United States President’s Executive Order and Memorandums issued on January 23rd 2017 to expedite fossil fuel development in violation of Treaties and Free, Prior and Informed Consent of the impacted Indigenous Peoples. We also reject similar laws adopted in February 2017 by the government of Perú relaxing environmental and human rights requirements for development projects such as mining and deforestation.

We support the struggles of other small-scale community-based food producers including campesinos, hunters, fishers, gatherers and pastoralists who are facing many of these same threats and policies, and support the current process of drafting a United Nations Declaration on the Rights of Campesinos.

Finally, we call for States and the United Nations to protect Indigenous, human and environmental rights defenders and halt the militarization, criminalization, imprisonment, threats and assassinations carried out against Indigenous Peoples exercising their right to protest oppressive laws, resist forced relocation, and defend their lands, waters, health, sacred places, food sovereignty, Treaties and other inherent rights against imposed development. We call for freedom for those leaders and defenders who have been incarcerated for defending their rights as Indigenous Peoples.

We hereby commit to the following actions and strategies from the community to the international levels:

1. To protect, conserve and use our traditional seeds and methods and actively oppose activities by corporations or government policies that undermine this commitment;
2. To continue to carry out our traditional ceremonies for protection of sacred corn and our Mother Earth;
3. To assert our rights to our traditional, lands, waters and resources including their demarcation, return and recognition, as well as our traditional legal systems utilizing national, regional and international processes;
4. To work with our communities to educate them about Food Sovereignty and the importance of protecting, restoring and using our traditional seeds, foods and planting methods that are healthy and chemical-free;
5. To declare our respective territories as Food Sovereignty Zones to provide us with a tool to oppose and reverse the negative impacts of pesticides, genetically modified seeds, deforestation, urbanization, mining and other forms of imposed development;
6. To collect testimonies from community members to document human rights violations caused by the impacts of pesticides, mining (including sexual violence) and other activities that destroy our health for presentation to United Nations Human Rights bodies in order to ensure that our voices are heard and impunity will not continue;

7. To develop comprehensive strategies for active participation and engagement in a range of United Nations bodies addressing Food Security and Food Sovereignty, Bio-Diversity, Intellectual Property, Cultural Heritage and Climate Change;

8. To insist that the new Platform for Traditional Knowledge Exchange under the UN Framework Convention on Climate Change (UNFCCC) is developed with the full and equal participation of Indigenous Peoples from all regions and especially our knowledge holders and traditional food producers and in a manner that fully respects our rights, traditional indigenous sciences and the richness of our ancestral knowledge;

9. To call for an immediate and total halt to the international trade in banned and highly restricted pesticides, especially the export of pesticides that have been banned for use in the producing country, and to challenge UN Chemical Conventions, in particular the Rotterdam Convention that permit this practice;

10. To continue to organize Food Sovereignty gatherings on the community, Nation and International levels to support and inform each other, build the participation of our youth, and develop coordinated strategies and solutions in response to the threats we face;

11. To engage in inter-generational dialogue and support our younger generations to value, learn and practice these ways by learning from elders, traditional practitioners and knowledge holders in our communities;

12. Finally, and most important, we commit to continue planting our corn. Putting seeds in the ground is the most essential of all strategies for the protection of the corn. The other strategies on all the levels we have described will serve to support this simple and profound life-giving act.

We affirm with one voice that our inherent rights and dignity are not negotiable. Our traditional lands, waters, cultures, languages and ways of life are sacred. Our corn, seeds and other traditional foods are also sacred. They are the basis of our lives and total identity, and our work to defend them will continue and will not subside.

If we can feed ourselves we will survive, now and into the future. If we can feed ourselves we can defend our lands and our Peoples. If we can feed ourselves we will have Food Sovereignty

Adopted by Consensus on March 9, 2017, Tecpán Guatemala

The IITC, CONAVISGUA and CEPRODI and the Conference participants sincerely thank the Agro-Ecology Fund, the Lannan Foundation, the Swift Foundation, the Christensen Fund and all the contributors, presenters, cooks, translators, volunteers and community members for their generous contributions to this historic gathering.

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
TRIBES RESPOND TO PRESIDENTIAL WITHDRAWAL FROM CLIMATE PACT

Mark Trahant*


PROTECTING MOTHER EARTH AND TRIBAL HOMELANDS

President Donald J. Trump announced last week that the United States was pulling out of the Paris agreement on climate change. That agreement includes every country in the world except Nicaragua, Syria … and now the United States.

The problems related to climate change are enormous — so the thinking goes — and the best course is a planetary response.

But nearly every government will be involved, including tribal governments.

Shortly after the president’s announcement four Native Nations announced their plans to support the Paris agreement.

“For hundreds of years the pollution based economy has degraded our home,” states Swinomish Chairman Brian Cladoosby in a news release. “We can no longer allow a failed system to continue to destroy the planet. The Paris Climate Change Agreement reflects the global consensus that we must act together and we must act now.”

The Standing Rock Sioux Tribe, the Quinault Indian Nation, the Swinomish Indian Tribal Community, and the Central Council of the Tlingit and Haida Indian Tribes of Alaska said they will fill the vacuum and take aggressive action to protect the places we call home. The tribes said in a news release that climate change touches all aspect of life, from those who have no voice, the salmon, buffalo, seals and polar bears, to those who are suffering the impacts of water loss, shoreline erosion, drought and loss of homelands and waters.

Across North American tribes see climate change, or global warming, as real, human-caused, and something that is changing life right now.

The Quinault Nation is already experiencing an increase in ocean storm surges that requires the Lower Village of Taholah be relocated because of flooding and a potential catastrophe if there were to be a tsunami.

Tribal President Fawn Sharp said: “We are talking about human lives here, and regardless of who is in office the fact is the federal government is our trustee … This responsibility is constitutionally mandated, and it’s not something the President or anyone else can wriggle out of.”
“Climate change is the definite direct cause of many other challenges as well, not just for us here at Quinault but for all citizens,” she said. “When a critically important glacier that’s thousands of years old totally disappears in a matter of a few years, it’s a sure sign that something’s wrong. And that something is man-caused climate change. The same goes for the massive algal blooms and the, warm areas and acidification problem in the ocean, the increased forest fire danger, slide and erosion problems, invasive species and low flows in our area rivers. These are very serious problems.”

Last year the Bureau of Indian Affairs awarded $8.7 million for tribal climate change projects for 63 tribes. But more than 200 tribes applied for the program and the Trump administration says it is ending all federal spending on climate change programs.

The president said that withdrawing from the agreement will support more energy resource development, including a revival of the coal industry. And a couple of weeks ago Vice President Mike Pence toured a working coal mine on the Crow Reservation promising new jobs. But that might be an impossible dream. The job losses in the coal industry have more to do with the low price of natural gas and changing global markets.

Standing Rock Chairman Dave Archambault II says his tribe is actively moving away from fossil fuels. “Indigenous communities around the world are among those being most quickly and severely affected by climate change. Regardless of the official position of the United States administration, we will continue to stand together in agreement with the Paris Climate Change Agreement,” Archambault said. “Our tribe is actively working to move away from fossil fuels and we continue to battle those who disregard our efforts to protect our water and lands.”

People living in Alaska are also already seeing impact of a warming planet. “Alaska tribal governments are living with the early but significant effects of climate change. Our traditional knowledge learned over millennia within our aboriginal lands leaves us with no doubt that immediate action to reduce the impacts of climate change is our duty as sovereign indigenous governments,” states Central Council of Tlingit and Haida Tribes of Alaska President Richard Peterson, “such, we will seek to participate in the Paris Climate Change Agreement.”

This might be a moment for tribes to engage in global diplomacy. In the news release, Sharp said: “When we get a seat at that table people in this country who understand the climate change problem might be able to convey their concerns through us at the international level. We might also be able to sign on to the Paris Agreement. We are looking into that possibility. So it is possible that even though the US has backed out of that historic agreement, the tribal governments from throughout the country could help fill the void,” said President Sharp.

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THE NEW DEAL FOR TRIBES:
RESOURCE EXTRACTION & TOXIC WASTE (MINUS THE JOBS)

Mark Trahant*

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A couple of years ago a tribal leader showed me an abandoned lumber mill near the village of Tyonek, Alaska. The company promised jobs. And, for a time, for a couple of decades, there were those jobs. But after the resource was consumed, the mill closed, the company disappeared, and the shell of the enterprise remains today.

This same story could be told in tribal communities across North America. Sometimes the resource was timber. Other times gas and oil. Or coal.

The lucky communities were left with a small toxic dump site. More often there was major cleanup work required after (plus a few more jobs). And in the worst case scenario, a Superfund site was left behind requiring government supervision and an even greater restoration effort.

But all along, and in each case, the accompanying idea was that jobs would be a part of the deal. There would be construction jobs to build the mine, pipeline, or processing plant. Then there would be truck driving jobs moving materials. A few executive jobs (especially in public and community relations) and, of course, the eventual supervision of the cleanup (especially if the tribal government had its own environmental protection agency.)

That was the deal. But it’s one that is no longer true. Now the resource is extracted, pipelines are built, and toxic waste is left behind … while the promised jobs are limited to the initial construction jobs.

The renewed effort to build the Keystone XL pipeline is a classic example of this shift. When President Donald J. Trump signed the executive order to approve the project he promised “thousands of jobs.” That’s true enough for the construction phase, but only 35 employees would be needed to operate the pipeline, according to the State Department report.

Keystone, at least, is prospective jobs. New ones. But the bigger challenge for the Navajo Nation, the Crow Nation and some thirty tribes with coal reserves or power plants is that new deal for resource-based plants and extraction does not create as many jobs. The numbers are stark.

The U.S. Energy and Employment Outlook 2017 shows that electricity from coal declined 53 percent between 2006 and 2016. Over that same period, electricity from natural gas increased by 33 percent and from solar by 5,000 percent.

Coal is still a major source of energy. But it’s in decline. Coal and natural now gas add up to two-thirds of all electricity generation in the U.S. And that’s expected to remain so until at least 2040 when the market share declines to a little more than half. But because it’s a market that’s going down it means that tribes that develop coal will not share in the rewards of either major profits or in a spike in jobs.

The only hope for this shrinking industry is to export the coal to other countries (something that will be extremely difficult because so many other nations have already agreed to the Paris climate targets). As Clark Williams-Derry has reported for the Sightline Institute:

“Robust, sustainable Asian coal markets were never a realistic hope for US coal
exporters: the transportation costs were too high, the competition too fierce, and the demand too unstable. So the coal industry’s PR flacks may continue to spin tales about endless riches in the Asian coal market, the financials are telling a much more sobering story: that the coal export pipe dream continues to fade away, leaving a bad hangover on the coal industry’s balance sheets and a lingering bad taste in the mouths of coal investors and executives alike.”

On top of all that, Derry-Williams points out that China’s coal consumption has fallen for three consecutive years.

And the international context is that coal is the most polluting of the three types of fossil fuels. More than 80 percent of the world’s known coal reserves need to stay in the ground to meet global warming targets.

There are jobs in the energy field, but, as the Department of Energy report puts it: “Employment in electric power generation now totals 860,869 … (and) the number of jobs is projected to grow by another 7 percent but the majority will be in construction to build and install new renewable energy capacity.”

The green economy is taking over. (Trump or no Trump.) The extractive economy (much like the farm economy a generation ago) reached its peak, probably back in 2014. Oil and gas employed 514,000 people. Today it’s 388,000. Coal and extraction related jobs peaked at 90,000 and now that number is about 53,000.

Then Indian Country’s development of coal (or not) has been the story so far in the Trump era.

Last month Interior Secretary Ryan Zinke signed a memorandum lifting restrictions on federal coal leasing. He said the “war on coal is over.” Then he quoted Crow Tribal Chairman Darrin Old Coyote saying, “there are no jobs like coal jobs.”

A day later the Northern Cheyenne Tribe filed suit. The tribe said the Interior Department did not consult it prior to lifting the restrictions. “It is alarming and unacceptable for the United States, which has a solemn obligation as the Northern Cheyenne’s trustee, to sign up for many decades of harmful coal mining near and around our homeland without first consulting with our Nation or evaluating the impacts to our Reservation and our residents,” Northern Cheyenne Tribe
president L. Jace Killsback said in a news release. There are 426 million tons of coal located near the Northern Cheyenne and on the Crow Nation.

Meanwhile in Alaska, another coal project was put to rest in a tribal community. The village of Tyonek has been opposed to the Chuitna Coal Project. (Previously: Mother of the Earth returns to Tyonek) After a decade of planning, PacRim Coal suspended the project last month because an investor backed out. The project could be brought back to life. But that’s not likely. Because coal is a losing bet for any investor.

According to Alaska Public Media that meant a joyful celebration in Tyonek. The president of the village Native Council, Arthur Stanifer said, “What it means for us is our fish will continue to be here for future generations, also our wildlife, like the bears and the moose and the other animals will be secure and they’ll be here. They’ll have a safe place to be.”

And what of the jobs? That’s the hard part. The prospects for extraction-related jobs are about to be hit by even more disruptive forces. For example in the oil fields of North Dakota one of the great paying jobs is truck driving. Moving material back and forth. But already in Europe companies are experimenting and will soon begin the shift to self-driving vehicles. It’s only a matter of time before that trend takes over because it fits the model of efficient capitalism. Self-driving trucks don’t need rest breaks, consume less fuel, and fewer accidents. That same disruption of automation is occurring across the employment spectrum. Jobs that can be done by machines, will be.

So if jobs are no longer part of the equation, does natural resource extraction benefit tribal communities?

The answer ought to include a plan where the United States government and tribes work together to replace these jobs: Retrain workers and invest in the energy sector that’s growing, renewable fuels. But that’s not likely to happen in Trump Era.

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WWF AND THE LOGGERS:
A BRIEF HISTORY OF GREENWASHING IN THE CONGO

Survival International*


Introduction

In the Congo Basin, the World Wildlife Fund (WWF) is supporting squads of wildlife guards that abuse tribal people as well as a network of “protected areas” that is driving them from their ancestral homelands. This is not just destroying lives; it is harming conservation. By supporting projects that scapegoat tribal people, WWF is diverting action away from tackling the real causes of environmental destruction: logging and corruption.
Logging companies not only extract precious trees that have a multitude of uses for tribal people like the Baka and Bayaka “Pygmies.” Perhaps more importantly, they also carve new roads deep into the rainforest, drawing outsiders to previously remote regions. Wildlife trafficking networks then take root, with the complicity of local authorities and military elites.

Some of the world’s largest loggingood Group. Several of these companies have paid WWF in order to take part in its flagship “Global Forest & Trade Network” scheme and use its iconic panda logo. In theory, the companies are supposed to work towards being certified as sustainable by the Forest Stewardship Council (FSC), a scheme that WWF helped to set up. Yet many are never certified and even companies that are continue to violate national forestry laws and international standards on tribal peoples’ rights.

None of WWF’s partners that feature here has received or even sought the consent of the tribal peoples whose forests it is destroying. WWF should not enter any relationship with a company that fails to obey the law or respect tribal rights, something that it recognized when it drew up its policy on human rights. Yet WWF has violated this policy time and again.

WWF was or certainly should have been aware of the reports we have collected here. It should itself have investigated them, precisely because of the pattern of wrongdoing they revealed. There’s no evidence to indicate that it did this.

It’s a con. WWF, like many other big conservation organizations, is partnering with industry and destroying the environment’s best allies.

March 1991

A research team commissioned by WWF visits several logging concessions in southeast Cameroon. Several of these are operated by WWF’s future logging partners: SEFAC (SEFAC Group), SOTREF (Decolvenaere Group), SIBAF (Bolloré Group). It finds that

*Unquestionably, logging has led to the widespread dispersal and destruction of game and loss of forest habitat. [It provides] easy access to large areas of the forest that were used by only a very few before the coming of the logging companies.*

The team hears from Baka that many more elephants are being killed since the new logging trails were opened. It recommends that WWF “focuses on the professional poachers, middlemen and consumers in urban centers and logging companies” rather than on people like the Baka hunting to feed their families.

March 1999

WWF President, HRH Prince Philip, visits the logging company SEFAC (SEFAC Group) in Cameroon. He reportedly welcomes the company’s actions towards sustainable forest management.
December 1999

The Cameroonian government finds “anarchic” and illegal operations in one of SEFAC’s logging concessions.8

March 2000

SEFAC is fined and its activities are suspended for three months.9

March 2000

The logging company SIBAF (Bolloré Group) is fined for a logging infraction.10

April 2000

A member of the Rougier Group in Cameroon is found to have been logging illegally in Cameroon.12

July 2000

SEFAC is disqualified from bidding for new logging concessions due to “serious wrongdoing in its logging activities.”13

July 2000

The Cameroonian government finds a member of the Rougier Group is logging illegally.14

September 2000

According to Greenpeace, SIBAF and SEFAC have recently been found by the Cameroonian government to be logging illegally. Greenpeace notes that its own research indicates a member of the Rougier Group is also involved in illegal logging activities.15

December 2000

The Cameroonian government fines a member of the Rougier Group for illegal logging.16

March 2001

Forests Monitor claims that the construction of logging roads by SIBAF has facilitated the bushmeat trade inside its logging concessions.17

September 2001

A study presents cases of illegal logging by the Rougier and SEFAC Groups and calls for further investigation.18
October 2001

WWF launches its partnership with SIBAF and a sister member of the Bolloré Group. The companies are logging the ancestral homelands of Baka and Bagyeli “Pygmies” without their consent.

"The fact is [WWF] is mostly outwitted by the companies who use it cynically. John Vidal, Environment Editor at The Guardian, July 25, 2011."19

WWF describes SIBAF’s Director as “satisfied that his company is a pacesetter in this direction towards sustainable forest management.20

December 2001

Within days of a high-profile event on “sustainable forest management” organized by WWF in Brussels, the two members of the Bolloré Group that WWF has partnered with are publicly shamed by the Cameroonian authorities for breaking the law.

SIBAF has been caught falsifying documents in order to export rare species of wood; its sister company has been caught logging inside the Campo Wildlife Reserve.21

2002

A study is published that investigates the ties of the Rougier Group to the Corsican mafia and explores how, together with the Pasquet Group and the Bolloré Group, Rougier is reinforcing corruption in Cameroon.22

January 2002

A member of the Rougier Group is fined for exporting illegal timber.23

"It was clear that the Panda does not necessarily see “observance of the law” as a criterion in its choice of bed-fellows." - Sarah Apele, reporting on a seminar on logging organized by WWF, February 200224

February 2002

An article notes that the two members of the Bolloré Group “have featured repeatedly in the Cameroonian government’s listings of forest sector miscreants.” It also recounts how

At a seminar of European and Cameroonian conservationists held in Paris earlier last year, WWF was warned by French non-governmental experts that Bolloré is implicated in a network of suspect and nefarious activities spanning the Congo Basin. These include trading links with companies involved in arms trafficking associated with the region’s brutal and persistent civil conflicts.25

March 2002

With the help of Friends of the Earth France and Sherpa, Cameroonian villagers file charges against the Rougier Group in France for crimes carried out in 1999 in Cameroon. The charges are ruled inadmissible in French court.26
March 2002

A BBC investigation directly links Rougier to the bushmeat trade.\textsuperscript{27}

March 2002

Greenpeace reports that the SEFAC Group “is guilty of major violations of local forestry legislation and an arrogant disregard for the rights of local people.” Its report emphasises the link between SEFAC’s work and the bushmeat trade.\textsuperscript{28}

June 2002

The Cameroonian government files a report against Pallisco (Pasquet Group) for illegal logging.\textsuperscript{29}

July-August 2002

Cameroon’s Independent Forest Monitor hears that SFID (Rougier Group) has been involved in intimidating local people.\textsuperscript{30}

"We really need to fight against this, because our forest is being finished off completely." - Baka woman living near one of the Rougier Group’s logging concessions in Cameroon, January 9, 2017

March 2003

Cameroon’s Independent Forest Monitor finds that the SEFAC Group is involved in illegal logging.\textsuperscript{31}

June 2003

WWF completes its recent project of partnering with logging companies in order to promote “sustainable forest management.” An independent assessment criticises its “poorly formulated logical framework,” and notes that it had an “unsatisfactory” impact in certain areas. It also observes that its “effectiveness” in many respects was “not measurable” and that its “efficiency” was “very unsatisfactory.”\textsuperscript{32}

This assessment follows an earlier study that observed that some of the companies with whom WWF had formed “partnerships” under this project had been involved in illegal logging activities.\textsuperscript{33}

June 2003

Cameroon’s Independent Forest Monitor finds that SFID (Rougier Group) is involved in illegal logging.\textsuperscript{34}

August 2003

The Cameroonian government reports that Pallisco (Pasquet Group) and members of the Bolloré, SEFAC and Rougier Groups have been involved in illegal logging.\textsuperscript{35}
September 2003

Cameroon’s Independent Forest Monitor reports that SFID (Rougier Group) is involved in illegal logging.\(^{36}\)

May 2004

Cameroon’s Independent Forest Monitor finds that a member of the Decolvenaere Group is involved in illegal logging.\(^{37}\)

Pallisco has hired wildlife guards, who every year burn our forest camps to the ground and tell people: “You have no land here.” - Baka man, Cameroon, July 17, 2013

November 2005

July 2004

A report by Cameroon’s Independent Forest Monitor, approved by the Cameroonian government, details how the Rougier Group and Pallisco (Pasquet Group) have been logging illegally.\(^{38}\)

November 2004

Greenpeace accuses the Danzer Group of involvement in bribery, illegal logging in the Congo Basin, dealings with blacklisted arms trafficker and of suspected forgery.\(^{39}\)

May 2005

The organization Forest Peoples Programme hears how Baka are concerned for the moabi trees that they depend on and which are being cut down by Pallisco (Pasquet Group).\(^{40}\)

November 2005

Cameroon’s government and the Independent Forest Monitor find that a member of the SEFAC Group has been logging illegally.\(^{41}\)

December 2005

The logging company Pallisco (Pasquet Group) joins WWF’s Global Forest & Trade Network.\(^{42}\) Pallisco is logging the ancestral homelands of Baka “Pygmies” in Cameroon without their consent.

December 2005

Greenpeace finds that SFID (Rougier Group) “has been repeatedly involved in illegal logging in Cameroon” including sourcing wood from permits widely considered to be illegal.\(^{43}\)
February 2006

The Decolvenaere Group joins WWF’s Global Forest & Trade Network. The group is logging the ancestral homelands of Baka “Pygmies” in Cameroon without their consent.

WWF has consistently brushed over the fundamental question we are posing, about whether the approach they are endorsing will actually do the job of saving forests. - Global Witness, May 25, 2012

April 2006

An Environmental and Social Impact Assessment for the mining company Geovic Ltd.’s planned mine on Baka land explains that the mine will be powered by wood supplied by Pallisco (Pasquet Group).

The assessment notes that up to 13km2 of forest will be cleared for the mine and that local people have expressed their concern that sacred trees will be destroyed. It recognizes that the mine will encourage poaching.

May 2006

Friends of the Earth publish a report on Pallisco (Pasquet Group) detailing its failure to log sustainably and in accordance with either Cameroonian law or the needs of the Baka and their neighbors.

May 2006

The Cameroonian government and the Independent Forest Monitor find that Pallisco (Pasquet Group) has violated logging regulations.

July 2006

Cameroon’s Independent Forest Monitor finds that SFIL (Decolvenaere Group) and Rougier have violated logging regulations.

August 2006

WWF welcomes the SEFAC Group into its Global Forest & Trade Network. The group is logging the ancestral homelands of Baka “Pygmies” without their consent.

SEFAC eventually leaves or is ejected from WWF’s network. From the information WWF has made publicly available, it is not clear when or why.

Our main criticism is not that WWF has got too close to companies and failed to hold them to account, although that is true. It is that even if these companies were playing by the [... ] rules, the system it endorses is fundamentally wrong. - Global Witness, May 25, 2012

August 2006

WWF claims that “The combined assets of [Pallisco (Pasquet Group), the Decolvenaere Group and another logging company that WWF has partnered with] will contribute to the social
and economic development of Cameroon, as well as contribute to the conservation of Congo Basin forests.”

August 2006

Cameroon’s Independent Forest Monitor finds that two members of the SEFAC Group have violated logging regulations.

September 2006

WWF announces its partnership with the German logging giant Danzer. The Danzer Group is logging the forests of Baka, Mikaya and Luma “Pygmies” in the Republic of Congo without their consent.

December 2006

Cameroon’s Independent Forest Monitor finds that SFID (Rougier Group) has violated logging regulations.

March 2007

Rougier publishes a map describing Baka forest camps inside its concessions as “Pygmies (poachers) camps [sic].”

July 2007

WWF welcomes the logging company IFO (Danzer Group) into its Global Forest & Trade Network. IFO is logging the forests of Baka, Mikaya and Luma “Pygmies” in the Republic of Congo without their consent.

When announcing this decision, WWF describes IFO as one of “the top five producers of lumber and logs in Africa” and explains:

We believe the commitment of IFO to responsible forestry should contribute to the conservation of biodiversity in this area while improving the livelihood of local communities, including the Pygmies.

April 2007

A report by Cameroon’s Independent Forest Monitor notes three summons issued by the Cameroonian government to members of the SEFAC Group for violating logging regulations.

October 2007

According to WWF, “responsible forest management and trade was revitalised” during a meeting in the Republic of Congo.

May 2008
A member of the Rougier Group is fined by the French government for price-fixing.62

July 2008

Danzer is accused by Greenpeace of using an “elaborate profit-laundering system” in the Congo Basin, “designed to move income out of Africa and into offshore bank accounts.”

Greenpeace suspects that at least €7.8 million has been lost in public revenues, equivalent to the cost of vaccinating over 700,000 Congolese children under the age of five.63

They cut everything down. Our caterpillars – where will we find them? And termites, and the kana, peke and payo fruits? - Baka man on SEFAC, one of WWF’s former logging partners, Cameroon, August 6, 2016.

July 2008

WWF claims to have “made effective forest management a reality in Africa’s Congo Basin.”64

October 2008

Cameroon’s Independent Forest Monitor finds that SFID (Rougier Group) is involved in violating logging regulations.65

December 2008

Future French Minister for Development, Pascal Canfin, publishes his assessment of SEFAC, after visiting its concessions at the invitation of WWF. He claims that SEFAC is minimizing its environmental impact, respecting Cameroonian law and meeting certification standards.66

Less than one year later the Forest Stewardship Council withdraws SEFAC’s certification – a rare occurrence in the Congo Basin.

Mr Canfin is appointed Director General of WWF France in November 2015.

2009

WWF describes “a remarkable growth in responsible forest management” in the Congo Basin, and claims that it and its partners “have helped to transform the global forest products market by increasing the demand for legally produced products from well-managed forests by global businesses and other organizations.”67

As a mark of encouragement [we] donated 10 leather footballs to the company. WWF, May 200968

The balls are indeed awareness raising materials. - SEFAC, 200969
January 2009

The Forest Stewardship Council suspends one of its certification bodies, after finding that it “issued a certificate to [a] company despite the fact that there was evidence that the company was not in compliance with many FSC requirements.”

The company in question is SEFAC, one of WWF’s partners.

May 2009

WWF notes that the FSC certification body has been suspended but fails to mention that the company it certified wrongly was SEFAC.

Despite the fact that SEFAC’s certification is wholly discredited, WWF takes pains to endorse the certification, claiming that it means SEFAC is “putting [most] of its forest concession under responsible forest management.”

May 2009

Cameroon’s Independent Forest Monitor finds that SEFAC has violated logging regulations.

October 2009

WWF welcomes SFID (Rougier Group) into its Global Forest & Trade Network. SFID is logging the ancestral homelands of Baka “Pygmies” in Cameroon without their consent.

October 2010

Cameroon’s Independent Forest Monitor finds that the Decolvenaere Group has violated logging regulations.

Perversely, GFTN rules continue to allow participant ‘trade’ companies to handle illegal wood for up to five years after joining. This has created the bizarre situation where GFTN has lower standards than prescribed in law. - Global Witness on WWF’s Global Forest & Trade Network, July 24, 2011

November 2010

Friends of the Earth carries out an investigation in Cameroon and the Republic of Congo. They visit one of Pallisco’s (Pasquet Group) old logging sites and hear that Pallisco has destroyed trees that are important to local people, making the gathering of certain forest resources no longer possible. They also visit an old site of Rougier’s and hear how the company has left local people poorer.

They meet with Baka who explain how many of the trees that are prized by WWF’s logging partners are very important to the Baka for the food and medicines they provide.
WWF launches a new partnership with Vasto Legno, part of the SEFAC Group. It has reportedly received €45,000 from the company.\footnote{297}

Baka explain to a researcher how they have been beaten by wildlife guards in the area where SEFAC is logging. At least one of the victims believes it was SEFAC who sent the guards.\footnote{298}

Greenpeace denounces the “major human rights violations” that have taken place in connection with logging operations carried out by SIFORCO, (Danzer Group) in the Democratic Republic of Congo.\footnote{299}

There are no positive impacts. We have lost plants and animals. The forest is no longer rich because of poachers. - Baka man on Rougier’s logging, Cameroon, July 17, 2016

Global Witness publishes an evaluation of WWF’s Global Forest & Trade Network and finds that the scheme is “fundamentally flawed.”

The fact that the scheme is so accommodating towards companies, Global Witness concludes, “hampers the efforts of other organisations and programmes campaigning for higher standards in the forestry sector.”\footnote{300}

The Guardian’s Environment Editor writes that WWF in the Congo Basin “is mostly outwitted by the companies who use it cynically, buying the use of [...] the panda to promote a green image.”

He describes a visit he made to a logging camp in the Democratic Republic of Congo in 2007:

I went with the villagers to the logging camp deep in the forest where hundreds of trees had been felled and were waiting to be transhipped to Europe and China. To my astonishment, there was a WWF office, complete with toy panda, right in the middle of the camp. As far as the villagers were concerned, WWF was the logging company, responsible for taking their timber. I tried to tell them that it was a conservation group trying to protect the trees, but it was useless. “WWF and [the logging company] are as one,” they said.\footnote{301}

You are part of an audacious, world-changing and forward-thinking community.
WWF to logging companies that have joined its Global Forest & Trade Network, September 2011

September 2011

A Cameroonian court sentences in absentia Pallisco’s (Pasquet Group) long-time partner Jean-Marie Assene Nkou to 25 years in prison on embezzlement charges related to the acquisition of the Cameroonian President’s airplane in 2004.

Mr. Assene Nkou’s logging concessions are operated by Pallisco and covered by Pallisco’s Forest Stewardship Council (FSC) certificate.

September 2011

An assessment carried out for the French government on logging in the Congo Basin draws into question WWF’s approach by recognizing that

Current scientific knowledge does not allow us to guarantee that the techniques used [by the logging industry] […] will actually allow a sustainable management of the [forest] resource. The impact of human intervention in a complex natural environment is far from understood and the results of research will still take years before providing all the necessary analytical evidence.

November 2011

Cameroon’s National Anti-Corruption Commission describes the inter-ministerial commission for the allocation of logging permits in Cameroon as “a well-orchestrated criminal organization.”

I can tell you that there are rivers here whose beds are drying up, and this has never happened before. Nowadays we can’t eat wild mangoes as we used to in the dry season, because they don’t grow like they used to. These are just some of the changes happening due to the destruction of the forest. - Baka man from a community near one of Rougier’s logging concessions, 2013

May 2012

Global Witness writes that

WWF has consistently brushed over the fundamental question we are posing, about whether the approach they are endorsing will actually do the job of saving forests.

Our main criticism is not that WWF has got too close to companies and failed to hold them to account, although that is true. It is that even if these companies were playing by the scheme’s rules, the system it endorses is fundamentally wrong.

April 2013

WWF salutes “Rougier’s commitments to responsible forest management in the Congo Basin.”
May 2013

The sustainability certification for WWF’s partner Danzer is temporarily suspended by the Forestry Stewardship Council. This is a result of the human rights abuses its subsidiary is reported to have contributed to in the Democratic Republic of Congo.89

2014

Cameroon’s Independent Forest Monitor publishes its assessment of logging from 2010 to 2013.

It notes that members of the SEFAC Group have committed five infractions in this period; members of the Pasquet Group and its partners have committed seven; members of the Decolvenaere Group have committed eight; and members of the Rougier Group have committed 18 infractions.90

They are plundering the forest. They are ruining the wild mangos, the tortoises and snakes with their vehicles. Streams, when they pass them, become big lakes. - Baka man describing Rougier’s logging, Cameroon, July 18, 2016

June 2014

During an assessment of three of Rougier’s logging concessions in Cameroon, the FSC auditing team finds that the Baka are still unaware of their rights, nearly five years after the company started partnering with WWF.91

August 2014

A study commissioned by the European Union finds that not one company is respecting Cameroon’s logging regulations.

It finds that certified logging companies are in some respects less compliant with the law than are non-certified logging companies. The Rougier and Pasquet Groups both include certified companies working in Cameroon.92

2015

The Baka forest camp of Ngwandji, in IFO’s (Danzer Group) concession in the Republic of Congo, is evicted by wildlife guards.

January 2015

Another member of the Rougier Group joins WWF’s Global Forest & Trade Network.93

January 2015

A study accounts for how attempts to reform logging in Cameroon have stalled. It finds that corruption continues to be a dominant feature of the logging sector.94

Global Witness reports that SINFOCAM (Vicwood Group) illegally obtained its logging permits inside the Dzanga-Sangha Protected Area Complex in Central African Republic.
Important trees that have become rare in one area logged by Rougier in Cameroon:97

- boyo Entandrophragma cylindricum
- boso Combretodendron macrocarpum
- bemba Afzelia bipindensis
- guga Alstonia boonei
- mbalaka Pentaclethra macrophylla
- bolumna Cyclodiscus gabunensis
- etenge Pycnanthus angolensis
- epue Enantia chlorantha
- bangi Chlorophora excelsa
- gbologa Drypetes capillipe
- kulo Ceiba pentandra
- lembe Diospyros crassiflora
- ngolou Terminalia superba
- gbado Triplochiton scleroxylon
- po Parinari excelsa
- kana Panda oleosa
- ngbabi Cordia platythyrsa

September 2015

Greenpeace links the Decolvenaere Group to what appears to be illegal logging. Its report identifies all wood from Cameroon as “high risk.”96

December 2015

The Bayaka and Gbay community of Motokobiro is illegally evicted to make way for SINFOCAM.

January 2016

WWF is paid over €149,000 to “collaborate” with SINFOCAM. SINFOCAM soon starts logging on the ancestral homelands of Bayaka “Pygmies” without their consent, and without an Environmental and Social Impact Assessment.98

January 2016

WWF and Rougier “take stock” of the progress made through their partnership. WWF describes Rougier as “a leading player in the international timber market.”99

June/July 2016

‘Wildlife guards evict Baka from their forest camp at Inyele, in IFO’s logging concession in the Republic of Congo.

June/July 2016

The same wildlife guards go on to beat and arrest one Baka man in a forest camp in Ngwandji and take him to the logging town of Ngombe, in IFO’s concession.
EFYD is destroying caterpillar trees – they’re becoming rarer – and medicinal trees. Tortoises and pangolins too. - Baka man, Republic of Congo, September 8 2016. WWF is negotiating with SEFYD in order to create the Messok-Dja National Park

July 2016

Baka in the region of Djoum, Cameroon, explain to Survival International that Rougier is destroying their forest.

They are cutting down almost everything and making animals disappear. -Baka man, July 18, 2016

One community lists 17 species of tree that have become rare as a result of logging in Rougier’s concessions.

August 2016

Baka in Cameroon explain to Survival International that SEFAC is logging their lands without their consent.

They cut everything down. Our caterpillars – where will we find them? And termites, and the kana, peke and payo fruits? And trees like mobolo, boyo, gbado, ngolo, guga, mondanga, mbalaka, ngbe, lembe, bolema, bangi, etenge. All of that gives us food or medicines. - Baka man, Salapoumbe commune, Aug. 6, 2016

They note that certain species of animal, such as tortoises, pythons and giant pangolins, have become rare as a result of SEFAC’s logging.

October 2016

FSC suspends the certification body that certified Pallisco (Pasquet Group), Vasto Legno and SEFAC as sustainable, because it has failed to resolve “major non-conformities with FSC accreditation standards.”

November 2016

Baka report to have found Rougier’s subsidiary SFID logging illegally outside its concessions in Cameroon.

January 2017

A team of researchers finds that the rainforest has been broken up at the same rate within logging concessions certified as “sustainable” by the Forest Stewardship Council (FSC) as in non-certified concessions, or at an even higher rate.

WWF helped to establish FSC in 1993.

Endnotes

1 World Wildlife Fund, “WWF France and Rougier to jointly advance responsible forest management and trade,” WWF website, April 9, 2015.
This word is considered pejorative and avoided by some tribespeople, but used by others as a convenient and easily recognized way of describing themselves. Because it is the most widely understood term, Survival has chosen to use it, while emphasizing that it is problematic.

In 2011 Global Witness, which worked as Cameroon’s official Independent Forest Monitor from 2000 to 2005, published a review of WWF’s scheme that highlighted several areas urgently in need of reform: Global Witness, Pandering to the loggers: Why WWF’s Global Forest and Trade Network isn’t working, A briefing by Global Witness, London, 2011. While WWF has made certain superficial changes to the scheme, its overall approach remains the same.


Forrests Monitor, Sold down the river – The need to control transnational forestry corporations: a European case study, 2001, p.66.


This interview can be viewed at https://www.youtube.com/watch?v=M4RZTq4oZxs and https://www.youtube.com/watch?v=Gb1j_dKx0q0


WWF and the loggers


Apele, S., Tail wags the dog, Unpublished, February 2002.

Labrousse, A. and F.X. Verschave, Les pillards de la forêt, Exploitations
criminalises en Afrique, Marseille, Agone, 2002. 23 ibid., p.28.
24 Apele, S., op. cit.
25 ibid.
33 Apele, S., Tail wags the dog, Unpublished, February 2002.
42 According to information listed on WWF’s website: http://gftn.panda.org/.
44 According to information listed on WWF’s website: http://gftn.panda.org/.
51 At some point between April 26, 2009 and July 18, 2011, the SEFAC Group was removed from WWF’s list of GFTN participants. It does not appear on WWF’s GFTN Former Participants List dated April 2016.
57 Société Forestière et Industrielle de la Doumé (SFID), Plan d’aménagement: Massif de Djoum Mintom, UFA 09-003, 09-004a, 09-005a & 09-005b, Période 2000 à 2029, March 2007, p.233
58 World Wildlife Fund, Sustainable Forest Products Global Alliance: Project period April 1, 2008 – September 30, 2008, Year 6 Quarter 3/4 Report, 2008, p.38. IFO remains in the network until May 2013, according to WWF’s GFTN Former Participants list dated April 2016. WWF notes that the participation agreement was terminated by WWF, but it does not explain the reasons for this decision.
60 Resource Extraction Monitoring (REM), Rapport trimestriel n°8, Projet d’Observateur Indépendant au Contrôle et Suivi des Infractions Forestières au Cameroun, p.16.
61 World Wildlife Fund UK (WWF-UK), Forest & Trade Network Summer 2008 Newsletter, 2008, p.8
62 Conseil de la concurrence, Décision n° 08-D-12 du 21 mai 2008 relative à des pratiques mises en œuvre dans le secteur de la production du contreplaqué, 2008.
63 Greenpeace, Conning the Congo, Amsterdam, 2008, pp. 2, 34.
66 Canfin, P., “Cameroun : pour une exploitation durable de la forêt,”
31 WWF and the loggers
Alternatives Économiques no. 039, June 1, 2008.
73 According to information listed on WWF’s website: http://gftn.panda.org/.
77 It is unclear when this partnership ended. Vasto Legno continued to display WWF’s logo on its website until February 12, 2015, when Survival International raised its concerns with WWF. By the time WWF replied on March 27, 2015, saying it had no partnership with Vasto Legno, Vasto Legno had taken down the logo.
78 These interviews can be viewed at https://www.youtube.com/watch?v=M4RZTq4oZxs and https://www.youtube.com/watch?v=Gb1j_dKx0q0
80 Global Witness, Pandering to the loggers: Why WWF’s Global Forest and Trade Network isn’t working, A briefing by Global Witness, London,
32 WWF and the loggers
2011, pp. 3, 11.
82 World Wildlife Fund, Celebrating 20 Years of Advancing Conservation through Responsible Forestry and Trade, 2011, p.3.
YES, TRUMP’S BUDGET IS DESTRUCTIVE & DISRUPTIVE (AND WE’VE SEEN THAT BEFORE)

Mark Trahant*


FAIR TO SAY THIS BUDGET WILL RESULT IN THE EARLY DEATH OF TOO MANY PEOPLE

It’s easy to blame Donald J. Trump for a terrible budget. This is classic disruption; it’s designed to change the nature of government immediately. It’s also a destructive document that would result in great hardship across the nation and Indian Country. It’s not too strong to say that this plan would mean an early death for too many people.
So we ignore what’s proposed and turn to Congress for the real spending plan. The idea is that Congress will do something better. They must. Or face the consequences from voters in the 2018 elections. And it’s already clear that few Republicans are eager to reshape government (at least as dramatically as the president.) It’s unlikely that Congress will vote to eliminate agencies ranging from the Corporation for Public Broadcast to the Denali Commission. And the minus signs inked across budget lines will be less severe than requested.

But let’s be clear: The best outcome is probably another Continuing Resolution that patches together a temporary budget for a few months or possibly the entire year. Again. That’s become business as usual in Washington.

THE ‘WORSE’ NEWS: A FAILURE TO GOVERN

That’s the good news. The bad news — strike that — make it the worse news is that neither political party has enough support to enact a thoughtful spending plan. The crisis is not a financial one (well, it is sort of) but represents a systemic failure to govern.

The best example of that problem is the debt ceiling. Basically it’s a law that allows the Secretary of Treasury to finance the debt that the United States already owes. The money has already been appropriated or authorized by Congress. It’s spent. So the only question is to pay the bill or not. Yet nearly every member of Congress (from the Tea Party to Sen. Barack Obama) bluster about the debt and threaten to withhold their vote. But the party in the White House cannot operate that way. Obama changed his tune as quickly as did Trump. It’s the nature of the job.

Congress isn’t run by two political parties; there are at least three major factions. (This is not unusual: Just before the Civil War the Republican Party was deeply divided by economic conservatives and the Radical Republicans who were organized against slavery.) Today’s Congress is composed of Republicans, the more strident House Freedom Caucus, and the Democrats.

It will take votes from two of the three factions to lift the debt ceiling and pass a budget in the House. This is important because the first “test” of a coalition was the vote to repeal the Affordable Care Act and replace it with the American Health Care Act. The moderate Republicans sided with the House Freedom Caucus to pass a measure that would strip insurance coverage from 23 million Americans (according to the Congressional Budget Office). You’d think this would be nonsense politics for Republican moderates. Yet they still voted yes. The thing here is that this is the coalition to watch. So if Speaker Paul Ryan goes that route again it will mean a debt ceiling bill that results in even more spending cuts than the Trump budget. Imagine that.

The other alternative is just as unthinkable. It’s for Ryan to reach out to Democrats and build a majority coalition. This happens in state capitals all the time. But it’s considered near treason in politics and it would cost Ryan his job. Beyond that, the votes of the Democrats would come with a price, most likely a promise not to cut taxes on the wealthy.

Then whatever spending bill that emerges from the House must win 60 votes in the Senate. That’s not going to happen if the House Freedom Caucus wins the day. (Remember there are currently 52 Republicans, 46 Democrats and 2 independents in the Senate).

This is real juggling. Debt. Budget. And health care. And the Juggler-in-Chief doesn’t even like balls in the air. He tweeted last month: “Our Country needs a good ‘shutdown’ in September to fix mess!”
A FEDERAL GOVERNMENT THAT’S ‘INEFFECTIVE’

Back to the budget and what it means for Indian Country.

The same division in Congress over the debt ceiling (or health care) will play out on the budget. The House Freedom Caucus essentially agrees with the president’s budget. If there’s any reluctance … it’s that the spending cuts are not deep enough. The argue that the federal budget must be balanced in a decade and it will take painful cuts to reach that goal. (So the other Republicans, such as Rep. Tom Cole, will need to find votes for their moderate course from Democrats to reach a legislative majority).

The tension over national spending priorities, historically, has impacted federal Indian policy before.

President Franklin D. Roosevelt initially sharply cut federal Indian programs as part of an austerity drive.

In the late 1920s and early 1930s spending by the Bureau of Indian Affairs doubled from 1928 to 1932 (following the publication of the Meriam Report about the failure of federal programs and declining health, education and just about social indicator for Native Americans. “Several past policies adopted by the government in dealing with the Indians have been of a type which, if long continued, would tend to pauperize any race,” the report said, calling the government’s efforts “ineffective.” But Hoover’s 1933 budget reversed that progress and cut the Bureau of Indian Affairs budget by 15 percent, dropping from $25.6 million to $22.1 million.

Then a year later, in 1934, dropped another 13 percent to $18.7 million. But it was Congress — not the president — that was stingy. But at a public hearing in 1938 tribal leaders from Wisconsin, Minnesota and Michigan complained about the “resistance of the government itself against any increased appropriations.”

However after the passage of the Indian Reorganization Act in 1934 spending did pick up and budgets increased.

After World War II the government again sharply cut spending in Indian Country. The 1948 budget declined by 9 percent, but that turned out to be a one-time hit. A year later the budget increased by more than 50 percent, to $62.1 million.

The figures were similar after President Richard Nixon announced the new policy of self-determination without termination on July 8, 1970. Nixon said, “we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.”

And the BIA’s budget reflected that idea. The budget increased by 18.5 percent in 1971, another 19 percent in 1972, and 23 percent in 1973.

But Nixon, like many Republicans, separates federal spending on the Bureau of Indian Affairs and the Indian Health Service from other programs that benefits Native people. President Lyndon B. Johnson’s Great Society programs such as the Office of Economic Opportunity opened up new channels for tribal innovation. For the first time tribal leaders were managing
significant budgets without the Bureau of Indian Affairs. The agency’s director wrote Congress in 1974 that OEO was ineffective and an “old approach” that did not serve the poor.

This is a pattern that continues today. Many mainstream Republicans are supportive of appropriations for the Bureau of Indian Affairs or the Indian Health Service, but less so for other general programs that benefit Indian Country, such as the Comprehensive Employment and Training Act (signed into law by Nixon but ended by Ronald Reagan.)

A twist here: My first professional job as editor of The Sho-Ban News was funded by CETA in 1976. Tribes could use the money to create jobs — even at a tribal newspaper. And did so.

I had moved to Washington, D.C., before Ronald Reagan was elected in 1980 and he, like Trump, promised sharp cuts across the federal government. One plan was floated that would cut social programs by a third (shifting some of the money to states as block grants). But Congress was on the other side of this equation and mostly ignored the president’s requests.

Yvette Joseph, Colville, who was working for the Senate Committee on Indian Affairs, compared the budget on Indian programs from 1968-1988 to similar government programs and found significant underfunding. She wrote: “Gwen Ifil did a story on my research when she worked for the Washington Post. It made it on the front page of the newspaper and was the impetus for Senator Dan Inouye seeking a billion dollar increase to the Indian Budget because we could show how significantly, the federal Indian budget had been been reduced under Ronald Reagan’s zero-sum budget policies. That year, we did not reach our goal, but were in fact able to increase the American Indian / Alaska Native budget by $750 million in FY 1989. It was amazing to be a part of this work.”

OBAMA IS THE EXCEPTION TO THE RULE

The Obama era is another exception, and on the upside. As former Assistant Secretary for Indian Affairs Kevin Washburn wrote in Indian Country Today: “In his first term, Obama increased the Indian Health Service budget by more than $800 million and steadily increased IHS funding by more than $1.2 billion, reaching $4.8 billion in total. Obama’s second term began inauspiciously with sequestration imposed by Congress in 2013, but the Indian Affairs budget at Interior for the Bureau of Indian Affairs and the Bureau of Indian Education nevertheless increased from approximately $2.3 billion to $2.8 billion before Obama left office, an increase of a half-billion dollars. These increases significantly outpaced inflation and produced real and significant gains for Indian country.”

Beyond that top-line there was another potentially significant action that’s being debated again: The Affordable Care Act. This law opened a door for the full-funding of the Indian Health Service because it recognized that health care delivery and insurance are not the same thing. So if more American Indians and Alaska Nations could bring insurance to their federal, tribal, or not-for-profit clinic, it could add significant resources to the entire system. It did this by expanding Medicaid, requiring tribal employees to have insurance, and by setting up a free insurance plan under the ACA. I think a lot more could have been done to promote this idea, but it’s all at risk now anyway. But it’s important to note that Medicaid works — especially in Indian Country. (I will be writing more about that next week as health care debate moves to the Senate). More than half of our children are now covered by that public insurance. And we still have thousands of people who are eligible but who have not yet signed up. Medicaid is an entitlement. That is different from appropriations because Congress does not have
to act for the money to be there. (Which is exactly why the Republicans want it to go away by changing the law.) Medicaid was the most successful part of the Affordable Care Act, both in Indian Country, and among the general population. Yet the House plan would cut spending by $834 billion over ten years and shift more of the cost of public health insurance to the states (leaving huge questions about where American Indian and Alaska Natives fit in).

Ok. Stay with me here. This will be complicated. Much of the budget cuts — including those that would impact Indian Country — are taken from the smallest part of the budget, domestic discretionary. All safety net programs (except for health and social security) total about 10 percent of the budget. The big bucks are found at Social Security (33 percent); Medicare, Medicaid, Children’s Health Insurance Program, and marketplace subsidies together total about 28 percent of the budget. Defense is 16 percent of the budget and Veterans programs at about 4 percent. And interest on the debt is 7 percent (thanks to low interest rates). But expect that category to grow as interest rates increase.

Domestic spending (except for health) has been declining since 2010. Depending on the final numbers in Trump’s budget, it’s likely that spending will drop to less than what was spent on 1962 on such programs. Before the Great Society. This is the part of the budget that includes Indian Country programs.

The point here is that the Congress could zero out domestic spending and there still would be a deficit.

The bigger problem is demographic. Two trends to consider. First the sheer size of the Baby Boom generation. And, second, humans are living longer than ever before. As Pew Research points out “about 10,000 Baby Boomers are retiring every single day, many of them not as well prepared financially as they’d hoped. The graying of our population will put stresses on our social safety net and present our elected leaders with a daunting challenge: how to keep faith with the old without bankrupting the young.”

Medicaid is a great example of this divide. Most of the news stories (including mine) focus on the health care aspects of this great program. Yet two-thirds of Medicaid — nearly $400 billion — is spent on the elderly and the disabled. About 60 percent of nursing home residents are supported by Medicaid and it’s the only program for seniors and for people with disabilities that pays for long-term care. Our discourse and the debate seems to ignore that.

Then our elders in Congress aren’t any better than those of us who write. Consider the illogic of the House Republican budget: It protects Social Security but it could wipe out funding for the older Americans who live in nursing homes. That same budget proposal cuts Medicaid for the poor both adults and children, but protects Medicare for those 65 years and older.

So who, exactly, are the constituents? (The only answer that is consistent: Tax cuts for the wealthy. That’s the point of the GOP health care plan.)

Also from Pew: “Today’s Millennials – well-educated, tech savvy, and underemployed – are at risk of becoming the first generation in American history to have a lower standard of living than their parents.” (It’s worth noting that young people in the United Kingdom turned out in record numbers and one of their top concerns was “austerity.”)

To be fair, Democrats haven’t come to grips with the cost side of this equation. There are just not enough taxes to pay for the growth of Medicare and Medicaid unless there is also a significant restructuring of the health care system. Still. The Affordable Care Act was just a start. A baby
step at that. Get this: The Indian Health system is more in line with a health care system should cost than what is spent by the rest of the country. The gap that we so often complain about must be the country’s future. (As a reminder: According to the National Congress of American Indians, In 2014, the IHS per capita expenditures for patient health services were just $3,107, compared to $8,097 per person for health care spending nationally.)
So, yes, eventually, that means a single payer system of some kind. Sooner would be better than later. There is no other way to make the budget work.

Neither the Congress nor the White House is ready to take on these big issues. It’s much easier to cut smaller programs that matter to people, again, like those that serve Indian Country, and think the task is complete. It’s not.

So while it’s easy to blame the president for a terrible budget. The problem is much worse. And the solutions remain distant. The government is failing.

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WHAT’S NEXT?
THREE WAYS TO ADD MONEY TO INDIAN HEALTH
AND BIGGER FIGHTS AHEAD

Mark Trahant*


GOVERNING WITHOUT A WORKING MAJORITY

President Donald J. Trump’s legislative agenda has crashed. The Republican promise to quickly repeal and replace the Affordable Care Act on Friday failed to win enough votes from conservatives to make it so.
As House Speaker Paul Ryan said in a post-failure news conference: “Obamacare is the law of the land … We’re going to be living with Obamacare for the foreseeable future.”

For his part, President Donald J. Trump (who, of course, says he is not to blame for the loss) told The Washington Post, “the best thing politically is to let Obamacare explode.” He called the law, “totally the property of the Democrats,” and that “when people get a 200 percent increase next year or a 100 percent or 70 percent, that’s their fault.”

The president and his administration can do a lot to make that happen. The Secretary of Health and Human Services has extraordinary authority under the Affordable Care Act and they can use the power regulation to gunk up Obamacare. There will be many battles ahead on the regulation front. But, and this is the good part, states will have a say in this too. And there is the potential for a few states to engage in experiments that might improve the law. The question here: Is the administration willing to work to improve insurance options for Americans or are they more interested in punishing Democrats? (Yeah, I know, but there is a political upside to answering that question correctly.)
Here’s the thing: There is a crisis in insurance markets. And a bipartisan solution, meaning most Republicans working in partnership with Democrats, is the best way to reach a solution. There are three ways most of us get health insurance: our employers, public insurance such as Medicare and Medicaid, and the individual market when we buy our own insurance policies. Employer-based care is an accident of history (it’s a long story) and has been shrinking for the past fifteen years. Public health insurance has been growing (something the conservatives in Congress really object to because it codifies the notion that health care is a right) and under the Affordable Care Act individual insurance has increased from about 10.6 million people to 15.6 million.

**Individual Market Enrollment (in Millions)**

![Graph showing individual market enrollment](image)

Source: Kaiser Family Foundation analysis of annual filings to state insurance departments, using data compiled by Mark Farrah Associates. Enrollment as of December 31 of each year.

Much of the current health insurance debate is about that individual market. Even if it is the smallest part of the problem. It’s important to understand, as David Blumenthal and Sara Collins wrote in the Harvard Business Review:

Individual markets were troubled prior to the ACA’s enactment in 2010. One reason was that premiums for these policies were increasing more than 10% a year, on average, while the policies themselves had major deficiencies. They often excluded pre-existing conditions, charged higher premiums for people with health risks and for young women, placed limits on annual and lifetime benefits, or refused to renew policies for individuals who became sick. Many people who tried to buy plans were turned down. In 2010, an estimated 9 million adults who had tried to buy a plan in the individual market over the prior three years reported that they were turned down, charged a higher price, or had a condition excluded from their plan because of their health.
Thus “returning to the status quo ante — before the ACA — is not a viable option for the individual markets.”

The fix does not involve a “great mystery” according to Blumenthal and Collins. It’s simply making certain that more young people buy insurance to help pay for the higher health care costs of older Americans. The bigger the pool, the lower the cost. (Which, I should add, is why single payer works as a public policy.) One part of that solution is to increase the government subsidies so more people will buy in. That’s how the insurance market could work better.

MORE MONEY FOR INDIAN HEALTH

Enough background. Where does Indian Country fit into this matrix? So there is a legal understanding that the Indian health system is federal obligation that stems from the promises made in treaties to provide doctors and nurses to reservation communities. Yet no Democrat nor Republican government has ever (as in ever) proposed fully-funding that Indian health system. Members of Congress often acknowledge the treaty responsibility, but have never followed those words with a budget.

But the Affordable Care Act separates insurance from health care delivery. It basically makes the Indian health system (both the government-operated Indian Health Service facilities, and those run by tribes and tribal organizations) medical care that’s mostly funded by federal appropriations and funded by insurance. Nationally that mix right now is about 80 percent appropriations and 20 percent insurance. But, and this ought to be huge, the insurance side of the equation under the Affordable Care Act is unlimited. That pool of money grows every time an eligible American Indian or Alaska Native signs up for insurance. This makes full-funding of
Indian health a possibility. (Even better: Insurance collections remain at the local clinic or hospital. It really is the best kind of funding.)

There are three ways to add money to Indian health now.

First: More American Indians and Alaska Natives can sign up for Medicaid. The fact is there are many more people eligible than have signed up. The Kaiser Family Foundation estimates that nationwide one million American Indians and Alaska Natives lack coverage (depending on the state). Already Medicaid covers more than half of all children but 11 percent of those children remain uninsured.

Second: More American Indians and Alaska Natives can sign up for exchange plans under the Affordable Care Act. This is huge. According to healthcare.gov “If you get services from an Indian Health Care Provider, you won’t have any out-of-pocket costs like copayments, coinsurance, or deductibles, regardless of your income. (This benefit also applies to Purchased and Referred Care.).” And this benefit has essentially a permanent open enrollment.

Signing up for insurance (including plans from an employer) makes the Indian health system stronger for everyone. It’s the same principle as any insurance, the larger the pool of people who participate, the lower the cost.

Third: It’s time to make the case for Medicaid expansion in state governments that have said no. Now that the Affordable Care Act remains the law of the land there remains unequal funding. States can remedy that by expanding Medicaid eligibility (even while trying some of the conservative experiments such as imposed work rules). It’s a win for Indian Country when a state does this because it increases the number of people eligible for insurance. It’s a win for the state because Indian health patients are a 100 percent federal obligation so the state will be reimbursed by Washington.

Kansas is the latest state to consider expansion. And it’s likely that the Trump/Ryan failure to repeal and replace will push other state legislatures to consider this approach. Indian health patients would benefit from Medicaid expansion in Oklahoma, South Dakota, Texas, Maine, Mississippi, Nebraska, North Carolina, Utah, Idaho, Wisconsin, and Wyoming. A total of 19 states are on this list.
THE DANGERS FOR INDIAN COUNTRY AHEAD

It’s easy to see the defeat of Trump and Ryan’s plan as a huge win. But it is also a warning sign. Make that a flashing red light with sirens. The problem is that Congress is deeply divided and cannot govern.

The same Republican divisions that killed their health reform plan will kill President Trump’s budget (thank you). But it will also make it nearly impossible to pass any kind of budget. As I have written before the best outcome might be a Continuing Resolution, a status quo budget.

An even bigger challenge will be for Congress to pass an increase in the debt ceiling. Secretary of Treasury Steven Mnuchin informed Congress that the United States reached its limit on March 15. The Treasury is now juggling accounts so that the government can continue to pay bills.

Conservatives in Congress (actually, just about every member of Congress) hate this part of governing. But a no vote here has enormous consequences for everyone’s finances, markets. There is an absolute requirement that Congress increase that borrowing authority. It will be a nasty fight.

Of course there is one solution: Create a new coalition of Republicans and Democrats. This works in state legislatures across the country (most recently Alaska). It takes 216 votes to pass legislation in the House so a working body of 22 or so Republicans, plus the 194 Democrats
in the House, could accomplish a lot together. But that would mean rethinking the role of party politics. And governing.

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ALASKA, MONTANA & INDIAN HEALTH BENEFITS DESERVE TO BE IN HOUSE DEBATE

Mark Trahant*


The story of Alaska and Montana is not front and center in the health care debate in the House today. But it should be.

Montana does not get a vote. (The state does not currently have a member of Congress after former Rep. Ryan Zinke was confirmed as Secretary of the Interior.)

And Alaska ends up with legislation that is by all measures, a raw deal. No state (and no pool of voters) will lose more under the Republican replacement for the Affordable Care Act than Alaska.

Alaska only expanded Medicaid in 2016. But the program has been a success. As Chris Ashenbrenner wrote in the Anchorage Dispatch News: “Expansion is a bright spot in a dismal Alaska economy. Over 25,000 people now have health coverage at no cost to the state of Alaska. Alaska health care providers have received over $288 million in revenues since it started in September 2015.” One reason for that is the role Medicaid plays in funding the Indian health system. Recent changes (promoted by Alaska Gov. Bill Walker) resulted in “a change to their policy resulting in even more Alaska general fund savings — projected to be over $30 million this year and growing each year. By 2022, it’s estimated to be over $90 million. This would not have happened without expansion.”

Alaska Health and Social Services Commissioner Valerie “Nurr’araaluk” Davidson recently told a state legislative committee that the American Health Care Act does not save money but shifts costs to the states. “I get nervous every time I hear a member of Congress talk about the great savings to the Medicaid program, because what they’re saying is, it’s a savings to the federal government,” Davidson said on Alaska Public Media. “They’re not saying it’s a savings to states – they’re actually shifting that cost to states, and that’s a problem for Alaska.”

But that’s not the only problem for Alaska. The Republican plan to give taxpayers a flat rate subsidy to purchase individual plans will mean that Alaskans would pay far more for insurance. “That’s because unlike the ACA’s tax credits, the House plan’s tax credits wouldn’t adjust for geographic variation in insurance premiums,” according to the Center for Budget and Policy Priorities. “They’d be the same for a 45-year-old consumer in Alaska, where benchmark health insurance coverage costs $12,600 this year on average, as in New Hampshire, where it costs $3,600.” The total bill: A whopping $10,500 more for a health insurance policy in Alaska.
Watch Rep. Don Young today. Alaska’s only member of Congress will likely demand a special deal from the House leadership. If not, will he still vote for the bill? Young told Alaska Dispatch News that he’s undecided. And on Facebook today, Sen. Lisa Murkowski will brief Alaskans on the legislation.

A poll published by FiveThirtyEight shows that 45% of Alaskans oppose the House bill, and 33 percent strongly oppose the legislation. It’s a similar story in Montana where 43 percent oppose the bill and 31 percent would strongly say no.

Montana, like Alaska, has a short experience with Medicaid expansion. But the numbers are strong. Montana Public Radio reported after seven months the program was nearly double the projected number of people insured. “Recipients have used their benefits to get $75 million worth of health care, 100 percent paid for by the federal government. That’s a big windfall in this state with slightly more than 1 million residents,” Montana Public Radio said.

Medicaid and Medicaid expansion are a critical, and growing, source of funding for the Indian health system.

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COMPENSATION FOR STUDY OF PARTICIPATION IN TRIBAL COMMUNITIES:
A RESEARCH NOTE

Meghan Doughty*

The use of monetary compensation or monetary incentives for participation in research continues to be debated within the medical and social science communities. The debate ranges from whether compensation or incentives are necessary to assure representativeness and participation in surveys, to the ethics of providing them in vulnerable populations. Yet, most academics agree that compensation and incentives are here to stay. Scholars VanderWalde and Kurzban (2011:545) contend that, “current research ethics no longer requires the formulation of subject as altruist to allow for ethical research.” They posit that the focus of researchers and institutions should be on the purpose behind paying research participants. This paper will specifically examine the purpose of monetary compensation for research participation in American Indian (AI) and Alaska Native (AN) communities. First, it will distinguish between compensation and incentives for participation in research. Next, it will consider broader empirical research on the use of monetary compensation or incentives with the general public, as well as with vulnerable populations. Then, it will detail current best practices and attitudes towards compensation, monetary or otherwise, for participation in research in AI and AN communities. This paper concludes with the argument that monetary compensation should be used in AI and AN communities. Its use demonstrates respect for individual community members’ contributions to science, and conforms to community-based participatory research (CBPR) practices and tribal institutional review board (IRB) expectations regarding participation in research. However, this research note can do little more, due to the lack of empirical research on this topic.

Although monetary compensation and incentives for participation in research are often used interchangeably in the literature, the two serve different purposes for researchers.
Compensation is a payment for the service that the participant has provided to the researcher. It is intended to equalize the relationship between the participant and the researcher. In contrast, incentives are “benefit[s] designed as a motive or incitement to action (Grant and Sugarman 2004:720).” Incentives can be provided both pre and post participation in research, whereas compensation is provided after participation and often to cover the logistical costs of participation in the research. Additionally, incentives can be targeted to persons who might otherwise refuse to participate, but compensation is given to all participants.

Compensation and incentives share practical and ethical concerns. Both approaches raise the possibility of ‘undue inducement’ of participants and exploitation of vulnerable and resource-constrained populations. By offering compensation or incentives, participants may expose themselves to higher levels of risk than they would normally be inclined to do (Beckford and Broome 2007). Incentives, monetary or otherwise, to recruit research participants can be problematic when the participant is in a dependency relationship with the researcher, and when the risks of research are high or the research is degrading (Grant and Sugarman 2004). Neither compensation nor incentives are free from ethical concern, thus as VanderWalde and Kurzban (2011) argue, researchers must explicitly state the purpose of using either.

The limited empirical studies on the topic of monetary compensation and incentives for participation in research demonstrate that, when implemented ethically, compensation and incentives increase study participation and demonstrate respect for the study participant. An experimental study of individuals’ motives for participating in research surveys found that monetary compensation or incentives, used interchangeably in this study, significantly increased responses to advance letters soliciting participation in a survey (Kropf and Blair 2005). Abeler and Nosenzo’s (2015) experiment indicated that sign-up rates for participation in laboratory experiments drops by two-thirds if the recruitment letter only appeals to the importance of the research and compensation is not mentioned. Also, several meta-analyses found that the use of monetary incentives in interviewer-led surveys increased response rates by reducing refusals (Singer and Ye 2013; Singer 2002; Singer and Kulka 2002; Cantor, O'Hare and O'Connor 2008). It is important to note that research by Singer and Couper (2008) has found that larger monetary incentives do not convince respondents to incur higher risks than they normally would in behavioral research. An experiment conducted by Singer and Ye (2013) focused on the use of monetary incentives in biomedical research echoes this finding. Lastly, Permuth-Wey and Borenstein’s (2009) review of empirical data on the ethical implications of monetary compensation or incentives for research participation suggests compensation demonstrates appreciation for the participants’ contribution to clinical and behavioral research. The authors also state that researchers offering monetary compensation or incentives for research participation should tailor the compensation or incentives to the cultural and societal norms of the study population (Permuth-Wey and Borenstein 2009).

This point is echoed in research with vulnerable populations on the use of monetary compensation or incentives for participation in research. A randomized-control trial on the use of incentives in vulnerable populations (in this particular study vulnerable populations were defined as lower socioeconomic or lower education households and new citizens) for a telephone survey on food allergens in Canada, found a between group increase of 7.4% between households who were offered a five dollar incentive to participate in the survey and those who were not (Knoll et al.,2012). This finding suggests that incentives increase the presence of vulnerable populations in research participation. Baxley and Daniels (2014), using nationally representative United States data, found that another vulnerable population, minority adolescents, will participate in research without compensation in order to help others. However, if participation in the research involves significant time, time away from work or incurs transportation costs, the majority of minority
adolescents believed compensation or a stipend was necessary for participation (Baxley and Daniels 2014). Additionally, a mixed-methods study on incentives, compensation and reimbursement conducted in Zimbabwe found that 90% of study respondents expected reasonable compensation for their participation in medical research (Mduluza et al. 2013). Thus, research suggests that the use of reasonable monetary compensation or incentives is expected by vulnerable populations and increases their participation in research.

Many AI and AN communities have developed general best practices for research, including around compensation, due to negative experiences with so-called helicopter research.¹ The National Congress of American Indians (NCAI) recommends CBPR as the ideal approach for research with AI and AN communities because it involves consultation or incentives and written agreements with tribes (Memorandums Of Understanding’s and tribal IRB approval) about research design, including specifications for compensation or incentives for participation in studies (Sahota 2010). In “Suggested Guidelines for Institutions with Scholars Who Conduct Research on American Indians,” Devon Mihesuah (1993:135) recommends that “informants should be given fair and appropriate return” through an established agreement with the researcher. Nielsen and Gould (2007) advise that locals be compensated for the information they provide and stress the need for reciprocity between AI and AN knowledge-holders and researchers. Examples of reciprocity include compensation for their time and the expense of getting to the research site, credit for their contribution to the study, or some other exchange, negotiated with the tribal council or IRB. Sobeck, Chapleski, and Fisher (2003), using case study research, echo other authors in arguing that benefits to project participants must be built into the project design and that respondents should receive compensation. The authors’ also state that it is “a reward for being the most important part of the research (Sobeck et al. 2003:82).” Christopher (2005:48) repeats that tribal communities must receive some concrete benefit from the research, not “the compilation of useless knowledge ‘for knowledge’s sake’,” and that researchers must place the needs of the community ahead of their self-interest.² The general sentiment surrounding best practices regarding compensation for AI and AN communities can be summarized in one sentence, “If researchers make use of participants’ ideas and time, they must give back” (Davis and Reid 1999).

The few empirical studies on AI and AN attitudes toward participation in research have found the concept of giving back via monetary compensation to increase willingness to participate. A study of the barriers to participation in clinical trials for AI and AN populations found that 79% of tribal students were willing to participate in clinical trials if they were paid for participation and the main barriers to participation were logistical concerns rather than attitudinal ones (Sprague et al. 2012). In Buchwald et al.’s (2005) study of the attitudes of urban AI and AN populations towards participation in research, the odds of participation were decreased if the federal government led the study (from 0.5 to 0.3) and if compensation was not provided (from 0.7 to 0.5). Additionally, AI students have been found to be more likely to participate in research studies which use CBPR principles, such as bringing funds to the community (Noe at al., 2007; Sahota 2010). These findings reiterate the importance of compensation for participation in research within AI and AN communities.

The existing evidence suggests that monetary compensation for participation in research should be used in AI and AN communities. Monetary compensation, as opposed to incentives, demonstrates respect for the individual community members’ contributions to science and helps ameliorate the logistical difficulties of participating in research. Often, tribal IRBs and councils include compensation as part of their Memorandums Of Understanding with researchers, making it a mandatory condition of research in many communities. Additionally, compensation is a part of the CBPR principles of giving back to the community in a tangible form. It also increases the

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likelihood of AI and AN individuals participating in research studies. Monetary compensation in AI and AN communities should have a purpose, such as a demonstration of respect, or reimbursement for the logistics of participation, and must be negotiated with the tribal IRB or council. However, it should be noted that monetary compensation of individual participants does not relieve researchers of their more general obligation to give back to the AI and AN communities that have allowed the researchers to conduct research with them.

More empirical evidence is needed to fully understand and better guide researchers, tribal councils, and IRBs on the use of compensation or incentives in AI and AN communities. This paper has reviewed the scarce literature on the use of compensation with AI and AN populations and has found a variety of topics that need to be investigated further. The most glaring need for further information revolves around the amount or type of compensation that should be provided to individual AI and AN research participants. Potential research questions include: should compensation be limited to reimbursement for travel to the research site, something that will generally be more arduous for AI and AN participants living in remote locations in Indian Country or Alaska Native Villages, or should a flat compensation amount be offered? If a flat compensation amount is offered, what is the appropriate amount to ensure ethical informed participation in the study and avoid ‘undue inducement’ in tribal communities that may have high levels of poverty? Also, could a form of compensation, other than monetary, be offered, such as food? Other areas of research could include community versus individual compensation and the effect of childcare reimbursement on study participation. Additionally, as Permuth-Wey and Borenstein (2009) argue, compensation for research should be tailored to the population from which study participants are drawn. In AI and AN communities, this means in partnership with tribal councils and IRBs and in keeping with CBPR principles.

Monetary compensation and incentives are a debated but accepted aspect of modern research. They must be undertaken with careful thought and sensitivity, particularly with vulnerable populations. However, when implemented in a non-coercive manner, they can demonstrate respect for research participants, ease the logistical burden of participation in research and increase participation and representativeness in research samples. More empirical research is needed to determine how to appropriately and ethically tailor compensation to tribal communities and members. This article serves as a jumping off point and a call for future research on this topic.

ENDNOTES

1 A practice in which researchers, often literally, fly into communities to interview subjects, take samples or administer surveys and then disappear from the community.

2 The provision of a stipend to respondents is considered vital in achieving meaningful and adequate participation and demonstrates appreciation for the respondents' time. In addition, within many tribal communities, compensation is necessary to obtain permission to conduct surveys and/or interviews with tribal members; without compensation, tribal councils will not grant permissions to do this research with their people/citizens.

WORKS CITED


It’s such a simple thing: Every citizen should have a voice at the table when decisions are made. It’s a powerful notion because no democracy can sustain itself unless all of its people, all of those who have a stake in the outcome, are included.

But that idea remains illusive. And never more important. What does a seat at the table look like? It means more Native Americans win election to office as governors, members of Congress, U.S. Senators, mayors, county commissions, judges, members of state legislatures, and, yes, why not, even the White House. Indian Country deserves more of a voice, both in terms of fairness and as elected representation that’s based on our share of the population. Wait. That’s fairness, too. (Previous: Indian Country wins with more representation in the states.)

Then there are elected offices that we don’t think about, yet are important, and by definition, are that seat at the table. Claudia Kauffman is running for such a job, Commissioner for the Port of Seattle. This is a $650 million a year public business that manages Seattle’s seaport, airport, and a portfolio of real estate. It has its own police and fire departments. Tribes and native people are impacted by port decisions ranging from cleaning up rivers and salmon habitat to regulating oil drilling rigs that berth in Seattle on their way to Arctic waters.

Kauffman is Nez Perce. She is the first Native American woman who was elected to the Washington state Senate a decade ago. (Previous: She Represents: A survey of Native American Women who have been elected to office.) She also works for the Muckleshoot Tribe as the Intergovernmental Affairs Director. One of her tasks in that role is distributing $1.3 million a year to more than 200 local schools, churches and not-for-profit organizations. She’s also been a trustee at The Evergreen State College and on the board of visitors at Antioch College.

Kauffman grew up in Seattle’s Beacon Hill as the youngest of seven children. “I come from a family with a long history of giving back to the community,” Kauffman says on her web site. “A family with strong and well grounded values and connection to our community, our environment, and our future. I will work to bring trust back into government, to provide
leadership in the direction of the Port of Seattle, and bring family wage jobs.”

A couple of years ago Kauffman told the port commission that it could use her perspective as a working mother, a small business owner, and a community leader. “My record of public service includes working closely with state, federal and tribal governments, which I believe, makes my experience unique and beneficial to the Port of Seattle Commission,” she wrote. In the state Senate Kauffman said she worked on transportation, international trade and economic development. “I led the Senate in the successful passage of the MicroEnterprise Development in which we funded training for small business owners … my work with the Muckleshoot Indian Tribe provides critical connections, understanding and perspective.”

In her campaign brochure, Kauffman said she will build on her tribal contacts and strengthen ties with the 29 tribes in the state. Tribes “are large employers,” Kauffman said. “In 2010, they paid $1.3 billion in wages and purchased $2.4 billion in goods and services.”

This will be a challenging race. She’s running for Commissioner Position One, against a well-funded incumbent, John W. Creighton III. Also on the August primary ballot will be Ryan Calkins and Bea Querido-Rico. (This is a non partisan election for voters of King County, Washington.)

Creighton is the longest serving port commissioner and one of the commission’s best fundraisers.

But Kauffman is no stranger to that world. She raised nearly $300,000 in her bid for the Senate and she was one of those candidates who worked incredibly hard knocking on every door at every opportunity. She also has a political organization — a network of people who are willing to work extraordinarily hard to win an election.

This is what a seat at the table looks like.

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#NATIVEVOTE18 – PUEBLO WOMAN. MOM. GOURMET COOK. RUNNER. IT’S TIME TO ADD MEMBER OF CONGRESS TO THAT LIST

Mark Trahant*


Debra Haaland filed paperwork to run for Congress from New Mexico. If elected, she would be the first Native American woman to ever serve in that body. And what makes this news especially cool: This is a winnable seat.

Haaland, a member of Laguna Pueblo, has served the past two years as the state’s Democratic Party chair (where she successfully retired the party’s debts). She has also been a candidate for lieutenant governor and chaired the Laguna Development Corporation and has been a tribal administrator. Her Twitter profile says: “A proud UNM Lobo mom; Pueblo woman;
Marathon runner; Gourmet cook.” She also tweeted: “Thank you for the outpouring of support! Stay tuned for more in the coming weeks … and is using the hashtag, #Deb4Congress and her web site is found at debforcongress.com.

“I’ve spent my life advocating for the underrepresented, advancing progressive values, and working tirelessly to help elect Democrats up and down the ballot,” Haaland said in a statement. “I want to ensure that everyone’s voice is heard, and it would be an honor to be that voice for our communities, our families, and for all of us.”

New Mexico’s First Congressional District includes Albuquerque and the north-central portion of the state. It’s currently represented by Michelle Lujan Grisham, a Democrat, who won with 65 percent of the vote and is now running for governor. The seat is rated “solid” or “safe” for the Democrats by several political reports.

Since this will be an “open” seat there will be a lot of competition. So the test for Haaland will be a primary election in June of next year. That means she will need early campaign money. Rep. Grisham raised $1.8 million for her re-election in 2016, however, the last time a Republican held this seat, former Rep. Heather Wilson, she raised and spent nearly $5 million.

As a former party chair, Haaland should be well-suited to take on the fundraising challenges. She has basically been raising money — albeit for others — for the past two years. She was the first Native American woman to serve as the party chair.

Some history: I looked up the numbers this morning and since 1789 there have been more than 10,000 people elected to Congress. There have been a handful of Native American men, but never a woman. By my count, at least eight Native women have formally made a bid for Congress: Jeanne Givens (Idaho), Ada Deer (Wisconsin), Kalyn Free (Oklahoma), Diane Benson (Alaska), Mary Kim Tita (Arizona), Rep. Wenona Benally (Arizona), Victoria Steele (Arizona) and Denise Juneau (Montana). Perhaps number nine has the winning ticket. (Previous: She Represents: A survey of Native American women who have been elected.)

Then this election cycle is still early. There’s no reason why there won’t be several more Native American women, and men, running as a challenge to the Trump White House.

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WHY RUN? UTAH CANDIDATE CITES STANDING ROCK AS ‘AWAKENING’
#NATIVEVOTE18

Mark Trahant*


James Singer will run for the United States Senate in Utah. He’s the first Native American to run in 2018 elections. Singer is a member of the Navajo Nation. He’s also the first candidate to cite Standing Rock as the answer to the question, “why run?”
“This past year has marked an awakening for Indigenous Peoples,” Singer said on his web site, Singer for Senate. “At the center has been the struggle at Standing Rock, North Dakota against the Dakota Access Pipeline. I was moved to action as I saw my Native sisters and brothers stand against an encroachment which threatened not only their inherent sovereignty, but also their humanity. These water protectors were pummeled with rubber bullets, sprayed with powerful water cannons in freezing temperatures, attacked with dogs, and shot with pepper spray, while bulldozers cleared away sacred land and burial sites so that a pipeline could be pushed through. The love of money by a small, but powerful few, is sickening to the rest of Americans, regardless of political affiliation.”

Singer has already filed his paperwork, but the official announcement will be made at the Glendale Public Library in Salt Lake City on May 2. Singer is from Kearns, Utah, and currently resides in Salt Lake City. He teaches sociology at Westminster College and Salt Lake Community College and is currently in the sociology doctoral program at Utah State University. More about his background here.

According to his web site: “The Singer for Senate campaign stands alone as not only a representation of Native voices in Utah, where James is the first Diné (Navajo) candidate in the state, but also a departure from the grip of establishment politics as a social democrat.”

This is an interesting idea because it raises questions about the next generation and the rise of a new kind of politics. Imagine: Running for office in Utah on the issues of Standing Rock, and therefore climate change, the excesses of capitalism, gender inequality, and “a vision to live more sustainably.”

And 2018 will not be an ordinary election. Even in Utah. Sen. Orrin Hatch has already raised $1.3 million for his re-election effort but he may not run. Hatch is 83 years old.

There have been several other Republicans who are considering campaigns, including former presidential candidate Mitt Romney. It’s also possible that Evan McMullin, a former CIA agent who ran for president as an independent, could run again as a conservative independent.

It’s way too early to say this, but what the heck, a three-way race would be the ideal outcome for Singer because it could split the conservative votes (Utah is one of the reddest states in the country) and open up a path for a different kind of politician.

It’s also true that Utah’s demographics are changing. Recent census data show that nearly four out of every 10 new Utah residents are from a racial or ethnic group. And Salt Lake County, the base of Singer’s candidacy, is 27.4 percent minority (accounting for nearly half of the state’s diversity). Another urban county, Weber, is 22.9 percent minority. (One rural county, San Juan, is 53.4 percent Navajo.)

But to win a Senate seat a candidate must create a much broader coalition. “I have lived in Utah nearly my entire life,” Singer says. “I know our values: We work hard. We want safe communities and to have enough to provide for our families, whatever they look like. We want people to be treated fairly and justly. We want to be able to better our lives. Our hearts ache to see suffering. We have a spirit of service and giving that is unmatched. We want to help those in need and share when we are prospering. There are so many things that we share in common.”

The Singer campaign is asking for small donations of $27 to fund their campaign. (Six
years ago Hatch spent nearly $12 million for his re-election. Hatch has been in office since 1977.)

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SHE REPRESENTS.
A SURVEY OF NATIVE AMERICAN WOMEN WHO’VE BEEN ELECTED

Mark Trahant*

Former Montana State Sen. Carol Juneau once said that she considered state office because that’s where she could make a difference. (She is a member of the Mandan Hidatsa Arikara Tribe but was living in the Blackfeet Nation). The year was 1998. She was first appointed to the legislature to replace a man who left office to take up a seat on the Blackfeet Tribal Council and then she became one of two Native American members of the Montana
House of Representatives. In February of 1999 she made the case to the House Democratic Caucus that Montana’s American Indians ought to have better representation, because tribal people “are citizens of the state of Montana, the same as any other citizens. I’d like to see that Indian people and Indian tribes in Montana aren’t left outside of everything.”

Today Native Montanans are not left out.

The state has the most Native Americans elected as legislators in the country, three members of the Senate and six members of the House. More than that: Montana has elected more women than any other state: Four of the nine legislators.

And though she is not currently in office, Denise Juneau (Carol’s daughter) was the only Native American woman to ever win a state constitutional office, she served two terms as the State Superintendent of Public Instruction, as well as a congressional candidate. The Montana story has a national application, too. A higher percentage of Native American women serve in state legislatures than do women nationally.

Women make up about 25 percent of state legislatures. But a little more than 40 percent of all American Indian and Alaska Native legislators are female. The numbers break down this way: There are at least 67 Native American legislators out of 7,383 seats in 50 states or nearly one percent. (If you think that’s bad: Congress only has Native representation pegged at one-third of one percent.) Of those 67 seats, at least 25 of them are held by Native American women. So another way to look at the data: There are 1,800 legislative seats held by women; that works out to a Native representation of 1.4 percent.
There is still a long way to go to reach parity with the population, but it’s much better than just about any other category in the body politic. For example: A recent report by the Bureau of Indian Affairs shows more than 570 elected tribal leaders and, in that group, just under 25 percent are women.

The Native delegation in Minnesota is eighty percent female; its own caucus. (You could even argue that women are 100 percent of the delegation because the other tribal member in the legislature, Republican Rep. Steve Green, is White Earth Ojibwe, but he rarely champions or mentions tribal issues.)

A recent article in the Minnesota Post was headlined, “Something new for the Minnesota Legislature: A caucus of first Minnesotans.” Rep. Susan Allen, a member of the Rosebud Sioux Tribe, was first elected in a special election. “Before Allen was elected in 2012, only nine legislators in state history who self-identified as American Indian served in the Legislature — all men — and most of them were elected back when Minnesota was still considered a territory,” the Post said.

Allen told the Post: “You can be a part of an institution that is predominantly white and not have to lose your identity. I can be here without having to lose my identity to do it, and previous generations, I don’t think they had that.”

The Post explained several reasons why it’s so important for a legislature to hear from Native American legislators and for those elected representatives to keep an eye out for bills that impact the Native community.

One anecdote in particular was powerful. The Post said Rep. Mary Kunesh-Poden, a Standing Rock descendent, was giving American Indian students a tour of the Capitol. She could see they were overwhelmed. “I said, come back again and again and bring other Natives to the Capitol so that you’re not nervous, so that you’re not intimidated, so that some day you’ll be sitting in this office doing the work that we’re doing,” she said in the Post. “You could almost see the light bulb go off in their head: I could do this?”

Arizona is another state where most of the Native delegation — three out of four — are women. This fits Arizona. Its legislature is third in the nation for the highest percentage of women at nearly 40 percent.

New Mexico is the only state where the male-female balance is 50/50. And five states, Idaho, Kansas, Oregon, Utah and Wyoming, have only a woman representing Native Americans in the legislature. Conversely, Colorado, North Carolina, and North Dakota have only one Native American man serving in the legislature. Alaska (88 percent) and Oklahoma (86 percent) are primarily represented by men. South Dakota has three American Indian men in the legislature and no women.

Idaho’s Rep. Paulette Jordan, Couer d’Alene, is not only the only Native American in the legislature, she’s the only Democrat elected north of Boise. She told the Spokane Spokesman Review: “How can we continue to fight for balance in the state, with the overwhelming odds? That’s part of the beauty of our connection to our ancestors. We know that they’re always walking with us, guiding us and helping us in this lifetime … the fact that we’re still here – we still have the beauty, the inner identity, our connection to everything, to the land, to the earth itself, to our relatives both tribal and non-tribal alike.”
Nearly all of the Native American women who serve in state legislatures are Democrats. 21 out of 25. But it’s also worth mentioning that two of those Republican women are in leadership in Alaska and Hawaii. (Previously: Native Republicans open up a channel for discourse about Indian Country’s issues.)

I don’t have the total numbers for Native Americans elected at the city and county level. Yet. (Early drafts of spreadsheets are at: https://docs.google.com/spreadsheets/d/1MkSBx2D52gwrLWKpp1qlVDHaFtR4fZsoTa0Wh_ZFvtQ/edit?usp=sharing and at: http://hp.myway.com/mytransitguide/TTAB02/index.html?p2=^BNH^sfr000^TTAB02&ptb=0AA141F3-F4E2-4883-A80B-216A5E843EF0&n=7839e645&st=tab. Please do let me know who should be on these lists.)

But this much is clear: Debora Juarez, Blackfeet, currently represents more citizens than any Native woman in America (more than 90,000 people live in her North Seattle district). She was elected to Seattle’s City Council in November of 2015. In an interview with the Tacoma Art Museum she talked about her idea about the role of women: “While men were in charge of external power, women had interior, spiritual, and domestic power. They were the centers of the community.” That’s exactly how she’s approached her job on the council. She’s argued for community services from sidewalks to child care. On Juarez’ blog she reports: “In this budget I advocated for and secured $4.4 million in targeted investments in our community including improvements in human services, construction of sidewalks, and neighborhood planning initiatives. Ultimately, I achieved a 94% success rate for my specific District 5 budget priorities.”

Denise Juneau, of course, is the only Native American woman to hold statewide office (twice). She actually earned thousands of more votes from Montanans than did Barack Obama in 2012. (Previously: Denise Juneau’s eight years of promise.) She had a remarkable run even though last year fell short of being the first Native woman to ever win a seat in Congress.

In addition to Juneau, at least seven Native American women have run for Congress starting in 1988. Jeanne Givens, a Couer d’Alene tribal member in Idaho was the first. Then Ada Deer, Menominee, in Wisconsin, Kalyn Free, Choctaw, in Oklahoma, and Diane Benson, Tlingit, in Alaska, Three Native women have run in Arizona: Mary Kim Titla, White Mountain Apache, Arizona Rep. Wenona Benally, Navajo, and Victoria Steele, Seneca.

It’s so long past the time to erase that phrase, “ever” or for that matter, “the first” when it comes to Native women in office. And I suspect the 2018 elections will be a remarkable opportunity for more Native Americans to win office. It will be a referendum on President Donald J. Trump and his policies.

It’s also worth noting that Native American women have run for the vice presidency three times.

LaDonna Harris, Comanche, was on the ticket with Barry Commoner for the Citizen Party in 1980 (the year of Ronald Reagan’s landslide). This was Bernie Sanders before Bernie Sanders. The party highlighted the structural limits of the Democratic Party and blamed corporate America for the excess. The antidote was people power.

What’s interesting about the campaign now is that Commoner and Harris focused on environmental issues (long before the words global warming or climate change were in public discourse). Get this: The Citizens Party platform cited the role of science in managing complex
environmental challenges.

“As a Comanche woman fighter, I’m proud to be a part of this party,” Harris said. “The traditions of my people have always held to the unity of the oppressed. That is why I want to show that we care about the problems of Chicanos, the Blacks, women, the elderly and the poor.”

Winona LaDuke, White Earth Ojibwe, joined Ralph Nader on the Green Party Ticket in 2000 and again in 2004. When LaDuke announced her candidacy she was asked whether a Native woman from rural Minnesota should even be considered? “I would argue yes,” she said. “In fact, I would question the inverse. Can men of privilege … who do not feel the impact of policies on forests, children or their ability to breast-feed children … actually have the compassion to make policy that is reflective of the interests of others? At this point, I think not.”

*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.

>>>H<<<

**UPDATED NUMBERS:**

**A LOOK AT NATIVE AMERICAN WOMEN ELECTED TO OFFICE**

Mark Traahant*


Good morning.

A quick update. So a reader points out that I really ought to include Debora Juarez in this list (and in the broader review of Native women in office). And it’s a spot on suggestion.

So I have added Juarez and a couple of county commissioners I know about … but there should be more. Please let me know about women serving on city councils, as mayors, county commissions, etc. Montana? South Dakota? Alaska?

Do you know of any Native women who are elected as city and county officials that should be included? Thank you.

I am working on a piece about Native American women who were elected to office at the state (or, I wish, at the federal) level.

This is my spreadsheet. Please take a look and let me know if anyone is missing.

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I have identified 62 American Indian or Alaska Natives in state legislatures — 25 women (40 percent) and 37 men (60 percent). As a comparison, nationally, women make up just under a
quarter of all elected legislative seats. (1,363 members or 24.4 percent). And that means Native American women are 1.834 percent of the women who serve in office.

Also eight Native American women have run for Congress and two have run for the vice presidency.

I am planning a story and an interactive graphic for the weekend. (It’s taking me longer than I planned. I keep getting distracted by the frenetic pace of the Trump administration.

Thanks for any help (or ideas). — Mark

*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.

>>>A<<<

MUSLIMS, NAVAJOS, AND PEACHES

George H. Junne, Jr.*

James S. Calhoun was the first Indian agent in the Territory of New Mexico, accepting the post in 1849. According to his philosophy Navajos were to be tamed, confined, and civilized—or exterminated. He also sanctioned the use of “volunteers” to keep the Indians in line. They were in fact privateers who murdered the Navajos and stole from them. They also sold thousands of Indians from the territory as slaves, making a great deal of profit. Calhoun approved those actions.1 The United states also promoted a policy of dispossession by declaring that Navajos were not utilizing their lands as well as they could.2

It was the campaign against the Navajos that Kit Carson redeveloped an idea for controlling the Indians and ensuring peace. It was to separate the various tribes, removing them from White settlements. That idea, embodied in the Navajo Roundup, was later applied to other Indians and consequently developed into the reservation system.3 Thomas Jefferson first circulated that plan in 1803. It was later advertised as the policy of removal.4

In a letter to Captain Benjamin C. Cutler dated January 24, 1864, the famous Colonel Christopher “Kit” Carson wrote that he ordered all the peach orchards in the Cañon de Chelly to be destroyed by Captain Asa B. Carey. It appeared that neither Carey nor anyone else carried out the order until August when Company K, under the command of Captain John Thompson, destroyed the amazing total of 5,000 peach trees.

A second letter from Carson to Lieutenant Lawrence Gustave Murphy dated January 20 also mentions a large orchard of peach trees spotted on January 12. It was probably the same one referred to in the previous letter. Carson indicated that he could not destroy the orchard then because of the ongoing fighting.5 During August 1864, Captain John Thompson and a small

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5 Kelly, Navajo Roundup, 98–101.
group of soldiers reentered the canyon and surprised Chief Barboncito, later sent to Bosque Redondo reservation in eastern New Mexico. His followers in that area of the canyon were reduced to only five men, one woman, and a child. They had some horses and 1,500 sheep under their control. It was during that time that Thompson destroyed the peach orchards. The troops also found large fields of corn, pumpkins, beans, and wheat. What they did not eat or take they destroyed, including the Navajos’ homes. This paper examines the process of how peaches, an Asian fruit, came to be cultivated by Navajo Indians in the American West. Ironically, the peach symbolized protection from evil, longevity, and immortality in China.

The peach and almond may have derived from the same plant in central Asia. Peaches, a stone-fruit, grows best in the warm areas of the temperate climate zone that also has a period of winter chilling. The “queen of fruits” that gives us pleasure for its sweetness also has a seed that contains a high amount of deadly prussic acid. This member of the rose family (Rosaceae) began to evolve in the eastern part of western China. Incidentally, the almond began to evolve in the western part of the same area. Support for the peach’s Chinese origin comes from studies of the distribution of closely related wild species of peaches that grow only there, plus the study of writings from early Chinese, Indian, and Fertile Crescent sources. Chinese writings from 4,000 years ago mention the peach and most varieties are known from that country. It appears that peaches were domesticated in China before its cultivation further west.

The Latin name for the domesticated peach (Prunus persica), preceded the rather recent botanical classification for fruit and provides its Roman source—Iran. During China’s Han Dynasty (207 B.C.—A.D. 220) there was a deliberate exchange of animal and plant life with Iran by the second century B.C., and perhaps earlier. Since the Greeks seemed not to have cultivated the peach, the Romans probably imported the fruit directly from Iran.

Arboriculture began in the Middle East where inhabitants there developed and introduced new varieties of fruit. Records from Sumer, a southern division of ancient Babylon, mentioned peach trees. Previously, fruits were gathered wild. One reason suspected for their domestication may have been the discovery that peaches could be processed into alcoholic beverages. The peach seemed to have been cultivated in Italy during the early first century A.D. During the life of Pliny (A.D. 23—A.D. 79) the French had already developed a Gallic variety. The peach spread over western Europe as far north as England and Germany, and during the sixteenth century, it was carried to North America. The fruit was eventually taken to Australia, South Africa, and Central America.

During the life of Muhammad the Prophet (c. 570–632) the Meccan trade was expanding. Cities such as Medina and Ta’if were part of that expansion as well as countries such as Syria, Egypt, Yemen and Medina whose citizens had to import almost all of their food. The burgeoning Muslim communities were very familiar with peaches.

6 Ibid., 161.
7 Trafzer, The Kit Carson Campaign, 87.
8 Jonathan D. Sauer, Historical Geography of Crop Plants: A Select Roster (Boca Raton, LA: CRC Press, 1993), 117.
10 James F. Hancock, Plant Evolution and the Origin of Crop Species (Englewood Cliffs, NJ: Prentice Hall, 1992), 266.
13 Patricia Crone, Meccan Trade and the Rise of Islam (Princeton, NJ:
The Moors, those Muslims primarily from North Africa, gave Spain mastery in agriculture, engineering, mining, industry, manufacturing, expanded commerce, beautiful architecture, education, and scholarship. The Moors brought in rice, strawberries, cotton, sugar cane, ginger, lemons, and dates during their 700 year tenure. Additionally, they introduced scholarly works on agriculture and animal husbandry. One of their works on agriculture was still being translated into Spanish until the year 1802.

Muslims share direct responsibility for Spanish explorations and therefore, for the Spanish bringing peaches to the New World. Spanish Franciscans believed the end of the world was imminent and even Columbus believed it would occur by the mid-1600’s. Some Spaniards believed that God gave Spain the task of saving the world for Christianity before the apocalypse. That salvation was to have been a triumph over Judaism and Islam specifically. The goal of Columbus’ voyages and those of other Spanish explorers was “winning the worldwide religious and political hegemony of Christendom, thereby preparing the world for the anticipated drama of The End Time.” Columbus and others believed that only with the completion of his first voyage could the Gospel be preached to the nations across the seas and the heathens be converted.

Changes in fauna and flora in the New Spain (Mexico) could have been noticed in Mexico a hundred years after European contact, as new plants and animals would have intermixed with native plants and animals. Spaniards could be served with fresh fruits and vegetables they ate in Spain. They raised pigs, sheep, goats, burros, and cattle with horses. There were now thousands of horses, an animal that evolved in the New World, died out after spreading into Europe, and were re-introduced by the Spaniards after an absence of over ten thousand years. From Europe and Africa the Spaniards also introduced wheat, pears, oranges, lemon trees, chick-peas, grape vines, melons, onions, radishes, and peaches. Spanish priests carried peach seeds with them as they marched and rode throughout Spain’s new empire.

Adaptable and very variable, *P. persica*, taken to North America in the sixteenth century, was so widely planted by the Red Indians as well as by colonists that in the seventeenth century, finding it growing in numbers and very flourishing in places where no white man had been before, some explorers assumed the peach to be a native American plant.

Cristoforo Colombo or in Spain, Cristóbal Colón, probably brought peach seeds to the New World on his second voyage. He came with seventeen ships carrying lemon and orange trees, wheat, barley grapevines, and other seeds. Spaniards began planting peaches in the New World but their efforts were not particularly successful until they began planting the seeds in Mexico, the Andes, Chile, and North America.

Specifically, the Spaniards bought the peaches to Mexico and Florida. The Indians liked the fruit so well that before the founding of the Jamestown colony Indians had already cultivated peach orchards from Texas and Arkansas eastward. Early American botanists saw so many wild peach trees that they believed it to be an American plant. What they saw were the results of

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15 Hyams, Plants in the Service of Man, 27.

16 Sauer, Crop Plants, 116.
peaches that had “escaped” from their Indian growers. Wild peaches in the South received the nickname of “Indian peaches,” recognizing the association of that group to the plant.17

A second source of peaches in what is now the southern United States came from the French. Twenty-three years after Hernando de Soto explored Florida, French Huguenots settled there between 1562 and 1564. The Huguenots brought tools and seeds with them and some of the fruits and vegetables found their way into the gardens of Indians. Spaniards under Pedro Menéndez destroyed their colony in 1565 and established St. Augustine. 18 They built missions and planted peaches in their gardens. When Oglethorpe brought his British colony to Georgia in 1733, he found abandoned plantations of olives, figs, oranges, and lemons. He also found Indians growing peaches that must have come from Spanish and French colonists who planted them before 1600.19 As Spanish missions spread to California, various people noted the associated spread of peach trees that reached the west coast before 1800.

When Peter Stuyvesant arrived in New Amsterdam on May 10, 1647, he proceeded to build an estate that included peach trees.20 Peaches were at the bottom of the Massacre of 1655 in that colony. Hendrick Van Dyck, a town official, kept an orchard of peaches that local Indians kept picking. The town burgher one evening saw an Indian doing so, sighted his musket on her and killed her. The next evening in retaliation 900 warriors slaughtered and carried off 200 settlers. They destroyed homes not only in New Amsterdam but also on Long Island, Staten Island, and in New Jersey. Tensions remained high in that area for several years between colonists and Indians over the death of a woman and peach trees.21

Further south the Pennsylvania Dutch developed a process for drying peaches. Often called “peach leather,” the product lasted indefinitely.22 After the Revolutionary War, citizens of Delaware and Maryland began growing peaches on a large scale. Most of the 20,000 trees in Maryland’s Anne Arundel County were grown to make peach brandy.23 Indians in Louisiana began making peach wine by 1699.24

The Cañyon de Chelly, where U.S. government troops destroyed the Navajo peach groves, had been continuously inhabited from approximately A.D. 400 to A.D. 1287. Its description follows:

The geological formation known as the Cañyon de Chelly has three branches, or better, is composed of one main cañyon, the Cañyon de Chelly proper which extends from west to east, and two tributary cañyons, one to the north and one to the south. About four miles east of the western entrance to the main cañyon, the Cañyon de Muerto extends northeasterly about eighteen miles. About fourteen miles from the western entrance is the entrance to Monument Cañyon, which extends some fifteen miles to the southeast.25

18 Ibid., 118.
19 Ibid., 119.
20 Ibid., 54.
21 Ibid., 57.
22 Ibid., 79.
23 Ibid., 232.
24 Sauer, Crop Plants, 117.
25 Kelly, Navajo Roundup, 102.
Therefore, it appears that the Navajos have been farmers since the beginning of their history, as evidenced in archaeological digs. The word “De Chelly” appears to be a Spanish corruption of the Navajo “Iseghi,” meaning “between the rocks” and hence, a canyon. The canyon’s depth ranges from 50-feet to 1,000-feet, making it not only a perfect place to plant peaches, but also gave the Navajos protection and the ability to see over long distances.

Indians knew the canyon for its rich garden patches of corn, beans, and squash that grew there. The stream running through its twenty-plus miles of canyon was usually dry in the summer, but the first farming inhabitants, the Basket Weavers, developed methods to irrigate their crops. Solar radiation from the black and red sandstone walls created a greenhouse effect that is conducive to agricultural production. Storage bins the Basket Weavers wove are still in evidence. Peaches need between 500 and 1000 hours of cold below 7˚ Celsius (44.6˚ F.) to bloom normally in the spring, plus they need a temperate climate without severe winters. Where there is little rainfall, the trees must be regularly irrigated.

The Navajo Jemez clan moved in the Cañyon de Chelly during the 1680 Pueblo rebellion and settled there. Besides its agriculture, it became a place known for its beautiful women whom other Navajos stole as brides. After the Navajos established themselves the Hopi moved in following the killing of their Catholic priests. They brought with them peach seeds given them by the priests. Soon afterward, the Navajos, formerly a nonagricultural group, began growing peach trees. When the Hopi left the Cañyon de Chelly, the Navajos continued to flourish there.

After the Hopi vacated the Cañyon de Chelly, the Navajos still traded with them for most of their peach supply because they could only grow a limited amount in the canyon. The Navajos named the cultivated peach Titzétshoh, which means “plant which has a big fruit.” They also dried the fruit for use as a purgative and made a yellow dye from the leaves. Peaches were also cultivated in branches of the Cañyon de Chelly including Canyon Del Muerto. Many of the animals and crops currently raised or grown by the Pueblo Indians were not known until contact with the Spanish. They include horses, burros, cattle, sheep, goats, wheat, apples, and peaches.

Encroachment upon Navajo lands plus other policies to destroy their way of life increased in 1846 when the United States ousted Mexican forces in New Mexico, taking over the territory and making it an official part of the U.S. in 1848 with the signing of the Treaty of Guadalupe Hidalgo. In 1863, 8,000 Navajos and Apaches were forced on the 300-mile “Long Walk” to the Bosque Redondo (Fort Sumner) in eastern New Mexico.

The stated purpose for the forced removal was to teach the Navajo sedentary and agricultural lifestyles. However, by 1868, the “experiment” was proven to be a failure, so a new treaty was
made that established the Navajo Reservation and the people were permitted to return to a portion of their former lands. Some interpret the failure as another example of resistance to American expansion.

According to military records from 1864 that were recently located in the National Archives, in August 1864 the military cut down over 3,000 peach trees in the Canyon de Chelly. Afterwards, another contingent of military destroyed 1,000 more, supposedly ending the Navajo expanding roles as orchardists. When the Navajo returned to the Canyon de Chelly in 1868, however, they found trees that the military had not located and destroyed and by 1880s, “the orchards were fully re-established.”

In more recent times, there are still peach orchards in the Cañon de Chelly and adjacent areas, numbering from only a few trees per orchard to over twenty-five. They were usually located near homesteads in areas used to cultivate other crops. The fruit, mostly clingstone peaches, are harvested from September into October and are consumed almost immediately, but some are sun-dried for future use. Although not a major source of revenue such as cattle-raising, minerals and other business ventures, the peach remains an integral part of Navajo history and culture.

BIBLIOGRAPHY


Elmore, Francis H. *Ethnobotany of the Navajo*. A Monograph of New Mexico and the School of American Research, no. 8. Santa Fe, New Mexico, 1944.


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Economic and Social Council

Official Records, 2017 Supplement No. 23

Permanent Forum on Indigenous Issues

Report on the sixteenth session (24 April-5 May 2017)

E/2017/43-E/C.19/2017/11

United Nations • New York, 2017

Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document. [Most of these symbols were lost in reproducing this document, and some other changes may have occurred in the process]

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*George H. Junne, Jr. is in the Africana Studies Department at the University of Northern Colorado.
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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft decisions recommended by the Permanent Forum for adoption by the Council

1. The Permanent Forum on Indigenous Issues recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I
International expert group meeting on the theme “Sustainable development in territories of indigenous peoples”

The Economic and Social Council decides to authorize a three-day international expert group meeting on the theme “Sustainable development in territories of indigenous peoples”.

Draft decision II
Venue and dates for the seventeenth session of the Permanent Forum on Indigenous Issues

The Economic and Social Council decides that the seventeenth session of the Permanent Forum on Indigenous Issues shall be held at United Nations Headquarters from 16 to 27 April 2018.

Draft decision III
Report of the Permanent Forum on Indigenous Issues on its sixteenth session and provisional agenda for its seventeenth session

The Economic and Social Council

(a) Takes note of the report of the Permanent Forum on Indigenous Issues sixteenth session.

(b) Approves the provisional agenda for the seventeenth session of the Permanent Forum as set out below:

   1. Election of officers.
   2. Adoption of the agenda and organization of work.
   3. Follow-up to the recommendations of the Permanent Forum.
   5. Dialogue with indigenous peoples.
   6. Dialogue with Member States.
   7. Dialogue with the funds, programmes and specialized agencies of the United Nations system.
   8. Discussion on the theme “Indigenous peoples’ collective rights to lands, territories and resources”.
   9. 2030 Agenda for Sustainable Development.
   11. Follow-up to the outcome document of the World Conference on Indigenous Peoples:
       1. (a) Implementation of national action plans, strategies and other measures;
2. (b) Ways to enhance the participation of indigenous peoples at the United Nations;  
3. (c) Implementation of the United Nations system-wide action plan on indigenous peoples.  
12. Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues.  
13. Provisional agenda for the eighteenth session.  
14. Adoption of the report of the Permanent Forum on its seventeenth session.  

B. Matters brought to the attention of the Economic and Social Council  

2. The Permanent Forum on Indigenous Issues has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Economic and Social Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.  
3. It is the understanding of the secretariat of the Permanent Forum that those proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent possible within the context of the approved programme of work of the relevant entities.  

Recommendations of the Permanent Forum  

Discussion on the theme “Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration”  

4. The United Nations Declaration on the Rights of Indigenous Peoples is the most comprehensive international instrument on the rights of indigenous peoples. It establishes a universal framework of minimum standards for the survival, dignity and well-being of indigenous peoples, elaborates on existing human rights instruments and clarifies how they apply to the specific situations of indigenous peoples.  
5. Collective rights to lands, territories and resources and the right to self-determination, as recognized in articles 3 and 26, are among the most important provisions of the Declaration and the most challenging to implement. Legal recognition of indigenous peoples’ rights to lands, territories and resources must be complemented by effective implementation through enabling legislation, executive action and judicial protection. It is also critical that legislation enacted to establish recognition of indigenous peoples’ rights not be undermined or contravened by other laws and regulations.  
6. The implementation of the Declaration has achieved some major successes. Constitutional and legislative frameworks that recognize indigenous peoples, including targeted policies and programmes, have been developed in some countries, and there is a growing body of national and regional jurisprudence that recognizes the legal rights of indigenous peoples.  
7. The funds, programmes and specialized agencies of the United Nations system, including the International Fund for Agricultural Development, the International Labour Organization (ILO), the Food and Agriculture Organization of the United Nations, the United Nations Development Programme, the United Nations Environment Programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Office of the United Nations High Commissioner for Human Rights, have also taken action to advance the implementation of the Declaration through their own frameworks, country dialogues and the system-wide action plan for ensuring a coherent approach to achieving the ends of the Declaration.  
8. At the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in 2014, States committed themselves to taking concrete action to achieve the ends of the Declaration. The process for the World Conference constituted in itself a good practice of partnership between indigenous peoples and Member States working together to identify gains and priorities for future action. The efforts of the Assembly to enable the enhanced participation of indigenous peoples at the United Nations represents a continuation of that good practice. Of particular importance, as reflected in the outcome document, are the commitments made by States, in cooperation with indigenous peoples, to implement national action plans, strategies and other measures and to take legislative, policy and/or administrative measures to achieve the ends of the Declaration.  
9. Notwithstanding the progress made in implementing the Declaration over the past decade, the Permanent Forum is concerned about a gap between the formal recognition of indigenous peoples’ rights and their implementation in
practice. Indigenous peoples continue to face exclusion, marginalization and major challenges to enjoying their basic rights. Ten years after the adoption of the Declaration, the usurpation of indigenous peoples’ lands and resources continues at an alarming rate and threats and violence against indigenous peoples who defend their territories, rights and livelihoods have increased dramatically. The Forum is also concerned about the continued refusal of some States to recognize the existence of indigenous peoples, and that free, prior and informed consent is rarely, if ever, obtained from communities for projects and legislation that affect them.

10. The Permanent Forum welcomes the organization of the high-level event of the General Assembly to mark the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, held at United Nations Headquarters in New York on 25 April 2017, with the participation of the mechanisms specific to indigenous peoples, namely the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples, and of representatives of the seven sociocultural regions.

11. The Permanent Forum urges Member States, in their regular reporting to the United Nations human rights treaty bodies and, in particular, to the Human Rights Council through the universal periodic review, to include the actions taken to implement the recommendations made by the Special Rapporteur on the rights of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues.

12. The Permanent Forum urges all States to substantially increase the human, financial and technical resources made available to implement the Declaration, in accordance with article 39 thereof, and to overcome the remaining gaps between the formal recognition of indigenous peoples and the implementation of their rights.


14. The Permanent Forum encourages Member States with bilateral development agencies to enact, in accordance with the Declaration, policies that ensure the inclusion of indigenous peoples as partners in the development process, with a meaningful role in the design, implementation, monitoring and evaluation of all projects that affect their territories, rights and livelihoods.

15. The Permanent Forum urges the funds, programmes and agencies of the United Nations system to cooperate with States and indigenous peoples in the development and implementation of national action plans, strategies and other measures that aim to achieve the ends of the Declaration, including by providing support for the advancement and adjudication of the collective rights of indigenous peoples to their lands, territories and resources.

16. The Permanent Forum encourages resident coordinators and United Nations country teams to ensure the full and effective participation of indigenous peoples, including indigenous women and youth, in the preparation of the United Nations Development Assistance Frameworks and country programme action plans.

17. The Permanent Forum recommends to ILO and its Governing Body that a technical expert meeting be organized to consider the drafting of a recommendation to supplement the Indigenous and Tribal Peoples Convention.

Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples

18. Fulfilling the objectives of the United Nations Declaration on the Rights of Indigenous Peoples requires continuous follow-up, monitoring and observation of the six mandated areas. The sixteenth session attracted speakers from among Governments, national human rights institutions, intergovernmental organizations and indigenous peoples. From the interventions presented, the Permanent Forum is concerned that not enough is being done to improve indigenous peoples’ rights in the areas of health, education, human rights, economic and social development, environment and culture.

Human rights

19. The Permanent Forum welcomes the adoption of the American Declaration on the Rights of Indigenous Peoples by the Organization of American States on 15 June 2016. The Forum calls upon States to implement the American Declaration in order to advance the rights of indigenous peoples in accordance with the United Nations Declaration
20. The Permanent Forum appreciates the participation and active input of national and regional human rights institutions at its sixteenth session, encourages

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studies and reports by the national human rights institutions in the promotion and protection of indigenous rights and invites those institutions to present their reports and studies in future sessions.

21. Notwithstanding the developments in international human rights standards, indigenous peoples continue to face denial of their most basic human rights, including the right to self-determination. The Permanent Forum notes the affirmation that the rights of indigenous peoples are a matter of international concern and that the United Nations has an important role to play in the promotion and protection of their rights, as stated in articles 19 and 20 of the Declaration. The Permanent Forum remains committed to promoting respect for, and the full application of, the provisions of the Declaration and to following up on its effectiveness.

22. Recalling the recommendations made by the Special Rapporteur appointed to undertake a study on the status of implementation of the Chittagong Hill Tracts Accord of 1997 (E/C.19/2011/6, sect. VIII), and given that the situation of the indigenous peoples of the Chittagong Hill Tracts remains a matter of concern, the Forum encourages the Government of Bangladesh to allocate sufficient human and financial resources and set a time frame for the full implementation of the Accord.

23. The Permanent Forum calls upon the Government of the United States of America to comply with the provisions recognized in the Declaration and to ensure the rights of the Great Sioux Nation to participate in decision-making, as set out in article 19 of the Declaration, given that the construction of the Dakota access pipeline will affect their rights, lives and territory. Furthermore, the Forum recommends that the Government of the United States initiate an investigation of alleged human rights abuses by private security and law enforcement officers that occurred during protests to prevent construction of the pipeline.

24. The Permanent Forum takes note of the Deatnu (Tana/Teno) river fishing agreement between the Governments of Finland and Norway that was adopted by their respective Parliaments in March 2017. The Sami Parliaments of Finland and Norway have informed the Forum that the agreement was adopted without the free, prior and informed consent of the Sami. The Forum requests the Governments of Finland and Norway to renegotiate the agreement with the full and effective participation of Sami rights holders.

25. The Permanent Forum urges Colombia to promote and guarantee the rights of indigenous peoples in the development of the regulatory framework of the Colombian peace agreement and to ensure that a process of free, prior and informed consent is established for the implementation of the “ethnic chapter” of the agreement with their full and effective participation.

26. The Permanent Forum recommends that the United Nations Multidimensional Integrated Stabilization Mission in Mali, the African Union and the European Union establish special mechanisms for the protection of indigenous peoples in areas of conflict and high insecurity in the countries of the Sahel and Sahara region, in particular Tuaregs in Mali and Libya.

27. The Permanent Forum continues to hear numerous accounts from indigenous peoples who are threatened by alien commercial ventures, militarization and administrative decisions that interfere with their governance over their lands, territories and resources and ultimately inhibit their capacity for sustainable development and well-being for future generations. The Forum strongly recommends that such disputes be considered in accordance with article 27 of the United Nations Declaration on the Rights of Indigenous Peoples and paragraph 21 of the outcome document of the World Conference on Indigenous Peoples, ensuring that a mechanism exists that provides for fair, independent, impartial, open and
transparent adjudication. Any mechanism established for adjudication of disputes over indigenous peoples’ lands, territories and resources should be agreed upon between States and indigenous peoples.

Economic and social development

28. Recalling article 32 of the Declaration, which recognizes 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”, the Permanent Forum urges the African Development Bank, the European Investment Bank and the Nordic Investment Bank to develop and adopt policies on indigenous peoples on the basis of the Declaration, to ensure that the programmes and projects for which they provide support respect, promote and protect the rights of indigenous peoples.

29. The Permanent Forum welcomes the progress made in the development of community-based tools to monitor the implementation of the Declaration, the outcome document of the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development and encourages collaboration and contributions from Governments, the agencies of the United Nations system, indigenous peoples and civil society organizations to the Indigenous Navigator framework and other tools in order to strengthen community-based monitoring of global commitments made under the Declaration, the World Conference and the Sustainable Development Goals.

30. The Permanent Forum is concerned about the recent grant by the World Bank of a waiver to its indigenous peoples policy (operational policy 4.10) and requests that the World Bank ensure that waivers will not be used in the future. Furthermore, the Forum requests that the Bank conduct a review of the impact on indigenous peoples of the waiver issued to the Southern Agricultural Growth Corridor of Tanzania Programme and present its findings to the Forum.


32. The Permanent Forum notes the work of the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean (FILAC) as a regional mechanism to provide support to indigenous peoples. The Forum encourages Member States to strengthen the institutional framework of FILAC and to create similar bodies in other regions of the world.

Environment

33. The Permanent Forum has made a number of recommendations, in particular at its seventh and ninth sessions, on conservation and human rights, which to date remain largely unimplemented. Particular attention has been given by the Forum to the critical issue of free, prior and informed consent of indigenous peoples in establishing and managing any protected area that affects their territories, livelihoods and resources. Those recommendations should be implemented urgently, considering the continued infliction of human rights violations on indigenous peoples in relation to conservation measures.

34. The Permanent Forum urges the Government of Kenya to recognize and formally protect the land and resource rights of the Ogiek and Sengwer peoples in line with the Constitution of Kenya, the Community Land Act of 2016 and other
relevant laws, before moving ahead with planned conservation efforts in the Cherangany Hills.

35. The Permanent Forum urges the International Union for Conservation of Nature to establish a task force on conservation and human rights to work with indigenous peoples’ communities and organizations to clearly articulate the rights of indigenous peoples in the context of conservation initiatives and to continue to promote grievance mechanisms and avenues for redress in the context of conservation action, including the Whakatane Mechanism. The Forum invites the Union to report on progress made in the implementation of these recommendations in future sessions.

36. The Permanent Forum recommends that States develop laws and policies to ensure the recognition, continued vitality and protection from misappropriation of indigenous traditional knowledge.

37. The Permanent Forum calls upon Member States to start the work, in the context of the United Nations Convention on the Law of the Sea, of creating a place and a voice for indigenous peoples in the governance of the world’s oceans. This effort involves the participation of indigenous peoples in all aspects of the work and decision-making regarding the Convention on the Law of the Sea, including the environmental provisions and the delimitation of the continental shelf. It may also include establishing advisory committees of indigenous peoples to guide the work under the Convention, as has been done under the Convention on Biological Diversity.

38. The Permanent Forum calls upon the United Nations bodies and Member States to ensure that indigenous peoples have a voice equal to States in the development of and negotiations on the international agreement to address marine biodiversity in areas beyond national jurisdiction. States and the United Nations should guarantee that the agreement upholds and respects indigenous peoples’ role in governing the oceans and the rights set out in the United Nations Declaration on the Rights of Indigenous Peoples.

Culture

39. The Permanent Forum encourages States to continue cooperating with indigenous peoples to develop fair, transparent and effective mechanisms for the repatriation of ceremonial objects and human remains, at the national and international levels.

Education

40. Recalling article 14 of the Declaration and the recommendation made by the Permanent Forum at its third session, the Forum urges Member States to adopt and fully implement comprehensive national indigenous education policies and bring into practice the education of indigenous languages teachers in accordance with indigenous peoples’ initiatives.

41. Recalling paragraph 86 of its report on its eighth session (E/2009/43- E/C.19/2009/14), the Permanent Forum urges public and private education institutions to provide permanent positions for indigenous teachers and to establish scholarships designated exclusively for indigenous students.

Health

42. The Permanent Forum recommends that the Joint United Nations Programme on HIV/AIDS, in collaboration with the United Nations Population Fund (UNFPA) and the Inter-Agency Support Group on Indigenous Peoples’ Issues, sponsor an expert group meeting on HIV/AIDS by 2019, which would include the full and effective participation of indigenous peoples living with and affected by HIV/AIDS, to analyse the sociocultural and economic determinants of health for HIV/AIDS prevention, care and treatment in indigenous communities, with the Forum’s collaboration, in order to ensure the realization of target 3.3 of the Sustainable Development Goals.

43. The Permanent Forum recommends that States collaborate with indigenous peoples to ensure adequate resources to design and fully implement HIV/AIDS and hepatitis B and C programmes that address the social, economic and cultural determinants of health for HIV prevention, care and treatment in indigenous populations, in particular indigenous women and youth.

44. The Permanent Forum invites UNFPA, in collaboration with the Forum, to identify good practices of culturally appropriate intervention models from its work in developing countries that provide support to indigenous peoples, in
particular women and girls, in exercising their health and reproductive rights, and to report to the Forum on those models by 2018.

45. The Permanent Forum recognizes the efforts made by UNFPA, the United Nations Children’s Fund and UN-Women and recommends that they continue to make efforts to implement the recommendation made by the Forum at its fifteenth session to develop a fact sheet on maternal and child health in indigenous communities (E/2016/43-E/C.19/2016/11, para. 38) and present the fact sheet to the Forum by 2018, so as to provide support for target 3.7 of the Sustainable Development Goals.

46. On the basis of the Permanent Forum’s continued concern about the impact of environmental toxins and the export and import of banned pesticides on the reproductive health of indigenous women and girls, the Forum reaffirms its call, contained in its report on its thirteenth session, for a legal review of the United Nations chemical conventions, in particular the Rotterdam Convention, to ensure that they are in conformity with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities (E/2014/43-E/C.19/2014/11, para. 16; see also E/C.19/2014/8, para. 62). The Forum recommends that the Convention on the Rights of the Child, in particular article 24, and its recognition of environmental health as a right protected under the Convention also be considered in the legal review. The Forum invites the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to carry out a review within his mandated area of expertise and to present his conclusions to the Forum at its seventeenth session.

Follow-up to the recommendations of the Permanent Forum Empowerment of indigenous women

47. The Permanent Forum will continue to play a key role in the empowerment of indigenous women and to provide a platform in which States, the United Nations system and indigenous women evaluate the progress made and the challenges that remain to overcome the marginalization and exclusion of indigenous women.

48. The Permanent Forum urges States to cooperate with indigenous peoples to prevent and eliminate all forms of violence and discrimination against indigenous women, children, youth, older persons and persons with disabilities and to provide support for measures aimed at ensuring their full and effective participation in decision-making processes at all levels and at eliminating structural and legal barriers to their full, equal and effective participation in political, economic, social and cultural life.

49. The Permanent Forum urges States to expand opportunities to enable indigenous women to participate actively in the political life of the country in which they live. The Forum also urges States to ensure the safety of indigenous women who are defending the rights of their peoples and territories and to prosecute those persons involved in incidents of violence against them.

50. The Permanent Forum welcomes the consideration of the empowerment of indigenous women as the focus area of the Commission on the Status of Women at its sixty-first session and urges Governments to report on efforts made to fully implement Commission resolution 49/7, entitled “Indigenous women: beyond the 10-year review of the Beijing Declaration and Platform for Action”, and its resolution 56/4, entitled “Indigenous women: key actors in poverty and hunger eradication”.

51. The Permanent Forum reiterates the need for the implementation of its recommendation, contained in paragraph 12 of its report on its third session E/2004/43-E/C.19/2004/23), relating to the situation of indigenous women migrants. The Forum invites ILO to coordinate with other appropriate agencies, in cooperation with indigenous women’s organizations, to prepare a report on the situation of indigenous women with regard to informal work, migration and working conditions, for submission to the Forum at its eighteenth session.

52. The Permanent Forum recommends that ILO, in collaboration with UNFPA and other relevant United Nations agencies, prepare a study on access to the labour market by and labour conditions of indigenous women and youth
and the challenges, barriers and stereotypes that may affect their professional development, for submission to the Forum at its eighteenth session.

53. The Permanent Forum continues to raise region-specific concerns about the adverse impact of climate change on indigenous communities (see E/2011/43- E/C.19/2011/14, para. 30) and invites the secretariat of the United Nations Framework Convention on Climate Change to prepare a study on the impact of climate change on indigenous women, for submission to the Forum at its eighteenth session.

54. The Permanent Forum welcomes efforts made by UN-Women, in the preparation of the first global report on indigenous women and girls, to highlight progress in the implementation of the United Nations Declaration on the Rights of Indigenous Peoples and prospects for the implementation of the Sustainable Development Goals as they relate to indigenous women and girls, including in matters related to informal work, migration and working conditions. The Forum recommends that UN-Women continue this work in close cooperation with indigenous women’s organizations.

Indigenous youth

55. The Permanent Forum has, in recent years, expressed considerable concern regarding the situation of indigenous youth and the lack of disaggregated data thereon. In 2016, the Forum decided to include a recurring item on indigenous youth in the agenda of its annual sessions and has issued several youth-specific recommendations. The Forum welcomes the progress made and encourages further action by indigenous organizations and youth, as well as by members of the United Nations Inter-Agency Network on Youth Development and the Inter-Agency Support Group on Indigenous Peoples’ Issues, in implementing those recommendations.

56. The Permanent Forum recommends that indigenous peoples’ organizations, as well as the United Nations entities in the Inter-Agency Network on Youth Development and the Inter-Agency Support Group on Indigenous Peoples’ Issues, consult indigenous youth-led organizations in order to include issues pertaining to indigenous youth in their work at the local, national, regional and global levels.

57. The Permanent Forum calls upon the Economic and Social Council, including its youth forum, the high-level political forum on sustainable development, the Commission on the Status of Women and the Commission for Social Development, as well as other relevant United Nations forums, to include representatives of indigenous youth-led organizations in their meetings.

58. The Permanent Forum recommends that States provide financial support to the United Nations Voluntary Fund for Indigenous Peoples to facilitate the participation of indigenous youth in key United Nations meetings and processes most relevant to indigenous issues.

59. The Permanent Forum notes the organization of preparatory meetings for indigenous youth for its sixteenth session, including the Global Indigenous Youth Caucus meeting hosted by the Food and Agriculture Organization of the United Nations (FAO). The Forum recommends that this practice be scaled up in 2018, with representative participation of indigenous youth through indigenous peoples’ organizations from all regions, and invites FAO to report on progress achieved to the Forum at its seventeenth session.

60. The Permanent Forum notes the initiative of the Pan American Health Organization/World Health Organization (PAHO/WHO) to develop a new health plan for indigenous youth in Latin America and invites PAHO/WHO to report on progress achieved in implementing the plan to the Forum at its seventeenth session.

Dialogues with indigenous peoples, Member States and the funds, programmes and specialized agencies of the United Nations system

61. The Permanent Forum conducted three focused, interactive dialogue sessions with indigenous peoples, Member States and the funds, programmes and specialized agencies of the United Nations system. The Forum welcomes such dialogues as an opportunity to better understand the concerns of indigenous peoples and Member States and the mandate of the funds, programmes and specialized agencies. Such dialogues also provide an opportunity to focus on specific issues and identify ways to increase the effectiveness of the work of the Forum.

Dialogue with indigenous peoples
62. The dialogue with indigenous peoples included discussions on a number of topics, including the assessment of the implementation of the United Nations Declaration on the Rights of Indigenous People on its tenth anniversary; the follow-up to the World Conference on Indigenous Peoples, in particular the development and implementation of national action plans and the establishment of guidelines for free, prior and informed consent; and the need for effective engagement of indigenous peoples in the 2030 Agenda.

Dialogue with Member States

63. The expert members of the Permanent Forum continued the practice of having an interactive dialogue with Member States in a closed meeting.

64. There were nine items listed for discussion, grouped under two headings. The first heading was “follow-up to the outcome document of the World Conference on Indigenous Peoples”. It included the following five items: (a) forms of cooperation and partnership at the State level; (b) status of indigenous peoples; (c) national action plans; (d) mechanisms addressing lands, territories and resources; and (e) indigenous peoples’ development and self-determination.

65. The foregoing items were linked to specific actions identified in the outcome document of the World Conference on Indigenous Peoples. They enabled the expert members to gauge the extent to which actions had been carried out and to encourage the sharing of experiences and ideas. A number of Member States spoke of their arrangements and achievements. The time available was used constructively by Member States and provided an opportunity for expert members to raise questions and consider the replies to them. The expert members consider that these and other items should be discussed at the next session and Member States are encouraged to prepare for the dialogue.

66. The second heading for the dialogue was “indigenous peoples’ issues at the United Nations”. It included the following four items: (a) free, prior and informed consent; (b) the role of the Permanent Forum on Indigenous Issues; (c) remedy and reconciliation; and (d) indigenous peoples in the United Nations system. The time available led to pertinent feedback to assist the expert members with matters regarding the organization and procedures of the Forum and the important topic of accreditation of indigenous peoples to the United Nations.

Dialogue with the funds, programmes and specialized agencies of the United Nations system

67. The Permanent Forum welcomes the constructive dialogue with the United Nations funds, programmes and specialized agencies of the United Nations system, in addition to the information provided about the initial results obtained in terms of the implementation of the system-wide action plan on the rights of indigenous peoples since its launch at the fifteenth session of the Forum, in 2016. In particular, the Forum welcomes the development of joint programming and activities by United Nations entities and activities conducted at the country level under the six action areas of the action plan.

68. The Permanent Forum urges the funds, programmes and specialized agencies to have a special focus on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the system-wide action plan in a few designated countries in 2017 and 2018 and led by the United Nations resident coordinators. In selecting those countries for joint action, special attention should be given to countries that already are under focus, such as those that are carrying out voluntary national reviews for the high-level political forum on sustainable development, those that are under review by the Working Group on the Universal Periodic Review, those that are in the preparatory phases for a new United Nations Development Assistance Framework, or those in which a dialogue process between the State and the indigenous peoples is taking place.

69. The Permanent Forum recalls that in paragraph 7 of its report on its tenth session (E/2011/43-E/C.19/2011/14), it congratulated the International Fund for Agricultural Development on the establishment of the Indigenous Peoples’
Forum as an example of good practice that should be followed by other United Nations entities. The Forum urges other United Nations entities to report on their progress achieved in this regard to the Forum at its seventeenth session.

70. In accordance with the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples and the system-wide action plan, all funds, programmes and specialized agencies are urged to adopt policies to inform their work with indigenous peoples that include indigenous peoples’ right to self-determination and free, prior and informed consent. Progress achieved will be discussed at future sessions of the Permanent Forum.

71. The Permanent Forum requests the Inter-Agency Support Group on Indigenous Peoples’ Issues and, specifically, those agencies working on land tenure and changes in land use, to step up cooperation in order to operationalize indicators on land tenure and changes in land use pertaining to the traditional territories (lands and waters) of indigenous peoples, as a global multipurpose indicator in order to report on status and trends, in line with the Convention on Biological Diversity, the 2030 Agenda for Sustainable Development and the United Nations Declaration on the Rights of Indigenous Peoples. All relevant funds, programmes and specialized agencies should update the Forum every year on the results of this work.

72. The Permanent Forum welcomes the first indigenous media zone, established at the sixteenth session of the Forum, and encourages the continuation of this initiative at future sessions, in cooperation with indigenous community media, and, where possible, encourages United Nations entities to continue collaboration with indigenous community media at the regional and national levels.

Dialogue with the Special Rapporteur on the rights of indigenous peoples with regard to indigenous human rights defenders

73. Many indigenous peoples described situations where their human rights were being impacted by large-scale infrastructure projects, natural resource extraction and industrial agriculture activities in their territories without their free, prior and informed consent. The Permanent Forum received information to that effect from the Shuar, Sapara, Maasai and Ogaden peoples, among others. The Forum is concerned, in particular, by cases where it appears that the interests of investors are better protected than the rights of indigenous peoples. It reiterates that States and the private sector must respect the human rights of indigenous peoples by ensuring the effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the Guiding Principles on Business and Human Rights.

74. Many States have established mechanisms to protect human rights. However, the Permanent Forum is concerned that such mechanisms might prioritize individual rights over collective rights. It calls upon States, in cooperation with national human rights institutions, to comply with their commitments made in the outcome document of the 2014 World Conference on Indigenous Peoples, with the aim of achieving the full enforcement of the collective rights of indigenous peoples.

75. The Permanent Forum is concerned, in particular, about information received on the situation of indigenous human rights defenders. Globally, there is an alarming rise in the killings of human rights defenders. In 2016, 281 defenders were reported killed, compared to 185 in 2015 and 130 in 2014. Most of the cases were related to land, indigenous and environmental rights, and a majority occurred in only six countries of Latin America and Asia. It is estimated that 40 per cent to 50 per cent of those killed are indigenous persons. Many other indigenous human rights defenders are subjected to violent attacks and threats, enforced disappearances, illegal surveillance, travel bans, blackmail, sexual harassment and other forms of violence and discrimination. It is also of concern to the Forum that human rights defenders are frequently subjected to false claims of criminal activities or terrorism.

76. The Permanent Forum recalls paragraph 41 in its report on its twelfth session (E/2013/43-E/C.19/2013/25) and reaffirms that States should establish a monitoring mechanism to address violence against indigenous peoples, including assassinations, assassination attempts, rapes and other intimidation and persecution against indigenous human rights defenders. Furthermore, with regard to article 22 of the United Nations Declaration on the Rights of Indigenous Peoples, the Forum recommends that such monitoring mechanisms address the issue of missing and
murdered indigenous women, and that measures be taken to ensure the full protection of indigenous women against all forms of violence.

77. The Permanent Forum recommends that national and transnational corporations adhere to the United Nations Guiding Principles on Business and Human Rights in order to ensure protection of the rights of indigenous human rights defenders.

78. The Permanent Forum recommends that donors, including the European Union, the European Commission, the Department of State of the United States of America, human rights support organizations and others provide long-term funding, legal aid and other resources to assist indigenous human rights defenders, their families, networks and communities.

79. The Permanent Forum welcomes the decision of the Special Rapporteur on the rights of indigenous peoples to prepare a study on intimidation, criminalization and violence of any form directed against indigenous peoples, communities or individuals, in particular those who defend their rights under the United Nations Declaration on the Rights of Indigenous Peoples. The Forum invites the Special Rapporteur to share her preliminary findings and recommendations with the Forum at its seventeenth session.

80. The Permanent Forum urges States, in cooperation with indigenous peoples, to develop and implement specific laws and mechanisms to protect indigenous human rights defenders, to ensure that attacks against them are investigated and that those persons responsible are held accountable.

81. National human rights institutions are encouraged to work with indigenous peoples to develop strategies to protect and provide support to indigenous human rights defenders.

Follow-up to the outcome document of the World Conference on Indigenous Peoples

82. The follow-up to the outcome document of the World Conference on Indigenous Peoples focused on the following three areas: (a) implementation of national action plans, strategies or other measures; (b) ways to enhance the participation of indigenous peoples at the United Nations; and (c) implementation of the United Nations system-wide action plan on indigenous peoples.

83. The Permanent Forum calls upon States that have not already done so to engage in constructive partnerships with indigenous peoples to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples and to adopt specific action plans, strategies or other measures that will deliver required financial and technical assistance to indigenous peoples in order for them to achieve and exercise self-determination.

84. The Permanent Forum has considered options for indigenous peoples’ representation at all levels of the United Nations, noting, in particular, the requests by indigenous peoples’ representative institutions, including traditional councils and authorities, to be accredited in the United Nations system.

85. The Permanent Forum strongly supports the granting of observer status in General Assembly meetings to indigenous peoples’ representative institutions.

86. The Permanent Forum notes the challenges of accreditation of indigenous peoples’ representative institutions. The Forum recommends that selection criteria for accreditation be developed by indigenous peoples to be applied by a committee that comprises representatives of States and indigenous peoples.

87. The Permanent Forum also recommends that the Economic and Social Council and the Human Rights Council note the proposal to accredit indigenous peoples’ representative institutions as observers in the General Assembly and to consider accreditation for indigenous peoples’ representative institutions to participate in their meetings and meetings of their subsidiary bodies on issues affecting them.
88. The Permanent Forum, as an expert body of the Economic and Social Council, regards the 2030 Agenda as a priority area and is committed to providing advice and assistance to the Council and the United Nations system on the implementation of the Agenda, including through active contributions and participation at the high-level political forum on sustainable development.

89. The Permanent Forum recommends that the Inter-agency and Expert Group on Sustainable Development Goal Indicators provide support for the inclusion and methodological development of core indicators for indigenous peoples, including the indicator on the legal recognition of the land rights of indigenous peoples for the targets under Goals 1 and 2.

90. The Permanent Forum recognizes the importance of data disaggregation, as noted in target 17.18 of the 2030 Agenda, and in this regard, it is aware of the good practices promoted by the Economic and Social Commission for Latin America and the Caribbean (ECLAC). The Forum recommends that ECLAC, in cooperation with UNFPA and others, redouble efforts to ensure data disaggregation for indigenous peoples and promote the inclusion of complementary indicators on indigenous peoples’ rights in Governments’ national reports for the Sustainable Development Goals and the Montevideo Consensus on Population and Development, adopted at the Regional Conference on Population and Development in Latin America and the Caribbean. The Forum further recommends that ECLAC provide a guidance note and organize a mutual learning event, jointly with other regional commissions, in order to share best practices of data disaggregation on the basis of indigenous identifiers and self-identification, as used in the 2010 round of census in several countries in Latin America.

91. The Permanent Forum emphasizes that the recognition, protection and promotion of indigenous peoples’ rights to lands, territories and resources will make a significant contribution to achieving not only Goals 1 and 2, but also all the Sustainable Development Goals. In this regard, the Forum urges Governments to take all measures necessary to protect indigenous peoples’ rights to their territories and resources in the framework of the 2030 Agenda.

92. The Permanent Forum calls upon Governments to establish permanent, open and inclusive mechanisms for consultation, participation and representation of indigenous peoples in local, regional, national and international processes and bodies relating to the Sustainable Development Goals. It also calls upon Governments to allocate adequate resources towards implementation of plans that include indigenous peoples, as well as to ensure data disaggregation on the basis of indigenous identifiers.

93. The Permanent Forum recommends that relevant countries among the 44 countries undergoing voluntary national reviews at the high-level political forum in 2017 include indigenous peoples in their reviews, reports and delegations. The Forum invites those Member States to report on good practices of including indigenous peoples’ indicators in the voluntary national reviews to the Forum at its seventeenth session.

Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues

94. The Permanent Forum expresses thanks to the Government of Canada for hosting its pre-sessional meeting for 2016 and to the Governments of the Plurinational State of Bolivia, Canada, China, the Congo, Denmark, Guatemala, Mexico, Nicaragua, Norway, the Russian Federation, Spain and the United States of America, as well as the Government of Greenland, for having hosted previous pre-sessional and intersessional meetings of the Forum. The Forum recommends that States that have not yet done so consider hosting such meetings in the future. It also requests that the secretariat of the Forum organize pre-sessional meetings for future sessions of the Forum.

International Year of Indigenous Languages, 2019

95. The Permanent Forum welcomes the proclamation of the International Year of Indigenous Languages, beginning on 1 January 2019, to draw attention to the critical loss of indigenous languages and the urgent need to preserve, revitalize and promote indigenous languages and to take further urgent steps at the national and international levels. The Forum notes with appreciation the commitment made by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to serve as the lead agency for the Year, in collaboration with other relevant agencies.
96. In the light of the proclamation of the International Year, the Permanent Forum invites Member States, in close cooperation with indigenous peoples, UNESCO and other relevant agencies of the United Nations system, to participate actively in the planning of the Year, including by organizing national and international expert meetings to raise awareness of and plan specific activities for the Year, and securing additional and adequate funding for the successful preparation and implementation of the Year, including by providing support for the establishment of an indigenous-led fund dedicated to the preservation and revitalization of indigenous languages.

97. The Permanent Forum recommends that UNESCO, in cooperation with the Expert Mechanism on the Rights of Indigenous Peoples, the Forum and the Special Rapporteur on the rights of indigenous peoples, and with the direct participation of indigenous peoples, develop a comprehensive action plan for the International Year and invites UNESCO to submit the plan to the Forum at its seventeenth session.

United Nations Framework Convention on Climate Change and the Paris Agreement on Climate Change

98. The Permanent Forum welcomes the fact that the Conference of the Parties to the United Nations Framework Convention on Climate Change, in paragraph 135 of its decision 1/CP.21, recognized the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change and established a platform (the local

99. The Permanent Forum invites the secretariat of the United Nations Framework Convention on Climate Change to share the findings of the next open multi-stakeholder dialogues on the operationalization of the local communities and indigenous peoples platform at the seventeenth session of the Forum. The Forum urges Member States to operationalize the platform in accordance with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

100. The Permanent Forum also welcomes the fact that the Conference of the Parties to the United Nations Framework Convention on Climate Change at its twenty-second session, held in Marrakech, Morocco, in November 2016, agreed to adopt an incremental and participatory approach to developing the platform on local communities and indigenous peoples with a view to ensuring its effective operationalization.

101. The Permanent Forum welcomes the recognition and inclusion of indigenous peoples’ knowledge in the work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services to assess the state of biodiversity and ecosystem services. The Forum supports the Platform’s approach to recognize and work with indigenous knowledge throughout its work programme, for example, recognizing the contribution of indigenous knowledge in its global assessment on the conservation and sustainable use of biodiversity and ecosystems. The Forum invites the Platform to continue to inform the Forum about the progress of its work, including at its seventeenth session.

2030 Agenda for Sustainable Development

102. The Permanent Forum is committed to continue its strong engagement in follow-up to the 2030 Agenda implementation. The Forum will participate in, and provide substantive input to, the thematic reviews of the high-level political forum and provide expert advice to Member States and the United Nations system in the implementation of the agenda at all levels (see paras. 89-94 above).
103. The Permanent Forum encourages the Commission for Social Development to consider indigenous peoples’ issues at the fifty-sixth session of the Commission as part of its agenda related to the 2017-2018 priority theme “Strategies for eradicating poverty to achieve sustainable development for all”.

104. Recalling its recommendations made at its first, sixth and ninth sessions that called for publication of the report entitled “State of the world’s indigenous peoples”, the Permanent Forum requests the Department of Economic and Social Affairs to continue its publication of the document on a quadrennial basis.

Studies to be prepared by members of the Permanent Forum

105. The Permanent Forum appoints Anne Nuorgam, a member of the Forum, to undertake a study to examine freshwater fishing and hunting rights of indigenous peoples, to be submitted to the Forum at its seventeenth session.

106. The Permanent Forum appoints Brian Keane and Elifuraha Laltaika, members of the Forum, to undertake a study to examine conservation and indigenous peoples’ human rights, to be submitted to the Forum at its seventeenth session.

107. The Permanent Forum appoints Les Malezer, a member of the Forum, to undertake a study on indigenous peoples and sustainable development, to be submitted to the Forum at its seventeenth session.

108. The Permanent Forum appoints Terri Henry, a member of the Forum to undertake a study on spotlight in North America: good practices in addressing violence against indigenous women and the impact of grassroots movements in achieving national action, to be submitted to the Forum at its eighteenth session.

Chapter II

Venue, dates and proceedings of the session

109. By its decision 2016/251, the Economic and Social Council decided that the sixteenth session of the Permanent Forum would be held at United Nations Headquarters from 24 April to 5 May 2017.

110. At its 6th and 13th meetings, on 27 April and 3 May, the Permanent Forum considered agenda item 3, entitled “Follow-up to the recommendations of the Permanent Forum: (a) empowerment of indigenous women; and (b) indigenous youth”. For its consideration of the item, the Forum had before the documents entitled “Update on the implementation of the recommendations of the Permanent Forum” (E/C.19/2017/3), “Compilation of information from Member States on addressing the recommendations of the Permanent Forum” (E/C.19/2017/6), “Compilation of information received from indigenous peoples’ organizations” (E/C.19/2017/7) and “Compilation of information received from agencies, funds and programmes of the United Nations system and other intergovernmental bodies on progress in the implementation of the recommendations of the Permanent Forum” (E/C.19/2017/8). At its 16th meeting, on 5 May, the Forum considered and adopted its recommendations submitted under agenda item 3 (see chap. I, sect. B).

111. At its 4th, 5th and 13th meetings, on 26 and 27 April and on 3 May, the Permanent Forum considered item 4, entitled “Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples”. For its consideration of the item, the Forum had before it a document entitled “Compilation of information from national human rights institutions” (E/C.19/2017/9). At its 16th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

112. At its 11th meeting, on 2 May, the Permanent Forum considered agenda item 5, entitled “Dialogue with indigenous peoples”. At its 16th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).
113. At its 12th meeting, on 2 May, the Permanent Forum considered item 6, entitled “Dialogue with Member States”. At its 16th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

114. At its 8th meeting, on 28 April, the Permanent Forum considered agenda item 7, entitled “Dialogue with the funds, programmes and specialized agencies of the United Nations system”. At its 16th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

115. At its 2nd and 3rd meetings, on 24 and 25 April, the Permanent Forum considered item 8, entitled “Discussion on the theme ‘Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration’”. For its consideration on the item, the Forum had before it the documents entitled “Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration” (E/C.19/2017/4) and “International expert group meeting on the theme ‘Implementation of the United Nations Declaration on the Rights of Indigenous Peoples: the role of the Permanent Forum on Indigenous Issues and other indigenous-specific mechanisms (article 42)’” (E/C.19/2017/10). At its 16th meeting, the Forum considered and adopted a draft decision and its recommendations submitted under that item (see chap. I, sects. A and B).

116. At its 14th meeting, on 4 May, the Permanent Forum considered agenda item 9, entitled “2030 Agenda for Sustainable Development”. For its consideration of the item, the Forum had before it a document entitled “Update on indigenous peoples and the 2030 Agenda” (E/C.19/2017/5). At its 16th meeting, the Forum considered and adopted its recommendations submitted under agenda item 9 (see chap. I, sect. B).

117. At its 9th and 10th meetings, on 1 May, the Permanent Forum considered item 10, entitled “Dialogue with the Special Rapporteur on the rights of indigenous peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples with regard to indigenous human rights defenders”. At its 16th meeting, the Forum considered and adopted its recommendations submitted under agenda item 10 (see chap. I, sect. B).

118. At its 7th meeting, on 28 April, the Permanent Forum considered agenda item 11, entitled “Follow-up to the outcome document of the World Conference on Indigenous Peoples: (a) implementation of national action plans, strategies or other measures; (b) ways to enhance the participation of indigenous peoples at the United Nations; and (c) implementation of the United Nations system-wide action plan on indigenous peoples”. For its consideration of the item, the Forum had before it a document entitled “Implementation of the United Nations system-wide action plan on indigenous peoples” (E/C.19/2017/2). At its 16th meeting, the Forum considered and adopted its recommendations submitted under agenda item 11 (see chap. I, sect. B).

119. At its 15th meeting, on 4 May, the Permanent Forum considered agenda item 12, entitled “Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues”. At its 16th meeting, the Forum considered and adopted its recommendations submitted under that item (see chap. I, sect. B).

120. At its 16th meeting, the Permanent Forum considered agenda item 13, entitled “Provisional agenda for the seventeenth session”. At the same meeting, the Forum considered and adopted a draft decision submitted under that item (see chap. I, sect. A).

Chapter III
Adoption of the report of the Permanent Forum on its sixteenth session

121. At its 16th meeting, on 5 May, the Rapporteur introduced and orally revised the draft decisions and recommendations and the draft report of the Permanent Forum on its sixteenth session.

122. At the same meeting, the Permanent Forum adopted its draft report, as orally revised.
Chapter IV
Organization of the session

1. Opening and duration of the session

123. The Permanent Forum held its sixteenth session at United Nations Headquarters from 24 April to 5 May 2017. It held 16 formal meetings and 3 closed meetings to consider the items on its agenda.

124. At the 1st meeting, on 24 April, the session was opened by the Assistant Secretary-General for Economic Development, Department for Economic and Social Affairs. At the opening ceremony, Tadodaho Sid Hill, of the Onondaga Nation, delivered a welcoming address. The Vice-President of the General Assembly and the Vice-President of the Economic and Social Council delivered statements.

125. At the same meeting, statements were made by the Chair of the Permanent Forum, the Assistant Secretary-General for Economic Development, the Minister of Indigenous and Northern Affairs of Canada and the Assistant Secretary-General and Deputy Executive Director of UN-Women.

2. Attendance

126. Members of the Permanent Forum and representatives of Governments, intergovernmental organizations and bodies, United Nations entities and non-governmental and indigenous organizations attended the session. The list of participants will be published at a later date.

3. Election of officers

127. At its 1st meeting, on 24 April, the Forum elected the following members of the Bureau by acclamation:

Chair:
Mariam Wallet Mohamed Aboubakrine

Vice-Chairs:
Phoolman Chaudhary
Jens Dahl
Jesus Guadalupe Fuentes Blanco Terri Henry

Rapporteur: Brian Keane

4. Agenda

128. Also at its 1st meeting, the Forum adopted the provisional agenda contained in document E/C.19/2017/1.

E. Documentation

129. The list of the documents before the Permanent Forum at its sixteenth session will be published at a later date.
A GUIDE TO STS PROBLEM SOLVING AND INFORMED SOCIAL ACTION IN INDIGINOUS COMMUNITIES

Ken Bryson Ph.D., "A Guide to Problem Solving and Informed Social Action in Indigenous Communities"

Abstract

The following STS Toolbox provides a pathway to the resolution of issues that exist at the intersection of science, technology, and society in Indigenous communities. In this model, the data banks of academic and community resources along with their respective value added programs are filtered through the lenses of interactive systems (eco-systems, resources, economy, society, polity, and culture) under the watchful eye of STS’s four thematic contrasts (citizenship/idiotship, comprehension/ignorance, holism/reductionism, benefits/cost), and blended into panels leading to the ethical resolution of social issues through informed community based social action. STS is offered over two semesters. The first semester focuses on a study of the STS method and its application to the identification and resolution of community issues. The second semester sees a wider application of the method to the study of issues at the intersection of science, technology, and society such as medical technology, computer ethics, biotechnology, and environmental ethics. On occasion the social action project initiated during the first semester is continued into the second term of the course.

Keywords: resources, programs, systems, thematic contrasts, panels, ethics, social action.

Introduction

The following method provides a hands-on toolbox designed to raise awareness and solve community issues. The Science, Technology and Society (STS) Panels that follow below identify necessary steps towards resolving existing problems, or preventing the otherwise unanticipated consequences of technological developments in these communities. The resolution of these issues takes place through a process that examines academic and community resources and programs in the light of STS principles and informed social action. The role of STS principles is to mediate the process from the discovery of existing resources and programs to the resolution of actual or potential community issues. This paper outlines a systematic process to resolve these issues through the production of responsible, informed, social action. The present model is based in large measure on the STS literature, as well as the STS program at Pennsylvania State University.

An STS problem is one that arises at the intersection of science, technology, and society. What makes this STS method different from other approaches to community issues is the explicit blend of classroom theory and societal issue in each community as an integral part of the course.
structure. Theory and problem come together to solve pressing issues by using the lenses of society, culture, economics, politics, resources, and eco-systems as the solution to an existing problem. Further, the method is designed to avoid the unwanted consequences of scientific developments before they arise. The belief in the value of progress directs us to look to science and technology for the solution to real problems. But developments in science and technology can also create new unanticipated problems. In summary, the following guide is a proven method for anticipating and resolving the second order consequences of technological developments before they arise, and for directing the future course of community change through informed social action.

The Panels discussed in Figure One form a dynamic unit. They are distinct but they are not separate from the whole. Each Panel forms part of a mobile. To set a Panel in motion is to set all Panels in motion. Once a Panel is activated it begins to connect the Resource and value added Panels with an actual or possible community problem (Focus Panel). The process begins with either the Resource-Value Added Panels or with the Focus Panel depending on the constructivist perspective or what a student brings to the classroom. The student’s entry point is an essential part of the process because it functions as the means through which the nature of community issues is introduced for planned action. The student’s input along with available resources and programs (academic and community driven) are filtered through STS lenses (STS Method). The goal of the analysis is to generate informed social action. The Social Action Panel contains a set of guidelines to ensure that the action initiated by the Band is successful. No detail is too small to overlook. For instance, the list of checkmarks to action includes a review of the adequacy of scientific investigative skills, the breadth of communication skills, the nature and limits of the medium used to deliver social action. Each Panel contains details to serve the goal of informed action. While some details are more relevant than others to the resolution of a targeted issue, all aspects of a problem are examined to ensure that the right solution is found. We need to anticipate and avoid possible negative outcomes. This is especially important today because we do not have consensus on the consequences of issues such as the nature of future work or the type of problems that could haunt future generations. The STS process opens in one of two possible ways. It can begin with a study of the Resource Panel, or it can begin with a study of the Focus Panel depending on the constructivist perspectives students bring to the classroom. The Focus Panel can be reactive or proactive, as explained above.

The academic tone is set at the beginning of classes. What makes science special? Can we imagine that negative as well as positive outcomes arise from science? We look at the history of inventions as a teaching tool to examine the role that systems (culture, society, economics, policy, ethics, environment) play in scientific inductions. We seek to identify the positive and negative impact of these inventions on a community. STS is introduced as a method for making informed choices about our quality of life. In addition, students are invited to think about the connection between academic theory and the solution of community problems. For instance, students are asked to imagine the nature of the connection that could exist between each course in their program and a focus area. We need to take an interdisciplinary approach to community problems. As far as the academic budget permits, STS courses are team taught. STS courses at CBU originated as team taught by an engineer and a philosopher. The holistic perspective depends on interdisciplinarity. In practice, we form small research groups of five to six students that strive to represent as many different disciplinary interests as possible. This allows students an opportunity to see a problem through many eyes.
As discussed above, the STS analysis begins with a study of five interconnected Panels;

**Focus Panel:** This Panel opens with the study of a problem found in a local community or with the undesirable consequence of a proposed technological development. The first step is to delineate all aspects of the focus area through an in-depth study of the problem at hand. A problem is a deviation from a norm. What is the norm? Why did the problem arise? Be specific in deconstructing the problem by including all specifications of the problem such as the what, when, where, why, how, and when of the problem history. What gave rise to the problem; was anything changed in the environment that could be used to explain the emergence of this problem.

In philosophy, we seek to understand problems through a methodology that in part examines the problem from the point of view of principles and causes. This approach leads to several steps such as the effort to define and/or describe terms, make distinctions (for instance the distinction between defining or determining what a being is, and describing, or observing what a being does, is made because not all things have universally accepted definitions). In addition, the Socratic method focuses on the examination of all assumptions surrounding a problem. Take nothing for granted. Not all unknowns are clearly identifiable but no aspect of a problem should go unnoticed. Descartes’s methodology is helpful in this regard as we seek to reduce the complex aspects of a problem to simpler elements. The simple elements are examined individually through a mathematical system of intuition and deduction, analysis, and synthesis. Logic rightly focuses on maintaining internal consistency. For my part the analysis of a problem forces the inquiry into why an issue is a problem. The examination of assumptions concerning the problem at hand forces a discussion into why the issue exists as a problem. The process depends in part on a philosophy of the person. In my study of what it means to be a person (we need to agree on what we are before we can fix what is broken about us), I propose that persons are the output of three main strings of relationships, namely (1) carbon (2) interpersonal, and (3) relationships
arising in the order of consciousness. Thus, the examination of a problem area deconstructs into one or more of these streams of person-making associations. In this methodology, the solution to a problem arises by addressing the break in one or more of these associations.

The goal of this STS analysis is to solve that problem, and ideally to do so proactively although society can be saddled with the undesirable consequences of technological developments after the fact. The matter is complex because an informed social action arises through the in-depth study of the elements found in all the Panels. The Resource Panel plays a major role in that solution as is evident in a review of how past problems were resolved. Past problems studied in First Nations communities include fracking, waste water disposal, water treatment, job seeking, high unemployment, radiation, poverty, garbage control, bilingual street signage, dog control, drug use disorder, residential school experience, Styrofoam cups, recycling, agriculture. Appendix 'A' contains a detailed list of issues examined in the classroom (1990-2016).

An important specification for the study of problem area is that it exists locally. In STS we think globally but we always begin locally. The reason for this is that a problem comes to life in the user’s community. You know where everyone lives; you know who to call and what resources are available to solve the problem. We begin the process by forming small groups of like-minded individuals. In practice, a proposed policy is written and brought to band Council by students with different disciplinary resources such as business, drama, technology, chemistry, English, Mi’kmaq, physics, biology, anthropology, social work, and philosophy (…) to take a comprehensive approach to a focus area. Class discussion focuses on how each academic discipline relates to a problem area. Students are invited to think about the connection between a community resource, their disciplinary focus, and the problem area. To cultivate this mindset, students are invited to keep a folder of newspaper clippings on the focus area and other materials from the popular press, as well as peer reviewed journal articles that relate to the problem at hand. I also assign readings on a chosen focus area.

The next step is to write a detailed history of the problem. Be objective and open to the truth (bias free) because history can be distorted by individuals with an agenda. The victors often write history. The ideal is to approach the Resource and Value added Panels as objectively as possible. Keep the constructivist perspective in mind, namely flesh out the interests that each member of the group brings to the table. Some students study at CBU because they already have a focus in mind while others come to university without any clear goal other than to obtain a university degree and move on to graduate school in some area or other. The final choice of a major, minor or concentration is made at the end of the second year of studies.

Resource Panel: The STS method is not limited to the mix of traditional course offerings and the availability of community resources. The possibility exists for an individual to draw on elective courses to develop imaginative combinations of academic disciplines and community resources to solve existing problems. For instance, in co-op programs some work experience translates into academic equivalency. At the same time the realization that a required community resource does not exists, can be an opportunity to fill a perceived need. As the saying goes, necessity is the mother of invention. This vision extends to academia as new courses are constantly being developed by faculty to fill the perceived academic needs of students. In most cases, existing degree programs need to be reconfigured before they can meet the needs of future generations. In the development of future degree or certificate programs it seems possible to imagine that students could write their own degree contents through the selection of resources (courses and programs) that meet their individual needs. This is to widen the existing parameters of university programs to include courses that meet the needs of a technological society.
The goal of the Resource Panel, as the wording suggests, is to link an academic discipline and/or a community resource with a problem area. The connection takes place through the value-added Panel where academic and community programs are housed. This is made clear with a practical case. Say for instance that your focus area is ground contamination. The discipline panel invites you to examine the connection between each course you take at CBU and that problem. The history of the case sends us on multiple errands as we take the tools of all the disciplines and community resources to uncover the multidisciplinary truths of pollution. For instance, a business course leads me to inquire into the cost of pollution while psychology and biology send me on a parallel path to that same truth through a study of building sickness and environmental contamination. The connection might not always be obvious but the challenge in some cases is to find it. For instance, a course in English literature leads me to connect a romantic period poem with the beauty of nature. Philosophy leads me to make distinctions between conservation and preservation, and perhaps examine academic resources (articles and books) on environmental rights by raising questions such as ‘do a tree have standing rights’, that is rights that can be represented in a court of law? A course in biology and psychology can point me in the direction of research on the effects of waste contamination or less than aesthetically pleasing architecture and building sickness. In this proactive light, each course acquires a fresh new meaning and an existing community resource is identified and used. The success of this Panel is a prelude to even better things to come as we examine the Value-added dimension of academic and community programs.

Value Added: Academic and community programs bring life to academic and community resources. A guide on Mi’kmaq and Indigenous Studies is found at http://libguides.cbu.ca/Mikmaq while a detail of resources and programs available in NS Bands is found at the back of this paper. The development of programs from available resources is an application of the Gestalt principle ‘the whole is always greater than the sum of the parts’ because of the element of organization or as we say in philosophy, meaning always creates a surplus of the signified over the signifying. Programs provide a forum for citizens to do the right thing. They add value to theory. There is no value free academic or community program. The two main points to keep uppermost in mind about programs are ethics (on doing the right thing) and the constructivist perspective (the needs of the participants). Programs develop to meet those objectives. The importance of being objective in program development is critical to the success of a program, although the individuals that participate in those programs do so to meet their own needs. For instance, a resource for abused women or men can develop programs for individuals that experience partner violence, respite care, and anger management to name a few successful programs.

ETHICS

Whereas a missed constructivist bias can distort the nature of an intended program, doing the wrong thing also leads to unwanted legal and ethical issues. But what is the right thing to do? Ethical theories are grouped into four main types with several side roads in each category to help guide moral conduct. The first group of ethical headings is placed under the heading of normative ethics which are a priori and move from the top down so to speak. Aristotle’s virtue ethics, Aquinas’s natural law ethical theory, Kant’s deontological ethics, and Mill’s utilitarian ethics are instances of normative ethics. Descriptive ethics, on the other hand, moves from the ground up as we learn to do the right thing from experience. Professional codes of conduct such as the association of computing machinist, engineering, and architectural ethics each fall into this category. Common sense etiquette, the use of precedents to determine points of law, and the observed choices that a people make in their community also provide instances of descriptive
ethics. In time, descriptive ethics leads to the establishment of normative codes of behavior that professional are expected to follow in their chosen area of work. The next group of ethical headings falls under the section of applied ethics. This type of ethical theory is growing in use as the global community strives to reach agreement on public policy. The Charter of Human Rights provides an excellent illustration of how applied ethics works as we strive to attain universal agreement on human rights (beneficence), and avoid discrimination, torture, and violence to name a few instances of Charter rights (no maleficence). These instances of applied ethics can also lead to the development of a normative ethics. The development of environmental ethics is the third urgent issue in our day. The treatment of the environment and the treatment of some First Nation women follows a similar misguided path. While the Global Green Charter was established in 2001, we have yet to reach global agreement on the nature of sustainable developments, ecology, and economics. The focus in our day is on economic development rather than human development. Environmental ethics also includes medical ethics, bioethics, engineering ethics, journalistic ethics, and health care ethics. Some of these cases appear to fit into two or more categories because the study of ethics is multidisciplinary.

A Charter of Rights and Freedoms governs citizens. In the development of academic research programs, on the other hand, all universities have a code of ethics that researchers must follow. We have two ethical codes at CBU, not because we are especially righteous in this area but because we fully integrate two main cultures, the one that safeguards the cultural heritage of Mi’kmaq students and the other to satisfy the demands of the Cape Breton community-at-large. These codes adhere to the law of the land in the protection of human rights. The Mi’kmaq Research Principles and Protocols form is used for conducting research with and/or among Mi’Kmaw people. The CBU office of Research and Academic Institutes has research ethics form under the heading; “application for review of research involving humans.” Both forms are available at http://www.cbu.ca/wp-content/uploads/2015/07/. These committees ensure that a research project respects cultural differences and individual autonomy, informed consent, beneficence and non-maleficence, privacy and confidentiality, and social justice in the allocation of scarce resources. The principles that serve to protect the rights of at-risk clients appear to apply equally to environmental rights (Bryson, 2003, 2008). The co-rights of persons and environment cluster about the arms of a ‘person-making’ process (the suggested relationships that characterize persons).

We need to know what we are before we can fix what is broken about us. The acronym P-M stands for ‘person making’. Philosophers are frequently at odds on what it means to be a human being and what characterizes our species. The variance is not surprising given that philosophy of human nature begins with the examination of the assumptions that surround a focus area. We do not have consensus on what it means to be a human being chiefly because of the distinction between mind and brain. We know that the contents of the human mind reflect the structure of reality but we do not have agreement on how the same reality can be simultaneously material and immaterial. The P-M process was developed in hope of arriving at a clearer understanding of what makes us human beings and therefore how STS interprets quality of life not only for our species but for the whole of the eco-system. While we are equal as human beings we are not equally personal. My starting point is that we exist in relationships; we are the output of three streams of converging relationships. Some of these associations are inherited; others are framed through personal choices. The first set of associations that individuate us take place at the level of carbon relationships (DNA). It includes our intimate relationship with the environment. We are carbon atoms along with other carbon atoms; eating and being eaten in turn. We live and we die along with other living and dying organisms. The carbon-self stands for everything physical about our species. The second series of associations to individuate us springs out of social relationships, namely mother, father, siblings, family at large, friends, neighbors,
strangers, pets, and the animal kingdom-at-large. The third series of person-making associations takes place at the level of the psyche (reflexive awareness) where all carbon-based relationships and all interpersonal relationships are processed, varied, instituted, and transformed. STS examines real community problems that affect us in one or more of those three ways. Knowing something about being human provides a clearer focus on how academic and community programs affect us. Humans exist in relation to the natural environment. Trees and humans both have rights. A paper on the Sydney tar ponds (Liu and Bryson, 2009) deplors the toxic pollution of the environment and therefore of people. The P-M concept is also a useful tool to discuss issues surrounding quality of life and other matters concerning death and dying, and in the study of spirituality and health. It has numerous applications, not the least of which is with how problems (Focus Panel) affect us.

**STS Method: systems, themes, and thematic contrasts direct the method**

The material summarized in the following table (Nef, Vanderkop, & Wiseman, 1989) was discussed at a conference on Ethics and Technology at Guelph University in 1989. In the present model, the Resource and Value added Panels (Figure One) proceed to the solution of a problem (Focus Panel) through the lenses of the STS method. The method includes the use of systems, themes, thematic contrasts, and informed social action. In the case of poverty, for instance, the academic and community Resource Panel contains ‘economics’ and ‘business’ under the heading of science/theory and technology, respectively. The Value-added Panel focuses on ‘right action’ and contains programs to help the poor (a data base of existing programs provided by some NS Bands appears at the end of the paper). The ‘Value’ column is a measure of the efficiency of existing programs to alleviate poverty. The STS Method Panel views the problem of poverty and waste through the lenses of the System and Themes columns. The ‘thematic contrasts’ perspective is an essential element of STS thinking and is discussed in figure three.

**FIGURE TWO: PROCESSING PROBLEMS**

<table>
<thead>
<tr>
<th>System</th>
<th>Themes</th>
<th>Problem</th>
<th>Science/Theory</th>
<th>Technology</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Global</td>
<td>Environment</td>
<td>Degradation</td>
<td>Ecology</td>
<td>Conservation</td>
<td>Survival</td>
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<tr>
<td>Eco-System</td>
<td>Peace &amp;</td>
<td>War, Under-development</td>
<td>Biology</td>
<td>Peace-</td>
<td></td>
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<td>Security</td>
<td>development</td>
<td>Geography</td>
<td>keeping</td>
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<td>Development</td>
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<td>Resources</td>
<td>Energy</td>
<td>Depletion</td>
<td>Physics</td>
<td>Engineering</td>
<td>Sustainability</td>
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<tr>
<td>Agriculture</td>
<td>Exhaustion</td>
<td>Chemistry</td>
<td>Agronomy</td>
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<td>Geology</td>
<td>Veterinary</td>
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<tr>
<td>Economy</td>
<td>Theory</td>
<td>Poverty</td>
<td>Economics</td>
<td>Business</td>
<td>Efficiency</td>
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<td>Society</td>
<td>Health</td>
<td>Injustice</td>
<td>Sociology</td>
<td>Social Work</td>
<td>Equity/</td>
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</tbody>
</table>
The STS analysis of a focus area always takes place through the perspectives identified in the System column. The global eco-systems along with resources, economy, society, polity, and culture provide the STS lenses through which a problem is analyzed. Some systems play a larger role than others in the solution to problems depending on the range of the focus area. For instance, the analysis of poverty through the lenses of economics and polity (politics and laws) seems to be more relevant to a solution to poverty than the analysis of poverty through the lenses of eco-systems but all systems are interconnected. The System component of a problem creates a ripple effect that we can house in the Themes column. For instance, the problem of poverty creates several main ripples in the Theme of unemployment, addiction, suicide, and domestic violence. I developed a cardboard disk that I use in the classroom to illustrate how this works. The themes refer to places where the wave action of systems analysis reverberates. The culture system, for instance, focuses on communications and warns against problem areas such as ignorance and prejudice. The science/theory resource is philosophy while the technology is education. The value-added component of education is enlightenment and accessibility. The best strategy for problem resolution is to think globally but always begin locally where the circumstances of a focus area are well known.

**Culture**: this system refers to the set of attitudes, values, and beliefs that surround a focus area. The weighting assigned to beliefs, values, or attitudes varies in different parts of the world. For this reason, a focus area is always examined in a local setting. One of the biggest cultural issues that face us is that we are blind to one another’s way of life. Ignorance and prejudice often leads to alienation and war. The solution is education and respect for others. A useful guide to research Mi’kmaw language and culture is available at [http://libguides.cbu.ca/mikmaqstudies/journal](http://libguides.cbu.ca/mikmaqstudies/journal) (accessed 12 May, 2016)

**Economics**: the economic system refers to structures and processes used to meet basic survival needs. This includes goods and services. No one should be unemployed or poor because there is a lot to do and lots of resources we can share. The problem is that in North America we value only one type of work, namely the useful along with good profit margins. In STS, we seek to attain a fair trade off (thematic contrast) between capitalism and socialism. The STS focus is...
on human development along with economic developments, that is the efficiency of developments for all citizens.

**Society**: this system is comprised of all the group interactions such as families, associations, and institutions that characterize our social face. The failure to act in the best interest of all citizens leads to injustice and alienation. The well-being of a society depends on making sure that no class of citizens (the poor, minority groups) is marginalized.

**Polity**: the political system addresses a society’s structures and processes for conflict management at the municipal, provincial, and federal levels. Law is an essential component of this structure. Laws that are just promote civil order. Governments need to ensure that all citizens are treated fairly and that human rights and freedoms are protected. The absence of law leads to violence, repression, and insecurity.

**Resources**: a resource is that part of the environment that can be exploited for productive use and economic gain. The depletion of non-renewable natural resources is a great concern. The focus is on sustainable developments, that is, developments that can meet our present needs as well as the needs of future generations.

**Eco-systems**: the irreversible industrial damage to the planet is one of the greater unintended second order consequences of industrial development on life. The environment is where we live! The critical condition of the planet today is the result of an early science mindset (Francis Bacon) that ‘nature can be tortured for her secrets’ as though the environment lies outside of us, and is boundless. The case against this mentality was made by Martin Heidegger in 1929 (on Technology), Rachel Carson in 1959 (*Silent Spring*), the Meadow’s report *The Limits to Growth* in 1972 and 1992, the Brundtland commission report *Our Common Future* (published 1987), and former U.S. Vice President Al Gore’s video presentation ‘*An Inconvenient Truth*’ (22 June, 2007), to name a few. This attention to global warming along with a long string of seemingly endless meetings among world leaders have failed to produce a universal agreement on how to reduce greenhouse gas emissions. Recently (3, October, 2016) Canadian Prime Minister Justin Trudeau introduced a Carbon tax on carbon emissions, but some Provincial Premiers are upset at the Federal Government for imposing this tax on Canadians without consultation with the Provinces. Ontario’s new ‘Cap and Trade’ legislation has serious financial consequences for Canadian oil refineries. The Sarnia Journal (October 13, 2016) claims that the carbon tax has serious implications for Sarnia because one quarter of the largest producers of greenhouse gas (GHG) emissions in Ontario are located in Sarnia-Lambton. Under the legislation, companies that emit more than 25,000 tons of greenhouse gases annually must participate in the cap and trade program. Heavy emitters will be given a number of credits each year. After 50,000 tons however, they will be required to purchase more credits; ‘the Shell refinery in Corunna, for example, currently produces about 170,000 tons of GHG yearly’. The impact on local industry would be devastating. If Ontario set the initial price at $18.00 per carbon credit, as some have suggested, it would cost the Shell refinery several million dollars in additional operating costs. If the price is set at $50.00 per credit after the first year and the first compliance period ends in 2020, the impact on Sarnia-Lambton industry would be devastating. One of the problems is that these companies must compete against jurisdictions that may not have cap and trade in place. This economic reality is one of the biggest obstacles facing politicians as they seek to legislate laws to reduce GHG emissions. Nothing is free! Perhaps Trudeau acted unilaterally on this matter because of the urgency of the problem and the Premiers’ inability to reach consensus on how to solve the problem of global warming. Some provinces are more dependent on the revenue generated by fossil fuels than others. The U.S. President Donald Trump places jobs above concern for the environment, but it is difficult to
imagine how they can be treated as separate issues.

**FIGURE THREE: THEMATIC CONTRASTS**

This set of tools is adapted from the core STS undergraduate course at Penn State University. It embodies ways of thinking that are present in many other STS courses and provides an operational mindset from beginning to end. The STS community designs the following guidelines to direct the course of responsible social action (Cutcliffe, 1993, 19-20). The guidelines are based on four thematic contrasts, and are reproduced below with Cutcliffe’s permission. The STS method is based on a thorough knowledge of both alternatives, that is on drawing the logical consequences that flow from each perspective; the success of the method hinges on the discernment of the right thing to do. In the order in which the contrasts are listed;

Thematic contrast one: “Citizenship versus Idiotship”

The word “idiot” derives from the Greek *idiotes*, persons who did not hold public office or take part in public life, and were therefore ignorant of current affairs. If people refuse to become critically conscious, if they refuse to investigate daily events in order to influence the roles of science and technology, relating such inquiries to their own lives and the lives of others, then they will tend to condone the way things are (....) DEMOCRATIC SOCIETY DEMANDS RESPONSIBLE SOCIAL ACTION (Cutcliffe, 1993, p. 19).

Without critical inquiry into the consequences of developments in science and technology, responsible social action is impossible. STS education strives to promote inquiries that free citizens of a liberal democracy to participate in public business and exercise responsible action.

Thematic contrast two: “Holism versus Reductionism”

Reductionism limits experience or reality to one or more of its parts, failing to recognize the complexity of the whole. By contrast, holism points toward large frameworks of understanding and multiple interconnections among events. It implies that all events are in some way interrelated, and that THE WHOLE IS GREATER THAN THE SUM OF ITS PARTS (Cutcliffe, 1993, p. 19).

However, the reduction of the whole to its parts allows us to see the connection that exists between the parts and the larger whole; “The holistic perspective urges us to work back and forth between comprehensive frameworks and detailed analyses, from unity to diversity—and back again to unity” (Cutcliffe, 1993, p. 19).

Thematic contrast three: “Comprehension versus Ignorance”

Comprehension occurs when knowledge is holistic—and judged within the framework of a wide range of values. This theme rests on Synthesis and the principle that there is neither VALUE-FREE KNOWLEDGE NOR KNOWLEDGE-FREE VALUE (Cutcliffe, 1993, p. 20).
Scientific knowledge is specialized because of the method used to secure it. The mind always synthesizes knowledge and values. Non-scientific knowledge (cultural, historical, religious, and traditional knowledge) is ‘more holistic, and includes a wider range of value concerns. The reducing of knowledge by science, and the accompanied narrowing of the value-range, results in limited comprehension.’

Thematic contrast four: “Benefits versus Costs”

(…) With this contrast STS emphasizes the idea of Tradeoffs, and argues that THERE IS NO FREE LUNCH. Such a principle guides us to look for both the benefits and the costs of technological innovations. With regard to this contrast STS does not want to affirm one and reject the other. Science and technology can never be only beneficial and without costs. No benefit can be had without some cost. (…) (Cutcliffe, 1993, p. 20).

This contrast encourages us to examine how proposed developments will benefits or harms a person or group. We are not generally inclined to associate technological developments with tradeoffs, so this thematic contrast increases our comprehension of benefits and costs to promote more intelligent democratic citizenship in the scientific-technological society.

FIGURE FOUR: SOCIAL ACTION

This is the final step towards informed, holistic, value centered, responsible social action. A thoroughgoing risk evaluation and management component is essential to effective social action. The process (Shrader-Frechette, 1991) enlists a detailed cost/benefit analysis of all the variables that surround an issue. No action beneficial or not is without a downside. In the past 25 years, my STS students have conducted hundreds of social action projects in their local communities. Students often tell me that they continue to use their “STS wheel” (a classroom cardboard cutout of the STS tools) in other courses and programs of study such as the B.Ed. The value of STS tools in producing informed social action cannot be overestimated. For instance, the use of strikes and product boycotts needs to be governed by responsible and informed citizenship. A great deal of harm is caused to a focus area by irresponsible social action. In a democracy, provincial funding for expert witnesses and legal advice should be made available to both sides of a dispute as required so that the ‘insiders’ and the ‘outsiders’ are equally balanced.

The Panels approach to applied learning is a useful tool in bridging the gap between the role of academic and community resources in the solution of community problems. The present discussion is but the tip of the STS building but it provides a useful model to begin the journey towards experiential learning at the CBU environment.

Conclusion: Characteristics of Successful Social Action³.

Four related variables measure the success of a social action project: (1) delineation of the focus area, (2) informed research, (3) overall characteristics, and (4) final results;

Focus: How focused is your project?
Is the problem and proposed solution stated clearly? Are your goals realistic? What steps will bring about your intended outcome? Did you include an historical perspective of the problem? Have you guarded against positive or negative bias?

**Informed:** How informed is the group project?

Does your project contain evidence of solid academic research? Have you considered all the consequences of the proposed problem? Do you provide evidence that all aspects of the focus area have been examined (panels, systems, themes, thematic contrasts, history, and ethics)?

**Characteristics:** The overall characteristic of the group project.

Are your project goals stated clearly in your presentation? Do you provide evidence of solid teamwork? Do you use posters, handouts, video, e-mails, letters, and other communication aids in your presentation? Does the proposed action fit the focus? Is the proposed environment adequate for the delivery of your proposed objective? Do you have ethics committee approval to proceed with the proposed social action? Is your questionnaire or survey (if any) approved? Is anyone in your community at-risk because of your group project? Do you provide clear evidence that everyone’s rights are respected?

**Results:** How effective is your proposal?

Are your results clear? Do you provide evidence that the social action objective is met? Do you have mechanisms in place to ensure the ongoing viability of your project after this course is completed? Is your project well received by your community and by this class? Do you have other feedback from this project, perhaps from elders? Do you have any written feedback from your project? In your opinion, is your project a success or a failure? Have you learned anything from this social action? What, if anything, would you change if you started over?

**FUTURE WORK**

The next step is to develop a data bank of relevant academic resources and programs that can be added to the existing list of community resources and programs. The academic list is compiled by providing a detail of faculty publications in the targeted areas of community developments. At the end of the day an STS study of a problem raises the level of awareness we have about the nature of that problem, although it often leads to the resolution of the issue when it is combined with existing community resources and programs.

Notes

1Over the past quarter century I used the present model as the cornerstone of STS courses at Cape Breton University and off campus at the invitation of Ann Denny and Leanne Simmons co-directors CBU indigenous studies program. While the school of indigenous studies has a strong presence on campus, I make note of several indigenous communities where the course is taught because of the success of the method. The insight, sincerity and determination of indigenous students provide an ideal atmosphere to demonstrate the applied nature of STS courses. STS studies move beyond the walls of academia to focus on real issues in a local community. The courses were held in seven First Nations communities, namely Eskasoni (We’kistoqnik), Wagmatcook, Waycobah (We’Komaq), Millbrook, Indian Brook (Sipenckati), Chapel Island (Potlotek), and Afton (Paq’nek). These courses bridge classroom theory and community issues through informed social action. The delivery takes place through a method affectionately known as the ‘STS Wheel’. The ‘Wheel’ is the repository of tools we use to accomplish class goals. It works due to the honesty and hard work of my indigenous students in these communities. Social action outcomes are successful by the very fact of focusing our STS analysis on community issues whether they resolve existing problems or not because at the very least the exercise raises the level of community awareness on these issues. In
most instances our work results in positive changes in the community, however. Thus we meet a key goal of the course to integrate the academic contents of the course (the Wheel) with the real issues found in the communities were the course was taught. My thanks also to the community Elders for accepting my invitation to join us in the classroom to discuss group project presentations at end of term. These presentations provided an opportunity for everyone to reflect on what we did best during the term and where we left room for improvement for the next generation of STS courses. We know that many of our projects had a beneficial effect in the community. At the end of the day philosophy 2222 became as much a community project as an academic course. Thank you to everyone.

This guide to problem solving is dedicated to you. I wish to thank the following students in my STS class at Cape Breton University (2016) for assisting me with the identification of community resources and programs: Kaylee Bernard, Jewl Christmas, Kristen Cremo, Mallery Denny, Susy Denny, Mary Googoo, Faith Gould, Alwyn Jeddore, Reanne Jeddore, Mary Johnson, Nikko Marshall, Brianna Paul, Keane Paul, Shaelyn Paul, Tiainnee Paul, Kaylene Simon, Treslyn Stevens. A community resources directory of all 13 NS Bands is available through Daphne Hutt-MacLeod, Director of Mental Health, Eskasoni, NS.: 902-379-2910, with updates by Mallery Denny: 902-565-1314.

2 The STS program at Pennsylvania University was introduced by Carl Mitcham in 1969 as part of the Engineering program. I was delighted to be invited to join Carl Mitcham and his team at Penn State in the summer of 1994 for a six week training program titled “Rethinking Technology.” I was one of two Canadians on a 17 member STS study team made up of colleagues from the U.S.A., China, Denmark, Puerto Rico, and The Netherlands. The focus in those early days was on examining scientific and technological developments from the point of view of their unanticipated consequences. The focus was to provide a method the scientific community could use to anticipate and prevent unwanted consequences from happening before it was too late to do so. We met that summer with researchers on the cutting edge of STS notably Albert Borgman, Paul Durbin, Don Idhe, Fred Dretske, Deborah Johnson, Kristin Shrader-Frechette, Langdon Winner, and Ivan Illich, along with the Institute organizers Carl Mitcham, and Leonard Waks.

3. The STS community’s reaction to the interaction between science, technology and society travels both ways. Developments in science and technology do arise because of societal demands, but discoveries in science and technology also affect the direction of society. One of the goals of informed social action is to anticipate and prevent the undesirable and unanticipated second order consequences of technological developments. Once the proverbial horse is out of the barn it is often too late because we cannot expect that we can go on indefinitely with the process of throwing technological fixes at second order consequences. In the democracy, STS social action is one of the more powerful tools we have at our disposal to shape our own future. In my STS courses, we examine environmental issues, developments in medical ethics, computer ethics, biotechnology, and the future of work. The social action project is a good introduction to developing a strong voice in these bigger issues. My STS classes form groups of 3 to 5 students to take informed action on a focus area in their local community. Students present the group’s findings to the class during the final week of classes. In the best-case scenario, a social action project continues to enjoy a life of its own long after the academic course ends. Project outcomes fall into two broad categories, namely, successful or not so successful. There are no failures because at the very least a social action classroom presentation raises the level of awareness about an existing community problem. The grade assigned for social action work is 35% of the final course grade. The community is invited to attend group presentations whenever STS is taught in a native community where participation is manageable. In these cases, the community’s Elders have a voice in the success of the social action and have the right to allocate 5% of the social action grade. The overall grade assigned to a social action project depends on the successful use of the STS method, including the use of thematic contrasts, and the overall transparency of the process as it leads to a resolution of the issues.

References


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Appendix A

Focus Panel Data Base: History of social action issues initiated at CBU (1991-2016)

The following list of social action activities covers the STS research conducted in Eskasoni (We’kistoqnik), Wagmatcook, Waycobah (We’Komaq), Millbrook, Indian Brook (Sipenckati), Chapel Island (Potlotek), Afton (Paq’nekek), Membertou, and Pictou, as well as 30 or so communities surrounding Cape Breton. On occasion, social action took place on an issue that exists in an outside community such as Newfoundland and Prince Edward Island depending on a students’ principal residence. The same problem is often identified in more than one area. In the early days of social action at CBU (90s) the focus of a social action could be about an issue arising in other Maritime Provinces such as Newfoundland and Prince Edward Island but gradually we began to insist on the study of local issues because of the ready access to resources to solve problems. The following is a sampling of social action issues at CBU over a course of 25 years. These projects were approved by the CBU ethics committees if they included work with human subjects;

Academic calendar, Adopt a Highway program, Arbor Day (tree planting), Bacterial contamination in Floral heights, Beach cleanup (Point Aconi coastline), Biomedical waste disposal, Bullying, Blue box management on campus, Bus service, Bras D ‘or Watershed area, Cafeteria foods (CBU), Cameron Estate Recycling program, Campus cleanup, CBU rankings, Centralization (our roots), Certificate program in palliative care at Regional Hospital, Children’s physical activity, Class cancellation policy, Coal Field, Composting, Condom, dispenser in washrooms, Course registration problems, Coxheath Quarry, Declining medical services, Dog control, Dominion Beach pollution, Electricity consumption, Drug abuse problem, Fracking, Fibre Optics communication, Fishing industry (decreasing fish stocks), Food drive (foodbank), Garbage control, Governance (how First Nations communities are governed), Greenhouse gas emissions, Heat and stroke awareness, Healthy lifestyle, Heavy garbage pickup, Homeless shelter, Horticulture, Incinerator facility, Injustice (in your community), Library hours, Lighting on CBU campus, Nova Scotia Youth Conservation Corps., Nuclear energy, Occupational health and safety, Outmigration, Parking at CBU, Pesticides, Port Morien strip mine, Poverty, Pulp and paper industry, Public gardening, Public transportation, Radiation, Railroad, Rain Forest, Recycling (CBU residence), Residential Schools (Canada’s), Rugby at CBU, Salmon conservation, Solar/wind power, Solid waste disposal (recycling), Styrofoam cups ground contamination, Street signage (bilingual: Mi’Kmaw and English), Stress release, Sunday shopping, Sydney Tar Ponds, Transition House, UCCB cafeteria (Styrofoam cups, cleanliness, microwave, prices), Unemployment, Unhealthy lifestyle, Waste management (Regional Hospital), Waste water treatment (and disposal).

Appendix B

The following list of community resources and programs in selected NS Bands was compiled by students of my Philosophy 2221:51 course Jan-April 2016, (Appendix B) while a current data base of al 13 NS Bands resources and programs is available through the office of Daphne Hutt-MacLeod, Director of Mental Health, Eskasoni, with updates by Mallery Denny. Chantal Phillips is developing a parallel data bank of community resources at CBU while Mary Keating has compiled a student handbook of academic resources and programs available through the CBU School of Arts and Social Sciences. The complete list of academic resources at CBU is found at the CBU office of R&D, and the Unama’ki College. The CBU Library holds an excellent source of information on Mi’kmaq studies.

Wekomaq Healing Center tel. 902-756-3440. Centre for Mi’kmaq or Maliset women of abuse.
Programs: Intimate Partner Violence.
Parenting Programs
Men’s 2 Wolves program- Men of abuse
Anger Management
Respite
Visititation for Micmac family clients and children.
Teen dating violence

Wekomaq school : Kindergarten to Grade 12, tel. 902-756- 9000.
Programs: After school programs
Floor hockey
Volleyball
Adult learning programs
Day Care, tel. 902-756-1119

Wally Bernard: Sports and Recreation, tel. 902-756-4627
Snowboard team
Hockey team
Activities for youth and children of Wekomaq such as swimming, games, teaching traditional knowledge, baseball

Health Centre: 756-2156
Nurses
Diabetic nurse
N.A. meetings Monday and Wednesday evenings
Women’s Well Day; free hair cuts
Men’s Well Day- free hair cuts
Training: CPR. Etc.

Band Office, tel. 902-756-2337
Band Manager, tel. 902-756-1119
Chief: RodGoogoo@waycobah.ca
Council members:
BobbyGould@waycobah.ca
AnthonyPhillips@waycobah.ca
StanfordPhillips@waycobah.ca
CyrusBernard@waycobah.ca
KennethJohnGoogoo@waycobah.ca
anniedaisley@waycobah.ca
darcygoogoo@waycobah.ca
stevegoogoo@waycobah.ca
johnlbernard@waycobah.ca

Administration Employees:
Social assistance, tel 902-756 3301
Rod’s One Stop, tel. 902-756-3088
Gaming – VLTS, tel. 902-756-9125
Housing Manager, tel. 902-756-2337
Economic Development officers, tel. 902-756-3149
Indian Affairs, tel. 902-756 2440
Fitness Centre, tel. 902-756-2333

Fire Station, tel. 902- 756-2069 (ten trained individuals).

Police Station, tel. 902-756-3371
There is a police station there but they don’t have any police officers currently working in the community, they call
them in from Port Hawkesbury or Baddeck.

Elders in the community:
Knowledge, Oral tradition and Mi’kmaq tradition

Fisheries, tel. 902-756-2525
Employee’s fishermen
Fisheries Manager; training for Deckhand; in cooperation with Mi’kmaq persons interested in a career at the Arichat
crab and fish plant.

Elders numbers/ contact information:
Noel J – Gould : 902-756-2364
Pearl Googoo: 902-756-2672
Marjorie Gould: 902-756-2743
Raymond & Annie Googoo: 902-756-3236
Julena Bernard: 902-756-3240
Ben and Marie Sylliboy: 902-756-2556
Bernie and Phyllis Googoo: 902-756-2210
Mary Victoria Googoo: 902-756-3240
Benedict Toney: 902-756-2534
Cecil Condo: 902-756-3427
Dorthy Googoo: 902-756-3266
Geraldine Paul: 902-756-9159
Dan j & Juanita: 902-756-3232
Henry Googoo
Wanda Philips
Anabelle Nicholas: 902-756-3264
Louis Joe Bernard: 902-756-3158
Joe Mike & Grace Paul: 902-302-1556
Rose Prosper: 902-756-9028
Mary Ann Martin
Harriet Bernard: 902-756-9078
Arlene Michael
Joan & Dave Christie: 902-756-9124
Martin Bernard: 902-756-3050
Janet Bernard
Jean Maclean
Mickey Googoo
Douglas Paul
Joe Nicholas: 902-756-3264
Ricky Gould & Isabelle Martin: 902-756-9007
Terry Gould: 902-756-2739
Debbie Bernard
Seven Bernard
Betty Philips
Madeline Bernard
Dolena Poulette & John Herney: 902-756-2415
Albert Toney: 902-756-3321
Junior Paul
Harriet Peck: 902-295-0204
Madeline Michael
Harvey Bernard
Maynard Poulette: 902-756-9142
Elizabeth Patles: 902-756-3085
Cara Philips: 902-756-9113
Betty Googoo
Gilbert Bernard
Angus Michael Googoo
Mary rose Googoo
Fabian Toney
Rod Phillips and Ida Marshall: 902-227-0545

Eskasoni Band Office – (902) 379-2800

Eskasoni Chief and Council

- Chief: Leroy Denny
- Council:
  - Bertram Bernard
  - Barry Francis
  - Dion Denny
  - Leon Denny Sr
  - Kimberly Marshall
  - John Frank Toney
  - Gerald R. Francis
Land Management:
- Albert J. Marshall

Eskasoni Housing:
- Darlene Marshall – Housing Director
- Mary B. Toney – Finance Clerk
- Kylie Young – Finance Clerk
- Fred Marshall –
- Donald Francis –

Economic Development:
- Tracey Menge
- Megan Gillis
- Mary C. Marshall
- Laura Prosper

Public Works:
- Fred Sylliboy
- Patrick Jeddore
- Andrew Lafford

Band Manager:
- Gerard Francis
- Mary Johnson
- Cora Dennis
- Allan Sampson (Financial advisor)

Gaming Commission: (902) 379-2704
- Darlene Francis
- Sonya Marshall

Tobacco:
- Roger Stevens
- Wanda Patles
- Lisa Denny

Social Assistance (Welfare) – (902) 379-2826
- Dale Sylliboy (Director)
- Social Assistance Officers:
  - Dawn Johnson
  - Ian Isaac
  - Elizabeth Johnson
  - Annette Bernard
- Clerks:
  - John Isaac
  - Victoria Alex
  - Charlotte Young
  - Sharon Johnson
  - Norma Doucette

Indian Registry:
1. Community Wellness Program
2. Woman’s Treatment Program
3. Co-ed Treatment Program
4. Trauma & Addictions Program
5. Community Preventions Programs (2):
   a. Prescription & Drug Awareness
   b. Relapse Prevention Program

Contact Persons:
1. Darlene Patles: FASD Coordinator
2. Dawna Prosper: Solvent Abuse Coordinator
3. Nelson (Inkin) Young: Prevention Counsellor
4. Joseph H. Denny: Executive Director
5. Josh Whitall: Prevention Counsellor
7. Ramona Gould: Office Manager/Administrative Assistant
8. Vincent Stevens: CB Prevention Coordinator

Mi’kmaw Family & Children's Services of NS: 902-379-2433

Resource Family
- Responsible for foster homes, children who need placements
- Preservice training
- Adoption
- Traditions of caring training, when people want their home to be a kinship home
  - Kinship home – someone can sign up to open their home for a specific child, usually relatives
  - Foster home – are open for anyone, foster parents are required to take training and courses
  - Respite home – like a babysitting home, where one can put in a request for another foster home to take care of your foster child for a couple of days or a week, if a foster parent needs a break due to illness or stress, or when they go on vacation without any children

Protection Intake
- Investigation in homes when they get calls
- If a child is in care, they have a temporary care worker who works with the child and the foster parent

Children & Care
- Children in permanent care
- They have their own worker

Family Skills
- Work with the families before or while child is in care, help them with budgeting, cooking and parenting courses available
- Whatever needs to be worked on family skills will work on it with the family

Family Group Conferencing
• Helps families come up with a plan, they come together in a meeting along with a family group coordinator

Community & Family Healing Program

• Where they do different things in the community
• Assist with some things
• Provide workshops at events such as “Women’s appreciation day”, which occurred at the Cultural centre and women were welcomed to get a free haircut and their nails done

Mi’kmaq Family Healing Centres

• Workers, support counselors
• Women’s outreach workers – if a woman needs help, that’s where they can stay and is provided support
• Men’s outreach workers – provide programs when men have issues with anger or anything else

Membertou (MB2) - Resources & Programs

Human Resources
Manager: Richard Stevens
The HR department is responsible for duties such as:
- Payroll
- Quality Assurance
- Occupational Health and Safety
- Staff issues
- Employee benefits
- New staff orientation
- Job postings
- Hiring procedure
- Maintaining files
- Attendance
- Staff training
- Annual staff meeting
- Staff events for all 22 departments
Membertou Administration Building 111 Membertou St.: 902-564-6466

Finance Department
Chief Financial Officer: Mike McIntyre
The Finance Department is responsible for:
- Manages members budgets and finances
- The finance department oversees all expenditures, which includes administration and government programs, capital projects and economic development.
Membertou Administration Building 111 Membertou St.: 902-564-6466

Public Works
Director: Darrell Bernard
- Planning and Promoting new development in Membertou amid an ever changing environment.
- Design, construction and maintenance of Membertou's water and sewer infrastructure along with community roads.
- Remediation of construction sites and the preparation of new housing lots.
- Snow removal and winter work operations
- Played a significant role in the construction of new development, such as the Membertou Trade and Convention Centre, gaming pavilions, and roadway enhancement
90 Sabelleseewawti: 902-562-6842

Environmental Services Manager: Nicole Francis is responsible for maintaining a clean and healthy work and public friendly environment in all of the Membertou community and civic buildings.
- The department also provides internal linen cleaning services for the Membertou Trade and Convention Centre and Membertour Entertainment Centre's constant requirements.
- Staff members are all thoroughly trained to provide health services and utilize the latest equipment and eco friendly supplies available to protect all of the public environments and work areas. 115 Membertou St.: 902-539-2125

Occupational Health & Safety Director: Constance Osborne, Emmergency Measures Officer (EMO). Responsible for maintaining health and safety in workplace, the community of Membertou. Provides technical expertise to all employees regarding all health and safety matters and administers training in several key areas to maintain a safe and healthy work environment for all Membertou employees. The Centre sponsors courses such as:
- WHMIS
- First Aid
- Due Diligence
- Construction. Safety courses required by Membertou

Membertou Administration Building 111 Membertou St.: 902- 564-6466 (Ext: 2550)
Membertou Radio C99FM
Manager: Dawn Wells
Announcer Producer: Aggie Baby
C99 FM uses a native radio station type B format.
This station is owned by the Membertou Chief and Council
Call letters are C-J-I-J. The FM stereo dial is 99.9. Operating at 50 watts. C99 FM also can be heard on Eastlink
digital cable on channel 855 in Sydney, NS.
Membertou radio plays;
- Classic Rock
- Modern Rock
- First Nations music
- Canadian Artist
- Country on Sunday's
There is also a variety of programs dedicated to particular genres of music within its schedule.
Membertou Radio CIJ FM
Email: c99@membertou.ca
On Air: 902-562-0009
Program Room: 902-562-0679 (ext. 3600)
Health Department & Wellness Centre Director: Darlene Anganis
The Wellness Home delivers the following programs;
- Heart disease/hypertension
- Smoking cessation
- Healthy weight
- Crisis prevention/intervention
- Mental health
- Pre-natal
- Diabetes foot care
- Addictions
- Services
- Dental therapy
- Chronic disease
- Home and Community care and respiratory illness
All programs encourage a healthy lifestyle and are offered through monthly information sessions
- Weight loss groups
- One on One counselling.
Program are available to anyone in the community.
The Membertou Wellness Home offers a family practice medical clinic with Dr. Jeff Power and provides services to
the community from Monday to Friday: 902- 564-6466
Social Services Department Director: Joan Denny
- The department has been working hard to change the norms of social spending in
Membertou. Through active measures; our community leaders are making substantial
investments in its workforce through education and training administered by the department.
- Social Training Assistance Initiative Reinvestment Strategy. (STAIRS) The Apprenticeship section of the policy
supports apprentices registered with the Nova Scotia Apprenticeship Program to work towards their certification.
- Membertou's Social employees' commitment and hard work to improve the overall
development of Membertou's workforce enables our community to continue to prepare our future employees with
the skills they require in today's challenging workplace.
Membertou Administration Building 111 Membertou St.: 902-564-6466
Education Department Director: Darren Googoo
• Through Membertou's own elementary school, valuable programs and services are offered that are not available
elsewhere.
The Membertou Education Department provides:
- Culture and Conversational Mi'kmaw classes to youth
- Offers state of the art technology, such as,
• Laptops for all children, hosts after school homework clubs and other extra curricular
activities.
Membertou's C@P Site Program offers online computer skills enhancement programs, cyber camps for children, aboriginal small business information kiosk, and is available to anyone to simply browse the net, check emails and assist with homework and school projects. Membertou opened its own youth centre dedicated to the encouragement of cultural, academic, social and recreational programs to youth: 902-564-6466

Membertou C@P Site Director: Alex Dugandzic

The Center is responsible for:
- Facilitating summer computer seminars
- Tutoring for junior high and high school students
- Gives visitors the opportunity to surf the web or check email.

The Membertou Youth Centre supports Membertou's long term goals of promoting active, educational and cultural activities relevant to the future of Membertou, and encourages youth to be involved in a wide variety of activities: 902-539-4920

Membertou Entrepreneur Centre Manager: Eileen Paul

• The Membertou Entrepreneur Centre now provides customized business training and support to interested entrepreneurs in the community.
• Offers a business development program that includes:
  Customized training and workshops as well as one-on-one support for new and existing businesses. The main focus is to assist Membertou residents that are interested in starting a new business or expanding and existing business, to develop a strong business plan. The Centre will also work together with Aboriginal Business Canada (ABC), Ulnooweg Development Group and other federal, provincial and community economic development agencies to determine how best to provide investment capital and funding to support new business ventures in Membertou.

The Membertou Certificate Program's Calendar currently includes the following courses:
• Bookkeeping
• Marketing and Social Media
• Customer Service
• Proposal Writing
• Balance and Life Skills
• Finance and Credit
• Business Planning

201 Churchill Drive: 902-562-6919; Cell: (902) 577-0785
Email: eileenpaul@membertou.ca
Office hours are Monday to Friday 9am to 4:30pm

Membertou Administration offers various administrative services to the community such as work covering Governance, Policy, and the various Mi'kmaq Employment Training Secretariat (METS) programs.

Membertou Market
Manager: Marilyn MacQueen

Putting Membertou in the forefront of the convenience store and gasoline industry.

The Market offers a variety of products including:
• grocery items
• Fresh fruit and vegetables
• Gas
• Diesel
• Propane
• Lottery
• Tobacco

Membertou Market expanded its fast food operations by re-branding its existing Chicken outlets and adding deli.

Kiju's Chicken and Deli Express features 'tasty' chicken and deli menus for eat in, takeout and delivery. Membertou Market: 902-539-8401

Kiju's Chicken & Deli Express: 38 Maillard St.: 902-539-9078

Membertou Trade & Convention Centre
General Manager: Audrey Firth

Event Destination ‘Perfect place to hold events’;
- small staff gatherings to large-scale entertainment shows
- Weddings
- Conferences
- Modern architecture and intriguing Mi'kmaq art & artifacts

While at the trade and convention centre, guests can visit the Box office to view upcoming shows and dine at Kiju's Restaurant.

Also attached to Hampton Inn, 50 Maillard St.: 902-562-6826
The Membertou Department of Natural Resources Manager: Lance Paul
* The Membertou department of natural resources was formed in 1992.
* The department helps plan, organizes, directs and oversees all natural resource related activities, including FSC harvesting, fishery, forestry, wildlife, environmental, mineral, land and water based activities.
* It also includes the conservation, protection and restoration of our natural resources for the Membertou community.
* Federal legislation provided aboriginal persons protection and harvest priority of fish resources, Harvested fish resources can be used for food, social or ceremonial (FSC) purposes.
* The Membertou natural resources Manager/Fishery Guardians plans also organizes, directs and oversees all natural resources related activities, including FSC harvesting, fishery, forestry, wildlife, environmental, mineral, land and water based activities. This includes the conservation, protection and restoration of our Natural Resources for the Membertou Band Council. The manager coordinates all operations of the Membertou Band's interests in the above activities.
* The Membertou natural resources has been partnered up with the Unama'like Institute of Natural Resources (UINR) since 1999. The UINR is known as as representing Cape Breton's Mi'kmaq voice on natural resources and environmental concerns, the UINR represents the five Mi'kmaq communities of Unama'ki and was formed to address concerns regarding natural resources and their sustainability. And help gain success in our Mi'kmaq cultures in Cape Breton Island.
Staff:
Director of Fisheries: Hubert Nicholas
Manager/Fishery Guardian: Lance Paul
Senior Technician: George Christmas
Technician: Glenn Googoo
Technician: Rosalind Christmas
Civic Address; 84 San'tele'sew Awti, Membertou, NS. B1S 0A5: 902-567-2018
fax: 902-567-7181. Mailing Address; 111 Membertou St. Membertou, NS. B1S 2M9
Membertou Heritage Park; General Manager: Jeff Ward
The Membertou Heritage Park consists of a five-acre site that offers a living history of the people of Membertou. A large indoor exhibit and program area offers the visitor full immersion to an ancient culture. Through the Blossoms and Berries Donnation Campaign the Membertou Heritage Park will be expanding their landscape in the future. Take a little piece of authentic Canadian tradition home with you as you browse through Petroglyph’s Gift Shop. Petroglyph specializes in Aboriginal arts and crafts and carries a wide arrangement of traditional and contemporary Mi'kmaq arts and crafts made locally in Atlantic Canada.
The Park honours the spirituality and the strength of the Membertou people telling the story of Membertou, educating and sharing the Mi'kmaq culture and assisting in preserving the Mi'kmaq heritage. Through the Membertou Heritage Park, all peoples have the opportunity to touch, feel and learn while experiencing firsthand Membertou’s rich culture. Membertou Heritage Park. 35 Su'n Awti, B1S 0A5: 902-567-5333
Fascimile: (902) 539-6076; http://www.membertouheritagepark.com/
Membertou Gaming Commission; General Manager: Diane Paul
The Membertou Gaming Commission came into effect in 2002. There are currently five (5) gaming pavilions, with head offices located in the newest pavilion at 51 Maillard Street. The Membertou Gaming Commission operates 23 hours a day, 7 days a week, and employs approximately 53 people. Membertou uses the profits gained from this industry to assist in the creation of new business, capital investments and also provides a portion in the form of dividends to all community members each year.
51 Maillard St., Membertou, Nova Scotia, B1S 2W4: 902-562-6969; Fax:(902) 562-6196
Membertou Entertainment Centre; General Manager: Laurie Marshall
The newest addition to Membertou’s commercial enterprises is the Membertou Entertainment Centre (MEC), which opened in August 2007. The MEC is a state of the art, 33,000-square-foot building that hosts bingo games four (4) nights per week on the first floor and also houses two separate VLT areas upstairs, smoking and non smoking. The MEC Bingo hall features an open concept non-smoking area and also contains dual glassed in smoking areas for our customers who wish to smoke in comfort. The MEC also hosts several Monster Bingos throughout the year and provides electronic bingo for our most sophisticated players. Players can enjoy snacks and beverages from our full service concessions. Call the Bingo Hotline for details on all your favorite games!
11 Chief Ben Christmas Awti', Membertou, Nova Scotia, B1S 0A2: Bingo Hotline: (902) 562-3999; Tel: 902-562-1198; Fax: (902) 562-2519; Website: www.meebingo.com
First Fishermen Seafood; Director: Hubert Nicholas
First Fishermen Seafoods is an Aboriginal owned and operated seafood company based in Membertou, Nova Scotia, Canada. We emphasize the highest quality seafood products from a fishery rich in history and tradition. First Fishermen Seafoods believes strongly in following the traditional ways passed down from our ancestors, where nature and the environment are respected and appreciated. We believe that these practices make the ultimate difference in the taste and quality of our products to our customers.

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First Fishermen Seafoods believes there is no substitute for fresh seafood and there is no better place to catch seafood than the rich fishing grounds of Atlantic Canada. Our products blend the traditions of the Atlantic Canadian fishing industry with a modern approach to quality assurance and sustainability. Utilizing the fleet of six (6) vessels Membertou’s First Fishermen Seafoods harvests a variety of ground fish, shell fish and large Pelagic including tuna and swordfish. As it continues to pursue an aggressive growth strategy Membertou remains committed to extracting the maximum value from each kilogram of the resources that it harvests while respecting the natural environment; 111 Membertou Street, Membertou, Nova Scotia, B1S 2M9
Tel: 902-564-6466 Ext. 5011; Fax: (902) 562-5536; www.firstfishermen.com
Kiju's Restaurant; Food & Beverage Manager: Doug Minaker
MTCC General Manager: Audrey Firth. What we have to offer at Kiju's Restaurant can be summed up in three words: Fresh, Local, Friendly.
Fresh, because our Chef incorporates fresh ideas, uses fresh ingredients, and creates fresh house made meals that would make Kiju proud.
Local, because at all times, at least 40% of our ingredients are sourced from local Nova Scotia suppliers. This percentage is much higher in the Summer and Fall months.
Friendly, because our staff provide friendly Cape Breton hospitality.
The English translation for ‘Kiju’s’ is referring to one’s mother. The reason for this name is that our people have always counted on our ‘Kiju’s’ for making the best home cooked meals around. We know a meal at our ‘Kiju’s’ was always guaranteed to be delicious.
Kiju's Restaurant; 50 Maillard Street; Membertou, Nova Scotia, B1S 3W3; 902-562-6220
Email: info@kijus.com; www.kijus.com

Membertou Data Centre; Manager: Jamie Doyle
Membertou Data Centre specializes in the hosting and management of complex IT environments, ensuring the availability, security and integrity of critical data and business applications everyday. Membertou Data Centre operates a world-class data center in Membertou that features support personnel, cooling, power, connectivity and physical security for clients 24 hours a day, 7 days a week, 365 days of the year. Membertou Data Centre has been operational since January 2007. Membertou Data Centre currently hosts servers for numerous clients throughout Canada. Services such as managed hosting, disaster recovery, help desk/technical support services and website and email hosting are offered by the Membertou Data Centre; 50 Maillard Street Membertou, Nova Scotia, B1S 3W3; 902-562-6826; Fax: 902-562-6828
Membertou Quality Assurance and ISO Compliance Quality Assurance Coordinators: Kyanne Paul and Joan Paul

In January of 2002 Membertou received official notification of its ISO status, making Membertou the first aboriginal government in the world to become ISO 9001 certified. The purpose of ISO 9001 compliance is to further enhance Membertou's indigenous economy based on the pillars of sustainability, conservation, innovation and success. The ISO designation allows Membertou to position itself as a very credible player in the global market economy. Today, through strong leadership from Chief and Council, other senior members of management and adherence to ISO standards, Membertou continues to show the world that they have transparent and consistent management policies; 111 Membertou St., Membertou, Nova Scotia, B1S 2M9: 902-564-6466 (ext. 2570); Fax: (902) 539-6645

Pictou Landing First Nation: Resources & Programs

Chief and Council

Chief Andrea Paul
RR# 2 P.O. Box 55 site 6
43 Maple Street
Trenton NS, B0K 1X0
Email: Andrea.p@plfn.ca
Ph: 902-752-4912
Fax: 902-755-4715
Cell: 902-921-1161

Councillor Marsha Phillips
RR# 2 P.O. Box 55 site 6
6591 Pictou Landing Road
Trenton NS, B0K 1X0
Email: Marsha.p@plfn.ca
Ph: 902-752-1709
Fax: 902-752-2206
Cell: 902-921-8432

Councillor Haley Bernard

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Cell: 902-301-2056

Councillor Barry Francis

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Councillor Gordie Prosper

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Councillor Derek Francis

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Email: Derek.f@plfn.ca
Ph: 902-752-4912
Fax: 902-755-4715
Cell: 902-301-9758

Health Department

Director of Health

Philippa Pictou
19 Maple Street
PO Box 55 Site 6 RR#2
Trenton NS B0K1X0
902-752-0085 ext 245
fax 902 752-6465
Email p.pictou@plfn.ca

Community Health Nurse

Laurie Phalen
19 Maple Street
PO Box 55 Site 6 RR#2
Trenton NS B0K1X0
902-752-0085 ext 251
fax 902 752-6465
Email: Laurie.p@plfn.ca

Megan Renouf
19 Maple Street
PO Box 55 Site 6 RR#2
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902-752-0085 ext 251
fax 902 752-6465
Email: Megan.r@plfn.ca

Community Mental Health Representative

Tiana Fusco
19 Maple Street
PO Box 55 Site 6 RR#2
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902-752-0085
fax 902 752-6465
Email: Tiana.f@plfn.ca

Community Health Representative

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Email: Darlene.b@plfn.ca

Medical Office Assistant

Michelle Denny
19 Maple Street
PO Box 55 Site 6 RR#2
Trenton Ns B0k1x0
902-752-0085 ext 241
fax 902 752-6465

NADACA

Fran Nicholas
19 Maple Street
PO Box 55 Site 6 RR#2
Trenton Ns B0k1x0
902-752-1918
fax 902 752-6465

Dr. Cathy Felderhof

19 Maple Street
PO Box 55 Site 6 RR#2
Trenton Ns B0k1x0
902-752-0085
fax 902 752-6465

Wellness/Outreach

Mary Hatfield
19 Maple Street
Dentist
Dr. Luke Austin
Dentist Assistant
Amber Austin
Janitor
Donnie Muise
Environmental Health Officer
Karen Boyles
19 Maple Street
PO Box 55 Site 6 RR#2
Trenton NS B0K1X0
902-752-0085 ext 248
Fax 902 752-6465

Human Resources
Verna Langley – Executive Assistant/Human Resource Manager

RR# 2 P.O. Box 55 site 6
43 Maple Street
Trenton NS, B0K 1X0
Phone: 902-752-0085 x 246 Or 902-752-4912 x 246
Fax: 902-755-4715 Or 902-752-6465
Email: Verna.l@plfn.ca

Staff
Janet Francis – IT support, Band Council Assistant, Webmaster of Band Website, Mail
Email: Webmaster@plfn.ca

Jenny Fraser – VCM Administrator Assistant
Email: Jen.s@plfn.ca

Katie Paul – Band Office Receptionist
Email: Katie.p@plfn.ca

Economic Development

Debbie Dykstra

RR# 2 P.O. Box 55 site 6
6501 Pictou Landing Road
Trenton NS, B0K 1X0
Phone: 902-752-7597
Fax: 902-752-2206
Email: Debbied@plfn.ca

Staff
George Fraser
Social Development Administrator  
RR# 2 P.O. Box 55 site 6  
6504 Pictou Landing Road  
Trenton NS, B0K 1X0  
Phone: 902-752-4912  
Fax: 902-755-4715  
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Colleen Denny  
Social Development Clerk  
RR# 2 P.O. Box 55 site 6  
6504 Pictou Landing Road  
Trenton NS, B0K 1X0  
Phone: 902-752-4912  
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Tonya Francis  
Native Employment Officer  
RR# 2 P.O. Box 55 site 6  
6591 Pictou Landing Road  
Trenton NS, B0K 1X0  
Phone: 902-752-7597  
Fax: 902-752-2206  
Email: tonya.f@plfn.ca

Capitol/Public Works  
Director Capital / Operation and Management  
John Paul  
RR# 2 P.O. Box 55 site 6  
6504 Pictou Landing Road  
Trenton NS, B0K 1X0  
Phone: 902-752-4912 x 232  
Fax: 902–752-3601  
Email: John.p@plfn.ca

Water/Waste water Operations  
Martin Sapier  
Allen Bernard  
In –training Corbin Stevens  
Plow operators  
Roddie Francis  
Martin Sapier

Residential Property Director  
Sally Duff  
Repairs Renovation  
Hughie Francis

Fire Department
Anthony Nicholas (Quise) Fire Chief
April Nicholas
Edward Prosper
Robert Francis
Darlene Bachiri
Jennifer Nicholas
Cathy Francis
John Fraser
Corbin Stevens
Vernon Boyles
Thomas Bernard
Leonard Cremo
Patrick Boyles
Darcy MacInnis
Chris Strickland
Kenny Francis
Dennis Worthen
Derek Francis
Pam Paul
Louie Francis
Sam Francis
Patrick Christmas
RJ Moore
Justin Alex

Department of Fisheries

Wayne Denny

Councillor/Director
RR# 2 P.O. Box 55 site 6
6591 Pictou Landing Road
Trenton NS, B0K 1X0
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Marsha Phillips

Administrative Assistant
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Billy Francis

Fisheries Guardian
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Dominic Denny
Councillor/Fisheries Supervisor
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Derek Hatfield
Vessel Maintenance Manager
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Housing
Residential Property Director
Sally Duff
RR# 2 P.O. Box 55 site 6
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Fax: 902–752-3601
Email: sally.d@plfn.ca

Lands & Forests
Director of Lands / Environment
Boat Harbour Settlement Advisor
Dan MacDonald
RR# 2 P.O. Box 55 site 6
6504 Pictou Landing Road
Trenton NS, B0K 1X0
Phone: 902-752-4912 x 230
Fax: 902–752-3601
Email: Dan.Mac@plfn.ca

Education
Director of Education
Sheila Francis
Phone: 755-9954
Cell number 759-4155
Email: sheilaf@pictoulandingschool.ca

Education Staff
Sarah Clark
Student Support Worker (North Nova Education Center)
Phone: 755-8180, ext 195
Email: clarksm@ccrsb.ca
Pictou Landing First Nation School

Phone: 759-4155
43 Gym Road, Pictou Landing Reserve
Website: http://www.pictoulandingschool.ca/
Facebook: Pictou Landing First Nation School Information Page

Irene Endicott, Principal
Karen Prosper, Receptionist
Kenny J. Francis, Janitor
Jackie Alex, Kitchen Worker
Marsha Herney, Kitchen Worker
Angie Campbell, Early Literacy Support
Erica Macdonald, Grade Primary Teacher
Nadine LeBlanc, Grade 2 (1/2) Teacher
Jeremy Walker, Grade 1/Phys Ed Teacher
Kim Dorrington, Grade 3 /4 Teacher
Colin Munro, Grade 5 /6 Teacher
Heather VanEk, Speech Language Pathologist
Martha Augustine, Speech Language Support Worker

Early Childhood Development (ECD) Center
Pamela Paul, ECD Coordinator/ 3-year old program
Bridget Worthen, 4-year old program
Lorraine Francis, Child care program
Marie Moore, ECD Assistant
Angie Campbell, Early Literacy Support
Walter Prosper, Janitor

Social

Social Development Administrator

George Fraser
RR# 2 P.O. Box 55 site 6
6533 Pictou Landing Road
Trenton NS, B0K 1X0
Phone: 902-752-4912 x 228
Fax: 902-755-4715
Email: george.f@plfn.ca

- AANDC’s Income Assistance Program
- services from Pictou Landing Band Council’s Employment & Training Department (METS/ASETS)

Paq’tnkek Health Centre
Phone: 902-386-2048
Fax: 902-386-2828
Address:
128 Saqamaw Road
R.R.#1 Afton
Antigonish Co., NS
B0H 1A0

Human Resources
- Visiting Mental Health Services
- Visiting Addictions Services
- A monthly visiting Physician
A visiting Nurse Practitioner
- Community Health Nurse
- Community Health Representative
- Community Family Support Worker
- Monthly Foot Care Clinics
- Dental Therapist
- Visiting Social Worker (child protection)

Medical Services:
- Women's Health Services
- Teen's Health Services
- Reproductive Health
- Sexually Transmitted Infections Screening
- Referrals to a variety of outside services, agencies and resources

Education Programs:
- Diabetes Education
- Menopause
- Healthy Food Choices
- Teen Health
- Healthy Aging
- Immunization
- Oral Health
- Maternal Child Health
- Prenatal Education
- Addictions
- Child Development

Support Programs:
- Parent Support
- Teach Eating Activity Management Program for Families
- Travel assistance for medical appointments

CHAPEL ISLAND (POTLOTEK)

Chief: Wilbert Marshall

Band Councillors:
James Marshall
George Johnson
Arthur Johnson
Wayne Johnson
Basil Johnson
Quentin Doucette
(vacancy)

Chief and Council are elected bi-annually. They regulate Band policies and have final say on Band matters.

For a detailed list of all resources and programs available at Chapel Island (Potlotek) see the website http://potlotek.ca

Indian Brook

Aboriginal Head Start Program
Patsy Michael, Aboriginal Head Start Program Coordinator
Office: 902 758 2049
Email: pmichael@sipeknekatik.ca
After School Program
Jenny Howe, After School Program Coordinator
Office: 902 236 1084
Email: jhowe@sipeknekatik.ca

Band Membership
Patricia Bernard, Band Membership Clerk
Office: 902 758 2049 ext. 242

Bylaw Enforcement
Jason McDonald, Bylaw Enforcement Officer
Office: 902 758 2049
Email: jmcdonald@sipeknekatik.ca

Daycare
Jennifer Sack, Day Care Manager
Office: 902 236 3036
Email: jennifersack@sipeknekatik.ca

Economic Development
David Nevin, Economic Development Officer
Office: 902 758 2049

Education
Velvet Paul, Director of Education
Office: 902 236 3024
Cell: 902 751 1287
Email: vpaull@sipeknekatik.ca

Sarah Soucet, Principal of L’nui Spiuk Kina’Muokuom
Office: 902 758 3043
Email: sdoucet@sipeknekatik.ca

Employment & Training
Desiree Grantmyre, Acting Employment and Training Coordinator
Office: 902 758 3372
Email: dgrantmyre@sipeknekatik.ca

Finance
Matthew Horton, Executive Finance Officer
Office: 902 758 2049
Email: mhorton@sipeknekatik.ca

Richard Sack, Director of Finance
Office: 902 758 2049 ext 226
Email: rsack@sipeknekatik.ca

Brandon Maloney, Fisheries Manager
Office: 902 758 2049
Email: bmaloney@sipeknekatik.ca

Gaming
Lorrie Syliboys, Gaming Commissions Representative/Gaming Manager
Office: 902 758 1649
Cell: 902 750 0419
Email: lsyliboys@sipeknekatik.ca

Owen Marr, Manager of Sipekne’katik Entertainment
Office: 902 835 4489
Email: omarr@sipeknekatik.ca
Gas Bar
Gas Bar Hours 7 AM to 9 PM Daily Regular and Diesel Fuel Tobacco products
Peter Adema, Gas Bar Manager
Office: 902 758 4236
Email: padema@sipeknekatik.ca

Human Resources
Heather Knockwood, Human Resources Manager
Office: 902 758 2049 ext 235
Email: hknockwood@sipeknekatik.ca

Health
Lorraine Etter, Director of Health
Office: 902 758 2063
Cell: 902 805 9990
Email: letter@sipeknekatik.ca

Housing
Michael Paul, Housing Manager
Office: 902 236 3025
Cell: 902 805 0155
Email: mpaul@sipeknekatik.ca

Operations & Maintenance
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LATIN AMERICA: TRUMP'S WALL AND CHINA'S BRIDGES

Raúl Zibechi*
In November, President Xi Jinping made his third visit to Latin America in just four years. This time the week-long trip took him to Peru and Chile, member nations of the Pacific Alliance, led by the US as part of the Trans-Pacific Partnership (TPP). The Partnership excludes China, and also Ecuador, with which the Asian country maintains an important economic and political relation.

The tour began on November 16th, included participation in the Asia-Pacific Economic Cooperation (APEC) Forum in Lima, and concluded in Chile on November 23rd. The dates of the presidential trip say it all. On November 8th, Donald Trump won the US election with the promise of ending the TPP, something which leaves the countries that had opted to join this alliance – such as Peru and Chile, as well as Mexico and Colombia – hanging.

Although the trip was scheduled before the US elections, it was a master power play. While the US becomes a problematic partner through its erratic foreign policy, China extends its arms and offers a new type of relationship that goes far beyond commercial ties, as it has until now.

“This is Xi’s third visit to Latin America since he came to power three years ago, beyond those of 2013 and 2014, and centers on countries on the Pacific coast with which the Asian giant maintains important economic and political relationships” (El Comercio, November 16, 2016). The Peruvian conservative newspaper put its finger in the right place.

China’s relationship with Latin America, including mineral-exporting countries like Peru, has already shifted from mere commercial ties to global geopolitical issues.

In his speech to Peruvian parliament, Xi emphasized the relationship between the region and China attained a leap forward in development, “with a comprehensive advance in cooperation in all areas.” This is, in the words of the president, comprehensive cooperation characterized by “equality, mutual benefit, and shared development” (Xinghua, November 23, 2016).

The contrast with White House policy, which threatens to deport millions of undocumented Latinos – while Xi speaks of a “shared future” based on cooperation – could not be starker.

Xi met with Mauricio Macri twice in less than a year, showing that ideological differences are nothing compared to the economic advantages a relationship with China brings. During the President’s tour, the fifth China-Latin America High Level Dialogue Forum was held in La Plata, Argentina, where the Chinese ambassador in Buenos Aires Yang Wanming proposed “a model of cooperation to promote the effective coupling of industries between China and Latin America.”

While Washington and Brussels are hesitant about the current scenario and tend to fall back on a certain protectionism, taking a step back in globalization, Xi did not cease highlighting that “economic globalization is an irresistible trend.” He called for “promoting liberalization and trade and investment facilitation, and to oppose any kind of protectionism” (Diario de Pueblo, November 25, 2016).
That the emerging power appropriated the discourse of Western elites is evident, because it feels strong in that same terrain, not only the economic terrain, but also in finance with the internationalization of the yuan underway.

**China at the vanguard**

A considerable slice of the public reckons China is a massive manufacturer of low-quality, cheap products. That perception loses sight of the fact that no nation reaches the rank of global power producing trinkets. By contrast, the dragon is able to flood the world with all kinds of goods at prices impossible for other producers, but it is also the most advanced country in innovation and cutting-edge technologies.

Every six months, the list of the top 500 “supercomputers” in the world is updated at top500.org. In 2001 almost half of these computers belonged to the United States and China did not appear on the list. In 2013 the United States still held the absolute majority, but China had 63 supercomputers among the 500 fastest. That year, the fastest computer was the Tianhe-2, manufactured by the National University of Defense Technology in China, displacing the best of the United States. Time would tell this was not a flash in the pan.

This year, a remarkable feat. Or better said, three in one. The Supercomputing Center in Wuxi created a computer that leaves behind all known machines in the dust. It’s called the Sunway TaihuLight, and it is capable of performing 93 petaflops per second. In sum, it is three times faster than the Chinese supercomputer that was first in the world ranking and almost six times faster than the highest-ranked American computer. It has 41,000 processors and 260 cores, at a cost of $260 million. Second, it was built entirely with Chinese components. Other Chinese supercomputers, such as the Tianhe-2, are made with chips from the American company Intel. But in April 2015, the United States banned the sale of supercomputer chips to China, which actually served to stimulate Asians (El Mundo, June 21, 2016). Third, for the first time, China has surpassed the United States in the number of machines in the list of the world’s 500 fastest. It has 167 supercomputers, compared to 165 of its competitor. All computers of this type in all countries use Linux, free software.

At the same time, China has surpassed all other countries in patent applications, widening the distance each year. In 2015, China applied for 1,100,000 patents to the World Intellectual Property Organization, surpassing those from the United States, Japan and South Korea combined. (They follow in the world ranking.) But most important is the speed of Chinese growth, similar to that recorded in all areas of growth. In 2001 China filed for more than 30,000 patent applications, while Japan requested half a million and the United States nearly 300,000. An abysmal difference. Fifteen years later, Japan stalled and the Americans got barely half as many patents as the Chinese.

China has become the most innovative country in the world, not only the most productive. The differences are so great we can be assured Asian supremacy will continue to grow like a tsunami in the coming decades.

**New relations**

At the end of Xi Jinping’s South American tour, the Chinese government released a new document on its relations with Latin America. Unlike the previous document – from 2008, when then-president Hu Jintao toured the region – the new one focuses not on the economy, but on politics.
In any case, the proposals underway are based on previous economic links. To date, three countries have signed free trade agreements with China: Chile in 2005, Peru in 2009, and Costa Rica in 2010. In 2015, the volume of trade reached $236 billion, a figure that had multiplied by 20 in just a decade.

Various cooperation forums were created in this period, the most important of which being the China-CELAC[1]Forum. Its first meeting took place January 2015 in Beijing. The new agency established a plan for 2019 that envisages $500 billion in trade and $250 billion of reciprocal foreign direct investment.

It is unlikely these targets be met within the stipulated deadlines, as bilateral trade has been falling since 2013 due to the slower growth of the Chinese economy and the post-2008 financial crisis global slowdown. However, Chinese diplomacy was very optimistic. The document highlights that since 2008, “the rise of developing countries and emerging markets has becomes an irreversible trend.”

But the most novel aspect is when it states that “China can introduce its experience to Latin America and the Caribbean to help them improve their governance.” This is a language that had not appeared before. The version published by the official newspaper Global Times adds that the exchanges must be freed of “ideological shackles.”

That is the path China is exploring in Latin America when it proposes a “comprehensive strategic partnership,” as well as in organizing a summit for the media leaders of China and Latin America and the Caribbean in Santiago. A new language follows new objectives. The first clue was given by Chancellor Wang Yi’s statement on the importance of “China’s image as a responsible actor and its key role in giving people peace of mind, strengthening trust, and building consensus” (Xinhua, November 25 2016).

Heading in the same direction, but more forcefully, was the Global Times editorial which contrasts Washington’s warmongering and destabilizing policies in the world with proposals to achieve “global governance” in the hands of Beijing. The newspaper quotes a recent Financial Times article, “Trump builds walls, Xi builds bridges in Latin America,” to illustrate the sharp differences between the two projects.

In this reading, Trump is making the heritage of the Washington Consensus worse, although Chinese diplomacy is very clear that there won’t be a rupture between the region and the United States. To balance, the editorial concludes with a revealing phrase: “Economic cooperation between China and Latin America has given Latin American countries an alternative in the diplomatic field and more power to negotiate with the United States” (Global Times, November 17, 2016).

Nothing is what it seems

"From the perspective of Latin America and the Caribbean, export diversification appears to be the main pending issue: only five products, all primary, accounted for 69% of the value of regional shipments to China in 2015. The dynamics of Chinese foreign direct investment in the region reinforces this pattern, since almost 90% of such investment between 2010 and 2015 was directed to extractive activities, particularly mining and hydrocarbon production,” CEPAL Executive Secretary Alicia Bárcenas synthesized, when presenting the “Opportunities and challenges” document published on the occasion of Xi Jinping’s visit to the agency.
She compared the region’s trade with China to that of other regions of the world. “The export basket of Latin America and the Caribbean to China is much less sophisticated than its export basket to the rest of the world. In 2015 primary products represented 70% of the region’s exports to China, compared to 34% of its shipments to the world.”

In parallel, 90% of Chinese investments are focused on natural resources, which is a source of many social conflicts. At this point, it should be mentioned that the organization Ecuadorian Ecological Action launched a document that coincided with Xi’s visit, which highlighted the serious environmental and social problems generated by the massive Chinese investments. The environmentalist group points out that until 2000, Monsanto held the patent on glyphosate, but upon expiry, various companies began to manufacture the generic product at a lower cost: “Thus, China has become the largest producer and exporter of glyphosate worldwide” (Acción Ecológica, November 15, 2016). Although this isn’t a new fact, it allows us to emphasize that the hegemonic power in ascent can bring consequences as disastrous as the hegemonic power in decline.

China leads mining investments in Ecuador, which has led to the modification of mining law to favor its companies. They have large enterprises, such as the Mirador project, which includes the construction of a port and highways to transport the material from the Amazon region. Additionally, the Asian country is the main source of credit for the country, tied to the prepayment of oil or buying and selling commitments. Thus, more than 80% of Ecuadorian oil exports are sold to China.

But the most emblematic case is the Coca Codo Sinclair hydroelectric facility, built by Sinohydro with state funding and inaugurated by Xi on his trip. In December 2014, thirteen workers died in the construction of the dam, adding to the four dead on another dam built by China months earlier, this time Asian technicians. “The projects are part of a network of eight hydroelectric plants under construction with which Ecuador, a petro-state, hopes to stop importing electricity and become a clean energy exporter” (El Comercio, December 14, 2014).

Director of the Chinese Policy Observatory Xulio Ríos says “the new strategy registers a qualitative leap signaling China’s willingness to actively participate in the transformation of the region, not only adding development opportunities but also sealing an alliance to catapult its global political projection.”

But, at the same time, he points out, “the document suggests the parallel urgency that Latin America and the Caribbean establish minimum guidelines for its policy towards China” (Rebelión, December 1, 2016).

This appears to be the key point today. That for China to be ready to cooperate with the launch of the region as a global player, it must have its counterpart: that the region arrives at some achievements in integration and, above all, in its strategic profile; or rather, the place it wants to occupy in the world and therefore, what type of investments it intends to take in. Without making that leap, Latin America will continue to be a supplier of commodities without added-value, mortgaging its future.

Cultural Survival


Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous peoples' rights in countries throughout the world and publishes its findings in its magazine, the Cultural Survival Quarterly; and on its website: www.cs.org

Asociación Sobrevivencia Cultural is Cultural Survival’s sister organization based in Guatemala. Es una organización que promueve los derechos y desarrollo de los pueblos indígenas en Guatemala, nace legalmente en el 2010, es miembro del Movimiento de Radios Comunitarias de Guatemala que impulsa la aprobación de la iniciativa 4087 Ley de Medios de Comunicación Comunitaria, para que los pueblos originarios accedan a sus propios medios de comunicación en el ejercicio de la libertad de expresión y democratización de los medios de comunicación en Guatemala.

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Observations on the State of Indigenous Human Rights in Guatemala

I. Executive Summary

Since its review during the second UPR cycle, Guatemala has made no progress in implementing Indigenous Peoples’ right to Free, Prior and Informed Consent before large-scale development projects take place on Indigenous lands. Rather, human rights defenders are increasingly targeted for speaking out against these projects, with the complacency and sometimes direct support of the Guatemalan state. Indigenous Peoples continue to be denied access to radio frequencies despite orders from the Constitutional Court and recommendations in both the first and second cycles to modify the Telecommunications Law. Indigenous women face strong discrimination in access to services, especially adequate health care that is culturally appropriate, and a recent bill that was passed to address this issue was vetoed by President Jimmy Morales for obviously discriminatory reasons.

II. Background

Guatemala has a population of approximately 16 million people. Three groups are considered Indigenous: the Maya, Xinka, and Garifuna. Indigenous Guatemalans have lived through 500 years of colonization and brutal repression, including a 36-year long civil war related to the distribution of land. Supported by the United States, the war lasted from 1960-1996. During this time there was a genocide in which 200,000 Indigenous Guatemalans were murdered or disappeared. An additional 1.5 million people were displaced and more than 150,000 people were forced to flee the country to Mexico as refugees. The army also instituted a scorched earth policy in which they burned and destroyed buildings and crops, contaminated water supplies, slaughtered livestock, and desecrated sacred lands and cultural symbols of Indigenous People. In 1996, Guatemala signed the United Nations sponsored Peace Accords ending the 36 year long civil war. However, many Indigenous Guatemalans are still suffering from the after-
effects of the civil war such as poverty, displacement, widowhood, and trauma. In 2007, Guatemala voted for the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Indigenous Guatemalans are twice as likely to lack access to education and literacy as their Ladino counterparts. In 2013, on average, 14 percent of Indigenous students in 9th grade achieved national standards in Mathematics, compared to 30 percent of their Ladino counterparts. Only 9 percent of Indigenous students reached national standards in Reading, compared to 31 percent of their Ladino counterparts.

Access to land is still a major source of political strife, as Indigenous Guatemalans represent between 40-60 percent of the population but hold just a fraction of the land in the country, leading Guatemala to be one of the most inequitable societies in the world.

III. Continuing Rights Violations

A. Violations to the Right of Free, Prior and Informed Consent

The Ministerio de Energía y Minas (MEM), is the body who currently awards concessions for mining, hydro, and oil extraction with hundreds of licenses across the country. As of January 2017, there were 27 licenses for mines authorized in Huehuetenango alone. 65 licenses for hydroelectric projects were listed as of 2015. Many of these projects are part of a World Bank-supported campaign Plan MesoAmerica, aimed to increase development by creating a common energy market that interconnects the infrastructures of all Central American countries. However, a number of Indigenous municipalities have held referenda about extractive industries and transnational companies operating on their lands and territories. These referenda, or consultas comunitarias have overwhelmingly resulted in the Indigenous communities rejecting the projects. However, the government authorities and companies do not respect the Indigenous communities' decisions, arguing that the government has absolute power over granting licenses for the exploitation of subsoil resources. The Guatemalan military and police forces have been deployed to protect transnational business interests, rather than the protection of citizens, especially when these citizens are Indigenous and rural. This is a violation of the Indigenous Guatemalans’ right to Free, Prior and Informed Consent, as established by the Article 19 of the UN Declaration on the Rights of Indigenous Peoples, as well as ILO Convention 169.

i. Flaws in Existing Legal Frameworks

Guatemala’s Mining Law was passed in 1997 and is still in urgent need of updating and replacing, despite recommendations issued by Norway in the second cycle. Designed to encourage investment, the law in 1997 reduced the percentage of royalties on gross revenues to the government from 7 to 1 percent and allowed foreign companies 100 percent ownership of mining enterprises and are exempted from paying various taxes, amongst other things on the use of water and on imported machinery. It fails to mention Indigenous Peoples rights to their ancestral lands nor does it require consultation nor Free, Prior and Informed Consent of Indigenous Peoples. Despite heavy criticism and some attempts to update the law in 2012-2014, the existing Mining Law remains in effect and has not been improved for the benefit of Guatemalan citizens and is glaringly inconsistent with ILO Convention 169 which Guatemala
ratified as domestic law. The Perez Molina administration acknowledged problems with the existing mining laws and

in 2012 a series of reforms to the Mining Law were proposed under Bill 4590. However, the proposed changes in Bill 4590 were seen by Indigenous Peoples organizations as largely benefitting mining companies, and still did not take into account the Free, Prior and Informed Consent of affected communities.

ii. Conflict as a Result of Failure to Consult

In July of 2015, representatives of the community in Santa Cruz Barillas, Guatemala, submitted an official complaint to the World Bank regarding a proposed hydroelectric dam on the Q’am B’alam River in their small town in the department of Huehuetenango. Cecilia Mérida, the partner of an environmental defender who was arrested, falsely charged, and imprisoned in Guatemala, testified at the World Bank in Washington, D.C. She spoke of the damage being inflicted by the Bank’s financing of the project and the strategies of criminalization being employed by the Guatemalan government and Spanish company Hidro Santa Cruz in an attempt to silence local opposition, giving first-hand testimony about the impacts on families and communities when leaders are illegally detained and imprisoned for months, or even years, on end.

Since 2009, Hidro Santa Cruz was planning a series of dams on the Q’am B’alam River that surrounds the town of Santa Cruz Barillas. The river and its three waterfalls are considered sacred by the Q’anjob’al community. The project was to be installed in an area used by the community for ceremonial, recreational, and agricultural purposes, and in an ecosystem that is of highest priority for conservation, according to the International Commission on Tropical Biology and Natural Resources. The community has twice held referenda and both times voted unequivocally to reject the exploitation of its natural resources by transnational corporations. Nevertheless, the government approved the Cambalam I Dam with neither the Free, Prior and Informed Consent of the community, nor any legitimate social or environmental impact assessments. Dozens of community organizers and leaders were arbitrarily detained and arrested after speaking out against the dam, including Mérida’s partner, Ruben Herrera. Some were imprisoned for over two years. All were eventually released due to lack of evidence of having committed a crime. Two men have been killed for defending their lands against this project; one, Andres Francisco Miguel, was shot at by security guards of the company in 2012, and another, teacher Daniel Pedro Mateo, was kidnapped while on his way to a community meeting training environmental defenders in 2013. His body was later found with signs of torture. In 2016 Hidro Santa Cruz announced it would be pulling out of the project Cambalam. However, the community has yet to be compensated for the damages, including victims of violence and rape during the multiple military raids on the town in favor of the company (outlined below) the families of deceased, and individuals who were arbitrarily detained, all as a result of aggressive push for development without the free, prior and,

informed consent of the community.

On January 17th, 2017, members of the Maya Chuj and Q’anjob’al communities in the Ixquisis region, located in northern Huehuetenango, held a peaceful demonstration against the development of the Pojom I, Pojom II, and San Andrés hydroelectric projects in Ixquisis by the development company Promotores y Desarrollos Hídricos, Sociedad Anónima (PDH, SA). During the demonstration, personnel from the National Civil Police, the private security team for PDH, SA, the military, and forest rangers fired on the peaceful protestors.
Juan, an indigenous and land rights defender from Yulchen, Huehuetenango who was leading efforts to obtain a suspension on the hydroelectric projects, was shot during the chaos. After four hours without receiving medical care, Sebastian Alonso Juan died due to the gunshot wound. Prior to the demonstration the affected communities had mobilized various times to denounce the diversion of the Yalwitz, Pojom, and Negro rivers by the company PDH, S.A. During this time, the Chuj and Q’anjob’al Indigenous Peoples of Guatemala had repeatedly asked the municipal, departmental, and national authorities of Guatemala to respect their right to free, prior, and informed consent. However, Chuj and Q’anjob’al communities were not included in PDH, S.A.’s initial consultation with affected communities and the Ministry of Energy and Mines approved the Pojom I, Pojom II, and San Andrés hydroelectric projects despite various irregularities, such as PDH, S.A. using explosives without authorization from the Ministry of Defense.

In August 2014, more than 1,500 police officers occupied the Q’eqchí communities of Cobán, Chisec, and Raxruhá following a nonviolent resistance movement in protest against the proposed Santa Rita hydroelectric dam. Three Q’eqchí villagers were killed, five were detained, and more than 60 were injured in the police raid. The dam project threatens the integrity of ancestral Q’eqchí territory and was approved without consultation.

B. Militarization of Indigenous Lands, Criminalization and Violence against Indigenous Human Rights Defenders (UNDRIP Articles 7, 30)

As a direct result of the failure to consult, increased protest and conflict has been met by the Guatemalan government with militarization and violence against human rights defenders. Despite previous UPR recommendations, Indigenous human rights and environmental defenders regularly face death threats, physical attacks, and home raids. These are carried out by hired hitmen, clandestine security organizations, or the military themselves.

According to NISGUA, From January 1 to October 31 2016, eleven human rights defenders were killed in Guatemala, and since October 31, the killings have escalated. For example, on November 2, Indigenous leader Benjamin Roderigo Ic Coc, departmental representative of the Mayan Council of the Peten, was found shot to death in Sayaxché. He had received threats prior to his killing. On November 6, journalist Hamilton Hernández and his wife were assassinated in Coatepeque. On November 9, union leader Eliseo Villatoro Cardona, in Tiquisate, was killed. On November 12, Jeremy Abraham Barrios Lima, Assistant to the General Director of the Center for Environmental and Social Legal Action of Guatemala, was shot to death. Miguel Suchite Hernandez, COCODE president, in La Llorna, Petén, was killed November 18, bringing the total number of defenders killed to date in 2016 to sixteen. By comparison, the number of defenders assassinated by December 31 in 2015 was thirteen. In 2014, it was seven. The cases of the defenders killed in the Petén are still being verified to ascertain whether their work on behalf of human rights led to their deaths. But even excepting those two cases, the total number of murders this year exceeds that of last.

Indigenous Peoples, union members, environmental defenders, and journalists have been the most heavily targeted groups, especially the intersections of those identities.

On April 7, 2014 six Q’echi Mayans were shot, including Flori Maribel Bol, who was pregnant at the time, in the Nueve de Febrero community in Cobán, Alta Verapaz. The attack happened a few meters away from the Dolores River where Q’eqchi community members were leading a resistance against the development of a hydroelectric project by the company Hidroeléctrica
Santa Rita. One of the victims, Victor Cuc, died on April 20, 2014 due to injuries sustained during the attack.

On January 6, 2017 Laura Leonor Vásquez Pineda was assassinated in Mataquescuintla in the department of Jalapa. Vásquez Pineda was a prominent community leader in the peaceful resistance to the advancement of mining in Mataquescuintla by the Canadian company Tahoe Resources and its subsidiary company Minera San Rafael. On April 13, 2014 Merilyn Topacio Reynoso and her father Edwin Alex Reynoso, active members in the resistance-movement against Tahoe Resources’ El Escobal silver mine in San Rafael las Flores, in the department of Santa Rosa, were attacked by gunmen on their way from a community meeting. Topacio, coordinator of a local youth movement against mining, was killed during the attack and her father was seriously wounded. The resistance to the mining project began in 2007 when communities in the departments of Santa Rosa and Jalapa came together to oppose the Escobal project. On April 3, 2013 the Guatemalan government granted Tahoe Resources a license to operate the mine.

Twenty-four days later, Tahoe Resources’ private security guards opened fire on peaceful protestors.

In May 2013, the Guatemalan government declared a state of siege in the municipalities of Mataquescuintla and Jalapa in the department of Jalapa and San Rafael la Flores and Casillas in the department of Santa Rosa, deploying thousands of soldiers and police to the municipalities. Under pretenses of cracking down on drug trafficking and terrorism, the government suspended the freedom to assembly, the freedom to movement, detainee rights, and prisoner rights during the week-long state of siege. Dozens of community members were subject to search and arrest warrants, with the community organizers involved in the resistance against mining being the most affected by the siege. After the siege, many of the soldiers left; however some stayed behind. As late as 2015, Oscar Morales, an organizer from San Rafael Las Flores, told Mongabay “In Mataquescuintla and in Casillas, the two municipalities are militarized. There’s a military outpost seven kilometers from San Rafael [in one direction] and another military outpost seven kilometers away [in the other direction].”

Similarly, the department of Huehuetenango, Guatemala has been highly militarized over the last decade. The intensification of transnational investments in the area has led to the emergence of several movements of resistance in defense of the territory and its natural resources. As an answer to these community initiatives, the military has been deployed in order to enforce the implementation of hydroelectric and mining projects. Guatemalan officials have called the area “ungovernable”, and equate social movements with drug-traffickers in order to use donor funds to inflict violence against communities fighting development projects.

In May 2013, former president of Guatemala, military general Otto Perez Molina, declared martial law in the municipality of Santa Cruz Barillas, Huehuetenango to quell a protest against the Hidro Santa Cruz dam. Approximately 500 military and 350 national police equipped with army tanks and anti-riot gear invaded the town. Many homes surrounding the Q’am B’alam River and Pozo Verde were violently raided by military, who refused to give identification or justification. Perez-Molina justified the military presence saying that the local community members were actually involved in gang activity. He claimed they were “interested in promoting drug-trafficking and organized crime, which explains why they are seeking the removal of military from the region.” In actuality, they were Indigenous activists who were vocally opposed to the dam being built in their community. On May 3, 2013 Perez-Molina announced, “[w]e
have identified 100 people involved [in the drug trade] that have attempted to protect the interests of drug trafficking and organized crime.” Twenty-three arrest warrants were issued and the rest were pursued and threatened. Many of these arrest warrants still stand and individuals are still being pursued and in hiding. Not a single person has been convicted of a crime even after dozens have been arrested and held in prison for months and sometimes years. The arbitrary detentions and illegitimate use of criminal proceedings, and intentionally slow court proceedings against community leaders, is aimed at preventing them from carrying out their legitimate activities or community organizing.
Q’anjobal region, were detained on false charges, spending 5 nights in a 2x4m cell, with more than 20 other men. He remained in prison for over two years, as hearings continued to be delayed, until he was released when the judge ruled there was no evidence to continue keeping
In Santa Cruz Barillas, the military regularly harasses community members. In the last two weeks of May 2014, residents were surprised by military presence in their communities on three separate occasions. When they inquired about the purpose of the intrusion, the military officers refused to answer and refused to show their identification badges. When asked again, two military personnel aimed their assault rifles at the community member threatening them. Events like these are common, and create a tense atmosphere that causes residents to feel unsafe.

In 2014, a report published in the Diario de Centro America indicated that Perez Molina met with the Committee of the Agricultural, Commercial, Industrial and Financial Associations (CACIF, in Spanish) to guarantee the use of state security forces to protect private hydroelectric plants San Mateo Ixtatán, Huehuetenango, following protests in the region.

C. Freedom of Expression (UNDRIP Article 16)

In the first and second cycles, Guatemala accepted recommendations from Norway to reform legislation concerning access of Indigenous Peoples to radio frequencies. The Guatemalan Peace Accords signed in 1996 guarantee Indigenous Peoples access to radio, as well as Article 16 of the UNDRIP. However, bill 4087, the Ley de Medios de Comunicación Comunitaria, which would authorize one community radio station per municipality in Guatemala, has remained stalled in congress since 2010. Despite a Constitutional Court decision in 2011 ordering congress to amend the Guatemalan Telecommunications Law to allow for Indigenous Peoples to access radio frequencies,

there has been no progress in making this a reality and Indigenous community radio stations remain in limbo. The volunteers at community radio stations regularly face discrimination as a result of the media campaigns on the mainstream media characterizing them as thieves. They are under constant threat of government raids, imprisonment, and confiscation of equipment for operating without a license to a legal frequency.

From July 2006 to June 2016 the Public Ministry raided twelve non-profit community radio stations that were operated by Indigenous communities. During the raids, police (and sometimes soldiers) seized radio equipment, which led radio stations to shut down indefinitely or for an extended period of time. During four of the twelve raids, Indigenous Guatemalans that were operating the community radio stations were arrested. The continued Government raids of Indigenous community radio stations by police and soldiers constitutes a serious and urgent situation that is causing irreparable harm to the exercise of the right to freedom of expression by the Indigenous communities served by those stations. The detention of community radio broadcasters represents an illegitimate application of the Guatemalan penal code, as no crime exists for which an individual can be charged for broadcasting without a license. The charges, put forward are variable and have not held up in courts, meaning those that have been detained are being held arbitrarily. However, legislation has been put forward to criminalize community radio station operators up to 10 years in prison for broadcasting without a license. This bill, 4479, is unconstitutional and would violate Indigenous Peoples’ right to freedom of expression.

D. Indigenous Women

i. Political Representation (UNDRIP Article 5)

Indigenous Guatemalans lack proportionate representation within Guatemalan government, and Indigenous women even more so. Indigenous Guatemalans make up approximately 40-60 percent of the population, yet Indigenous Guatemalans account for only about 12-15 percent of
the Guatemalan parliament. In 2014, 20 out of the 158 elected members of congress were Indigenous Peoples, 18 of which were men and only 2 of which were women. Out of the 21 Indigenous members elected to Congress in 2015, only 2 of them were women, leaving Indigenous Guatemalan women a mere representation of 1.27 percent within the Guatemalan Congress. Without equal access to political processes within the country, Indigenous women face serious barriers to ensuring that their interests, concerns, and needs are represented and addressed within the Guatemalan parliament. As of 2010, the State of Guatemala began issuing an official form of identification, a “DPI” which is now required in order to vote or run for political office. Half a million Guatemalans still lack a DPI, a majority of those being poor, rural, Indigenous women. Many Indigenous Guatemalans lost official identification documents during forced displacements that occurred throughout the civil war, and remain disenfranchised due to poverty, illiteracy, discrimination and deep bureaucracy within the National Registration of Persons, RENAP. The results of this systemic discrimination have manifested in the lack of representation of Indigenous Peoples, especially Indigenous women, within the Guatemalan government.

ii. Access to Healthcare (UNDRIP Article 24)

In March 2017, the Guatemalan president Jimmy Morales vetoed a law that formalized the work of comadronas or traditional midwives which would have allocated Q3,000 (USD $400) in salary per year as an incentive. His stated reasons for vetoing in the law was that the title of the law was written in just one [of the 24] Mayan languages (Kakchiqel); which, he argued, did not reflect the diversity of the Mayan peoples. He also cited ILO Convention 189 (in erroneous attempt to reference convention 169) as a reason to veto the bill, saying that the law would impinge on the freedom of Indigenous Peoples as outlined under the convention, because the law would require them to register as midwives in order to receive the Q3,000 incentive, and that convention prohibits the state from requiring anything of Indigenous Peoples. This is a clear misuse of Convention 189 [and 169] and demonstrates discrimination, in that no bills have been vetoed by the President on the grounds that they are titled only in Spanish, which also does not reflect the diversity of the country.

Indigenous Guatemalan women face serious barriers to access to health care services and discrimination within health care facilities. Indigenous Guatemalan women who live in rural areas often face a lack quality health care facilities in their communities. Many Indigenous women have to travel far away from their homes in order to obtain quality health care services in cities such as Quetzaltenengo. Not only does this cost more financially, it is also very taxing for the women to travel long distances when they are sick. Indigenous women who do not speak Spanish also often face language barriers at healthcare facilities due to a lack of translators and health care professionals who speak Indigenous languages. Indigenous women who solely speak an Indigenous language often have difficulties communicating their symptoms to health care professionals and many times they are not allowed to be accompanied into examination rooms by family members who speak Spanish. The lack of quality health care facilities in rural areas and multilingual health care professionals and translators are serious barriers that often keep Indigenous Guatemalan women from receiving the health care services that they need.

A recent study conducted by Cerón et al. (2016) investigated abuse and discrimination towards Indigenous Peoples in public health care facilities in rural Guatemala via focus group discussions with Indigenous Peoples from fourteen municipalities in the western highlands. The
study found that Indigenous Guatemalans often face three types of discrimination when using public healthcare facilities: discrimination in access to health care, abusive treatment during care, and neglect of professional ethics. Also, Indigenous women are more than twice as likely to die during childbirth than their non-indigenous counterparts. The focus group discussions also revealed cases of forced c-sections and sterilization within rural public health facilities.31

IV. UPR Recommendations Pertaining to Indigenous Peoples from Previous Cycles That Have Not Been Effectively Implemented:

The following recommendations were accepted by the State of Guatemala

1. Follow up its Constitutional Court decision that urges the legislative power to reform the legislation concerning access of indigenous people to radio frequencies to promote, develop and diffuse their languages, traditions and other cultural expression and reform the law on radio communication in order to guarantee the proper and free functioning of local radios (Norway)

2. Undertake a dialogue process with indigenous peoples to seek an appropriate consultation mechanism regarding the adoption of measures affecting indigenous peoples (Costa Rica)

3. Adopt national legislation to fully implement the ILO Convention No. 169 on indigenous and tribal peoples. Particular focus should be put on the indigenous peoples' right to be consulted at all levels of decision-making, in policy, legislative, administrative and development processes affecting them (Norway)

4. Continue its efforts aimed at regulating the consultation process so that public policies reflect the effective participation of indigenous peoples in its implementation (Paraguay)

5. Continue efforts aimed at establishing and implementing a consultation mechanism with indigenous peoples, in accordance with national and international legislation (Peru)
The following recommendations were noted:

7. Implement a legislative framework for an appropriate and meaningful consultation procedure that will ensure genuine, free and informed consent of indigenous peoples in land disputes, as set out in the United Nations Declaration on Indigenous Peoples Rights (Ireland)

V.

1.

VI.

1. 2.

Questions

Many previous recommendations urged Guatemala to enact better policies on consultation with Indigenous Peoples. What steps has Guatemalan taken to implement these recommendations?

Recommendations

Cultural Survival and Sobrevivencia Cultural urge the Guatemalan government to: Urgently approve Bill 4087, Ley de Medios de Comunicación Comunitaria. Cancel arrests warrants against Indigenous human rights and environmental defenders.

De-militarize the state response to Indigenous social movements, especially in the Huehuetenango region.

Promote the hiring of qualified Indigenous women in political arenas. Invest in quality, culturally sensitive health care facilities in rural areas and create a national network of Indigenous language translators for health care facilities. Compensate Indigenous Peoples in Barillas, Huehuetenango for losses and arbitrary imprisonment as a result of development projects without their free, prior, and informed consent. Ensure Indigenous participation in decision-making at all levels in all matters affecting them.

4. Reform the Mining Law to guarantee Indigenous peoples' right to Free, Prior and Informed Consent.

5. Implement a legislative framework for an appropriate and meaningful consultation procedure that will ensure genuine, Free, Prior and Informed Consent of Indigenous Peoples in land disputes, as set out in the United Nations Declaration on Indigenous Peoples Rights.
6. Continue to facilitate the acquisition of identity cards for Indigenous women.

7. 8.

9. 10.

6. Reform the Mining Law to guarantee indigenous peoples’ right to their land, territories and natural resources (Norway)

11. Implement the UN Special Rapporteur on the Rights of Indigenous Peoples recommendations from the upcoming 2017 visit.


6 ibid 7 ibid


14Prensa Comunitaria. (2014) “Heridos comunitarios Q’eqchi’s por oponerse a la empresa Hidro San Luis”

https://comunitariapress.wordpress.com/2014/04/07/heridos-comunitarios-qeqchis-por-oponerse-a-la-empresa-hidro-san-luis/


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“Ley que declara el diecinueve de mayo de cada año, Día de la Dignificación Nacional Iyom y/o Rati’í Ak’al Comadrona de Guatemala”

http://www.prensalibre.com/guatemala/politica/ejecutivo-veta-ley-que-reconoce-a-comadronas


>AVAVA<

OBSERVATIONS ON THE STATE OF INDIGENOUS HUMAN RIGHTS IN ARGENTINA

Cultural Survival

Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous peoples' rights in countries throughout the world and publishes its findings in its magazine, the Cultural Survival Quarterly; and on its website: www.cs.org

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Observations on the State of Indigenous Human Rights in Argentina

I. Executive Summary

Historically Indigenous Peoples have struggled against Argentina’s state oppression, exclusion, and discrimination. Reporting on Indigenous Peoples in Argentina often fails to disaggregate data to demonstrate particular challenges faced by Indigenous Peoples. Available reports highlight the situation of Indigenous Peoples as one of serious marginalization.

2.4% of the total population self-identify as Indigenous, belonging to more than 35 different Indigenous Peoples, the largest being the Mapuche (population: 205,009, 21.5% of the total), the Qom (126,967), and the Guaraní (105,907).

II. Background

The total population of Argentina is around 43,886,748.

The rights of Indigenous Peoples were incorporated into Argentina’s Constitution in 1994, following the 1985 law on Indigenous Policy and Aboriginal Community Support, recognizing incorporated into the Argentine system. Argentina voted for the UN Declaration on the Rights of Indigenous Peoples in 2007, yet an implementation gap remains. Indigenous Peoples have been denied access to basic services such as quality health care, employment opportunities, and appropriate education. They lack titles to their lands and are mostly excluded from social and political life and face obstacles in attaining key decision-making positions, even in bodies which are dedicated to their issues.

Previous UPR recommendations from the second cycle have not been implemented, including recommendations to combat discrimination and apply affirmative action policies for Indigenous Peoples (Bolivia), to guarantee universal birth registration (Mexico), to step up participation and consultation with Indigenous Peoples on public policies (Peru), to expedite granting of communal land title to Indigenous communities and offer appropriate compensation (South Africa/Nigeria), to improve the right to property, access to housing and intercultural education, right to participation (Spain) and to representation in civil service and public institutions (Korea).

III. Continuing Rights Violations of Indigenous Peoples

A. Land Rights and Free, Prior and Informed Consent

Although Argentina’s constitution recognizes the rights of Indigenous Peoples to their ancestral lands and to manage their natural resources, these rights are not respected. Access to land titles remains a challenge. Indigenous Peoples are rarely consulted and there are numerous Informed accounts of the government’s disregard for Indigenous Peoples’ right to Free, and Prior Consent (FPIC), especially in the context of extractive industries and agribusiness. Indigenous people are
barred from fully participating in the management of their lands and natural resources, and out of
the 23 provinces, only 11 constitutions have recognized Indigenous rights.

In 2016, over 30 Indigenous communities from the northern Argentine provinces of Jujuy and
Salta petitioned the Inter-American Commission of Human Rights to accuse local authorities of
failing to respect their right to FPIC regarding salt mines which cause water scarcity and
contamination on their lands.iii

The Campo Maripe community, in Neuquen Argentine province, is located on top of the largest
unconventional hydrocarbon 'play' outside North America, known as Vaca Muerta, and is most
affected by shale gas fracking. Several Mapuche communities have been suffering from
pollution caused by the oil industry for decades. The government recognized the Campo Maripe
as a Mapuche community in 2014, but extraction on their land is still taking place, despite
opposition.

In 2015, the Canadian Barrick Mining Company was responsible for 224,000 liters of cyanide
leaking into a local river from its Veladero gold mine in the San Juan province, near Indigenous
lands. The company has continued operations and allowed another cyanide spill in the same
region, despite opposition from the local Diaguita community on the Argentine/Chilean border.iii

Land grabbing continues to be a major problem. In September 2016, two elderly villagers of San
Martin, Eladio Antonio Dominguez and his wife Maria Gertrudis Encina, were arrested after
resisting corporate occupation of their ancestral territory. They have received improper treatment
in custody.iv

The Guaraní, who live in the Iberá wetlands of Northern Argentina, are affected by monocropped
pine and eucalyptus plantations in their lands protected under the Ramsar Convention. The
plantations threaten biodiversity, devastated freshwater levels and even eliminated entire sections
of wetlands, dramatically affecting the livelihoods of the Guaraní. Harvard University is a major
shareholder in the companies who manage the plantations, Empresas Verdes Argentinas
Sociedad Anonima and Las Misiones S.A. These two timber companies control approximately
350 square miles of the Iberá wetlands system. The plantations have destroyed Guaraní ancestral
lands that held spiritual, mythological, and subsistence value to their communities. The
plantations harm the environment by introducing invasive pine species that affect water levels
the delicate wetland ecosystem, and reduce the availability of water for farming or fishing,
worsening summer droughts, creating water shortages, and restricting access of Indigenous
Peoples to their sacred sites.ix Contributing to the harm done to the Iberá wetlands is a lack of

Also affecting the Guaraní of Iberá is the illegal construction of an embankment. On March 9th,
2017, the Guaraní community in Yahaveré, within the Iberá wetlands, denounced the continued
presence of an embankment illegally constructed by Hacienda San Eugenio on Ramsar
convention wetlands collectively owned by the community. This embankment seriously affects
the population of Yahaveré and the Iberá wetland ecosystem. The construction did not receive
the FPIC of the communities nor has it undergone an environmental impact study as required by
law in Corrientes. Despite a number of court orders ordering its demolition, the 24km
embankment still has not been removed by the company, and the company is now reinforcing
and reconstructing the land from deterioration. In 2007, the Superior Tribunal de Justicia ratified
the demolition order and in 2009 that was upheld by Argentina’s Supreme Court; but these have
still not been implemented due to complacency at the provincial level of Corrientes. In 2013 the
Corrientes Institute of Water and the Environment (ICAA by its Spanish acronym) announced
the destruction of the terraplén, but community members declare that this did not actually occur.-
B. Social and Economic Rights:

Poverty rates are reported to be higher than average in areas with large Indigenous populations, and the average as of 2016 is 32.5%. Indigenous people have greater than average rates of illiteracy (approximately twice the average), chronic disease, and unemployment.

Health

47.4% of Indigenous people in the country have no access to health insurance. Long delays in providing services, unwanted referrals to wrong clinics, financial barriers, and in some cases, outright denial of care and lack of access to information all contribute to the healthcare disparities in Indigenous communities. There are reports of ambulances and private service providers refusing to operate in certain communities. Reports have been made by Qom women that doctors often do not treat them well and sometimes refuse to see them as patients. Lack of access to adequate healthcare services and facilities and the limited number of trained doctors that understand Indigenous cultures also contribute to the acute condition of maternal and infant health in rural areas.

According to the Ministry of Health, provinces in Argentina with high Indigenous populations have the lowest improvement and the highest maternal deaths in 2015. Salto, the province with the second highest Indigenous population, has the highest maternal death rate at 8.1 (per 10,000 live births). The provinces of Chubut and Neuquen had an increase in maternal deaths, with Chubut increasing from 2.3 in 1990 to 4.1 in 2015; and Neuquen increasing from 1.8 to 3.4 in the same time frame.

In September 2015, news reports showed images of Oscar Sanchez, a 14 year old Qom boy who died in El Hospital Güemes after receiving little to no professional care. The death of a seven year old Qom boy, Femenía Nestor, reinvigorated the debate about the persistence of extreme poverty, malnutrition, and improper health care in the Indigenous communities. Both of these cases are considered to be severe but not isolated incidents, and both of the cases held the hospital at fault for a lack of care on the basis of racial discrimination.

Indigenous communities also experience major health issues as a direct result of pollution from extractive industries. The Mapuche community in the Loma de la Lata region is near gas and mineral deposits sought by the Spanish corporation Repsol-YPF. Despite a rare lawsuit in favor of the Mapuche communities, local people continue to lack access to clean drinking water. They are also subjected to health risks that have created learning disabilities in children, progressive eyesight loss, painful joints and kidney complaints. The Neuquén provincial government discovered that the Mapuche who live there, and especially young children and the elderly, have dangerously high levels of heavy metals in their blood and urine. The Repsol extraction plants have contaminated the water and damaged the surrounding ecosystem. The Argentine government had ordered the Neuquén government to provide the affected Mapuche communities with a daily supply of potable water, but community members maintain that they never received their full entitlement.

Education

The Argentine constitution guarantees bilingual and intercultural education. There are over 30 Indigenous languages still spoken in Argentina today but many of these are threatened. The Toba represent nearly 11.5% of the Indigenous population of Argentina, and statistics from the
National Institute of Indigenous Affairs show that around 60% of them can still speak or understand the Qom language. However, fewer children learn to speak the language as their communities are increasingly integrated into the Spanish-speaking world.

A lack of bilingual or Indigenous teachers is a key issue. Urban Indigenous people have the fastest rate of language loss. Intercultural Bilingual Education (IBE) is the educational protocol by which children of Indigenous descent are meant to receive instruction in Spanish, as well as in their ancestral language. The implementation of and access to IBE in Argentina is highly irregular and unsystematic. UNESCO reported in 2011 that in Argentina, where IBE was put into law in 2006, over 90% of the children who attended school received no instruction in their Indigenous languages.

F. Violence against Indigenous People and the Repression of Freedom of Expression

The lack of Indigenous political representation has led to discrimination in political discussions. In 1992, the law on quotas for elective office was approved however, Indigenous people still hold significantly fewer executive positions in the public sector and sometimes have less of a voice than their non-Indigenous counterparts. As of 2013, there are still no representatives from Indigenous communities or ethnic or racial minorities in the cabinet or in the Supreme Court.

Indigenous communities report that efforts to uphold their rights are met with violent responses from the State, including the criminalization of protests, as well as repression, violence, and killings by individuals or members of security forces. Reprisals against Indigenous civil rights defenders and leaders as well as members of their families are also often documented. Felix Diaz is the Qom chief and he champions legislation to establish Qom ownership of Qom land. As a result of his advocacy, his family suffered many attacks in 2013, the most violent of which was when his son, Abelardo Diaz, was attacked by 30 people. In 2015 Diaz led a protest for the recognition of Indigenous leaders by the government. This protest was broken up by a raid at 3am, led by riot police with armored vehicles.

Police profiling is another commonly reported issue, and these acts often remain unpunished and investigations of such crimes are seldom conducted. The repeated incidents of violence and unlawful seizures demonstrate a failure on the part of Argentine officials to properly uphold Indigenous Peoples’ rights and quell violent discriminatory practices and suggests bias against Indigenous Peoples within state institutions.

On November 23rd, 2013, a group of protestors from the La Primavera community blocked a highway for four months to express their opposition to plans to build a university on ancestral land. Police used violence to quell the protests and 1 protester and 1 policeman were killed.

In 2013, Mapuche men, women, and children attending a spiritual ceremony were confronted by a roadblock. Indigenous People who tried to pass were received with death threats by employees of businessman Pedro Alejandro Chaparro. Later that month, ten hooded people carried blunt instruments and knives and threatened to kill men, women and children who at that time were in the community of Lof Felipin.

In May of 2013, a member of the Toba community was killed by police during eviction procedures in Chaco Province.

In November 2015, the Inter-American Commission on Human Rights received visual evidence proving at least 75 Mapuche children were victims of police brutality in past years. Many Mapuche children have suffered injuries from rubber bullets and exposure to tear gas grenades, and in some case they are victims of torture, rape, and disappearances.
In August of 2016, a large contingent of police and military personnel took to the streets of Esquel where Mapuche gathered outside of the courthouse in a movement of solidarity with Traditional Leader Facundo Huala Jones. Huala has been in preventative detention since May 2016 under the accusation of usurping land belonging to the multi-national Benetton in Chubut Argentina. Huala claimed to be a political prisoner persecuted for a lack of fair judicial process. For health reasons, Huala requested that he be placed under house arrest, yet he was not granted this by the court. 

Access to justice for Indigenous Peoples remains another significant challenge due to language barriers, limited access to information, difficulties in finding adequate judicial counsel, and most alarmingly inability to register claims with judicial clerks because in some parts of the country, judges are complicit in discriminatory practices. The absence of Indigenous representatives at the highest positions in the judicial system is just one of the challenges of racial discrimination felt by Indigenous people.

The first Latin American intercultural jury trial took place in 2015. The conflict began from a series of oil spills. In 2012 the community blocked the industry road to the company sites and in April of that year a gang linked to the oil company attacked several Mapuche families, harming a pregnant women, and threatening and harassing the Mapuche. During one of the clashes, a stone was thrown by Relmu Ñamku, a Mapuche woman who was brought to trial for attempted murder and aggravated damage and faced 15 years in prison. The defense requested that, as established in the Criminal Procedure Code of Neuquen, half of the jurors belong to the same social and cultural environment as the accused. In an unprecedented process in Argentina, an intercultural jury was established, where half the members were Mapuche with a full translation into Mapuzungun. The jury found that territorial rights of the Mapuche were being violated, along with the communities’ right to consultation, and specified that the national and provincial authorities were responsible because they had consistently failed to implement the law. It was established that the Mapuche were legitimately defending their territory from a systematic attack by the company and state. The jury found the defendant "not guilty" of crimes of serious injury and aggravated damage. For the Mapuche, this is a great victory and set a precedent for future trials. Unfortunately, Indigenous people’s requests continue to be ignored when claiming their constitutional rights.

VIII. Questions

1. What steps will Argentina take to collect information on the situation of Indigenous Peoples? 2. What concrete steps is Argentina taking to respect, protect, and fulfill the rights of Indigenous Peoples?

IX. Recommendations

Cultural Survival urges the government of Argentina to:

1. Collect disaggregated data on Indigenous population.
2. Respect, protect and fulfill Indigenous people’s rights to participate fully, in the political, economic, social and cultural life of the State.
3. Ensure proper implementation and compliance with the Ley de Evaluación de Impacto Ambiental, and the Código de Aguas.
4. Follow up on a Supreme Court ruling to demolish an illegally constructed embankment in the Iberá wetlands of Corrientes Province.
6. Implement the UN Special Rapporteur on the Rights of Indigenous Peoples recommendations from 2012.
9. Return the land to dispossessed communities, and ensure compensation and health care to those affected.
10. Regulate extractive industries to stop and clean up pollution on Indigenous lands.
11. Halt the criminalization of activists and ensure protection for Indigenous human rights and environmental defenders.
12. Respond to requests for a trial by jury, and ensure half of the jurors belong to the same social and cultural environment as the accused.
13. Provide basic health care services to Indigenous communities and prohibit discriminatory practices such as denial of care based on ethnicity.
15. In partnership with Indigenous Peoples, develop and implement culturally relevant education in Indigenous languages.

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luchar-por-su-tierra-tan-lejos-de-ella/415
x "La muerte de un chico qom en Chaco reabrió el debate por la ... - Clarín." 2015. 25 Oct. 2016
<http://www.clarin.com/sociedad/desnutricion-chaco-qom_0_1281471980.html>
<http://www.thefreelibrary.com/Women's+human+rights+in+Argentina%3A+advances,+setbacks+and+tasks...-a0105915332>
xxvi "CEDAW/C/ARG/7 - Treaty bodies Download." 16 Sep. 2016
G%2F7&Lang=en>
<http://www.opsur.org.ar/blog/2013/04/17/neuquen-agresiones-y-amenazas-de-muerte-contra-comuneros-mapuche/>
<http://unpo.org/article/18766>
<https://intercontinentalcry.org/mapuche-beyond-borders/>
xxiii "Argentina Relmu Ñamqu mujer indígena acusada por resistir un ..." 2015. 5 Oct. 2016
(Oo+oO)

**OBSERVATIONS ON THE STATE OF INDIGENOUS RIGHTS IN PERU**

Cultural Survival*
Observations on the State of Indigenous Human Rights in Peru

I. Executive Issue Summary

Peru struggles with issues of environmental and social justice relating to Indigenous Peoples living within the nation. Peru voted in favor of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007. Additionally, Peru ratified the International Convention on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (CESCR) in 1978. Peru also ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1971. However, interactions between resource extracting industry and Indigenous communities continue to fall below the guidelines laid out in UNDRIP. Furthermore, the justice system continues to discriminate against the rights of Indigenous Peoples.

II. Background

Peru is a geographically diverse country, with a strip of coastline, a wide stretch of the Andean mountain range, and Amazonian rainforests. Politically, the country is divided into 25 departments; five of which are located in the Andes Mountains where a majority of Indigenous Peoples live. Indigenous Peoples make up 14 percent of the national population of Peru; which has a population of 28.2 million people. There are 47 Indigenous languages spoken in the country. In the 2007 census, 15.9 percent of the Peruvian population reported learning an Indigenous language during childhood.

The Constitution of Peru and laws note that all citizens have the right to use their own, native language before any authority through an interpreter. The Constitution also acknowledges the right of Indigenous Peoples to practice customary laws, and declares that nation’s duty to protect the ethnic and cultural diversity of the nation.

There tends to be a lack of government presence in many of the rural areas in Peru, and rondas campesinas, or civil defense patrols, still exist in parts of northern Peru. The largest group of Indigenous Peoples in Peru is the Quechua community. Over 4.5 million Peruvians speak Quechua, and over eight million Peruvians identify as Quechua. Quechua was recognized as an official language of the country in areas in which a high populations of Quechuas live.

III. Previous Recommendations from First and Second UPR Cycle

Several countries reviewed Peru during the first Universal Periodic Review (UPR) cycle in 2008,
and the second UPR cycle in 2012.13 Greece recommended – and Peru accepted - that the country “[s]ystematically continue its efforts in the area of rights of Indigenous Peoples.”

Additional recommendations made by countries, and accepted by Peru, during the 2012 are listed below:

“Intensify its efforts to ensure that Indigenous Peoples and the Afro-Peruvian community fully enjoy economic, social and cultural rights, as enshrined in the Universal Declaration on Human Rights.” (Trinidad and Tobago)

“Continue working to reduce existing inequality gaps regarding indigenous peoples.” (Bolivia)

“Take the necessary steps in cooperation with the ILO to ensure an inclusive consultation process with indigenous peoples aiming at a more effective implementation of the relevant legislation.” (Hungary)

“Involves indigenous peoples and peasant communities in the implementation and planning of projects related to the extractive sector.” (Mexico)

IV. Continuing Rights Violations

A. Consultation Process with Indigenous Peoples (Violations of UNDRIP Article 32)

Issues pertaining to the extractive industry are crucial to Indigenous Peoples in Peru, as often the companies – and the Government of Peru – fail to conduct proper consultations with Indigenous Peoples prior to extractive companies enter areas. The international legal concept of free, prior, and informed consent requires that the government of Peru consult with local Indigenous Peoples before the government undertakes actions which will impact those Peoples. Royalty payments from extractive processes usually have just one to three percent of royalties earmarked for Indigenous Peoples that are affected by the processes. Often, however, Indigenous Peoples receive no royalties. Both arrangements fall well below international standards. Due diligence through consultation and the process of Free, Prior and Informed Consent (FPIC) by Indigenous Peoples on issues which impact them is key to supporting the rights and wellbeing of Indigenous communities.

In 2011 Peru enacted a law which required that Indigenous Peoples be informed, in a culturally appropriate manner, about government projects which would impact them. The law also requires that Indigenous Peoples have the opportunity to object to these projects. However, in contrast to international FPIC standards, the law in Peru does not mandate that Indigenous Peoples provide consent for the exercise of projects or laws which will impact their communities.

Extractive industries focused on hydrocarbons comprise a significant portion of the extraction sector in Peru. Over half of Peru’s exports were hydrocarbon products over the past several years.

While the Organic Act on Hydrocarbons governs the majority of processes related to mining, Peruvian law also requires extractive companies to consult with Indigenous Peoples affected by exploitation and production.

The Law of Prior Consultation (Ley de Consulta Previa or La Ley No. 29785) is the law governing the consultation process in Peru. This law requires the Government of Peru to conduct consultations with indigenous populations prior to issuing legislative or administrative measures.
that directly affect indigenous communities. Article 1 of the Law of Prior Consultation notes that the Law is intended to conform to the obligations Peru agreed to when the country ratified Convention 169 of the International Labor Organization. ILO Convention 169 was ratified by Peru in 1994.

One example of problems with existing consultation process as carried out under the Prior Consultation Law has been the concession of Lot 192. Indigenous Peoples, on whose territories Lot 192 covers, have faced disastrous environmental issues as a result of 45 years of oil extraction on their lands. Pluspetrol, an Argentine oil and gas company that operates within Peru, held a concession for oil extraction in Loreto that expired in August 2015. In the fall of 2015, the Government of Peru announced that the consultation process regarding Lot 192 had ended in August 2015, and a new contract was then established with Pacific Stratus. The consultation had been in process since 2011. The conclusion did not address any further actions that the Government of Peru would take to consult with the Indigenous communities. Indigenous communities responded by sending a letter to President Ollanta Humala. In the leader, indigenous leaders stated that their demands for fundamental rights “were made invisible and were suspended,” and also stated that the consultation process did not fulfill “the fundamental principles like good faith, reasonable timeframe, and interculturality, which are requirements of the Law of Prior Consultation.” This case was indicative of a pattern within the nation that demonstrates problems with the functionality of the Ley de Consulta Previa in actually respecting Indigenous Peoples rights.

Further conflict occurred between Indigenous Peoples and Las Bambas, a Chinese-owned extractive industry corporation that has in recent years been engaged in copper mining in Peru.

Proposed changes to the mining project by Las Bambas led to conflict with local Indigenous Peoples who did not feel that they had been adequately consulted on the project. Protests over the project eventually led to the deaths of four protesters in September of 2015.

**B. Environmental Contamination and Pollution (Violation of UNDRIP Articles 29, 31 and CESCGR Article 12)**

The extractive industry has had a devastating impact on the environment in Indigenous territories. Pollution in water and on the land has caused significant issues particularly related to health of Indigenous people in large areas in Peru. Lot 192, formerly known as 1AB, in Loreto Peru has been exploited for over 45 years first by Occidental Petroleum, later, Pluspetrol, an Argentinian company, held 14 oil wells until 2015 at which point Pacific Stratus Energy, of Canadian company Pacific Exploration took over the contract for 2 years. In Loreto, the Quechua, Achuar, Kichwa, Cocama and Urarina communities are currently facing a critical environmental health crisis resulting from oil industry which illegally dumped industrial waste for over 30 years. In addition, aging infrastructure in oil pipelines that cross the area have led to hundreds of spills. Peru's Environmental Assessment and Oversight Agency (OEFA) has registered 2,181 contaminated sites in Lot 192 and Indigenous Environmental Monitors encounter new spills on a monthly basis. Even in ideal conditions, with new infrastructure, oil extraction itself can lead to devastating environmental impacts. The wells are located deep within the Amazon rainforest with very few access roads. Hydrocarbons have seeped into the communities’ only source of fresh water, used for drinking, bathing, washing, and irrigation, as well as the soil which is used for subsistence farming, and the rivers where communities engage in subsistence fishing. Throughout the various companies who have operated in the region, toxic waste from oil extraction was dumped directly onto the lands and into the waters, in clear violation of UNDRIP.
Concerning levels of barium, lead, arsenic, mercury, aluminum, iron, and cadmium are found in water sources used by Indigenous Peoples as a result of the toxic substances that have been dumped directly into rivers in Loreto. These substances have led to an increase in the toxic levels in fish; which has directly affected the Quechua people as they depend heavily on fish in their diet. In 2005, the Ministry of Health in Peru found that 99.2 percent of Quechua adults inspected had “concentrations of lead in their blood exceeding the level that the human body can tolerate.” That Ministry of Health also determined that 99 percent of children were found to have dangerous levels of cadmium in their blood, and 66 percent were found to have dangerous levels of lead. Heavy levels of metal are known to lead to numerous medical conditions, such as lung cancer, heart disease, kidney failure and brain damage.

In a response to the environmental degradation in the area, the Government of Peru has declared many Environmental State of Emergency and a Health State of Emergencies in the area, but adequate funds have not been delivered for remediation. In response to the environmental damage, Indigenous federations have turned to national and international legal systems to seek redress. However, there has been little legal recourse. In fact, the Government of Peru lowered the maximum amount of fines for environmental crimes by 50 percent in 2014.

Thus, Indigenous people in the area have turned to protesting; blocking roads and the river, to impede transport in and out of the oil wells as a result of demands for remediation remain unmet and spills continue to occur. The protests have been organized through the Indigenous Federations, the representative bodies of Indigenous Peoples in various river watersheds, that also make up the Amazonian Indigenous Peoples United in Defense of their Territory (PUINAMUDT). The Government of Peru, in addition to the companies, have urged the Indigenous Peoples to cease protesting.

The government of Peru has taken monitoring steps in Loreto, including monitoring activities by the Environmental Assessment and Oversight Office. Additionally, the government of Peru has undertaken minimal efforts to clean up the environment in the region and to mitigate the effects of pollution. In January 2017, Law 30321 was passed to allocate 50 million soles (15.2 million USD) for remediation. However, an independent engineering company has estimated the real cost of remediation to be 1 million USD.

As the former UNSR notes, there has not been “any progress towards the development of specific regulations to identify the sources of pollution in the block and the corresponding measures required to undertake environmental rehabilitation, or to determine the organizations, public or private, responsible for undertaking such rehabilitation.”

In October 2016, however, a pipeline spilled in the Marañón Valley in Loreto; spilling oil into the Marañón River. Indigenous Peoples demanded that the government declare a state of emergency in two districts in the lower Marañón Valley, where spills have occurred in the past. For example on August 21, 2016 4,000 barrels of oil were dumped into a canal. The spill contaminated the land in Nueva Alianza, which is home to many Indigenous communities. In addition, Indigenous Peoples request the government to require independent inspections; to examine the pipelines in the region – specifically identifying corroded sections of pipelines.

Current and former mining sites also pose environmental threats to some areas in which Indigenous Peoples live. In Cojata, in the Huancane province, department of Puno, mining activities resulted in pollution in the Suches River; leading to the death of animals including alpacas.
The lack of government regulations regarding natural resource extraction and transportation and failure to monitor and punish cases of illegal hazardous dumping and negligent remediation are contributing to violations of UNDRIP. Additionally, the CESCR guarantees that a state party takes all steps toward the improvement of all aspects of environmental hygiene. Peru’s lack of effective action regarding environmental issues in areas in which Indigenous Peoples live is incompatible with Peru’s obligations under the CESCR.

C. Discrimination against Indigenous Peoples in the Judicial System, Threats to HRDs (Violations of UNDRIP Articles 7, 17 and ICCPR Article 14)

In recent years the government has criminally prosecuted Indigenous individuals, particularly due to protests occurring in Loreto. UNSR Anaya noted that many Indigenous Peoples consider the government’s response to the protests in Loreto disproportionate, as the government has called in the police and armed forces, as well as a number of police officials who have taken on roles as private security.

On September 22, 2016 a judge absolved 53 Indigenous and Mestizo men who had been charged arbitrarily in the death of police officers during the Bagua Massacre of 2009.

At that time, members of the Awajun and Wambis communities blocked a road into the Amazon in relation to a law that allowed for much of the Amazon forests to be privatized for extractive uses. The protesters and police officers clashed, resulting in the death of 12 police officers and 10 community members. Over 200 protesters were also injured. No charges were ever filed related to the deaths of the 10 community members.

The men were charged with 7 crimes including homicide, and two Indigenous leaders, Alberto Pizango and Santiago Manuin with the additional charges of being instigators and conspirators. Many of the accused did not even take part in the protest; Pizango was in Lima at the time. Of the 53 individuals charged, 24 are Indigenous and the rest Mestizo campesinos, poor farmers of both Indigenous and non-Indigenous descent.

Lawyers representing the Indigenous Peoples successfully demonstrated the 53 men had been arrested despite the lack of clear evidence against them. Meanwhile, the men suffered serious injury during the 7 years wait time it took to bring them to trial during which they had to travel regularly a full day’s journey to be present at hearings. One man died while awaiting the trial. The oral hearings were heavily delayed until 2014 due to the court’s inability to provide interpretation in the Indigenous languages spoken by the accused.

Human Rights Defenders continue to be persecuted and criminalized in Peru. Indigenous Peoples protesting environmental and human rights impact of the extractive industry especially face harsh repression, including intimidation, smear campaigns, death threats, surveillance, and judicial harassment. In December 2013, a report unveiled the existence of agreements between the national police and several mining companies whereby the police provides 'extraordinary additional services'. Under such agreements, the police conduct routine patrols on behalf of the companies aimed to “prevent, detect and neutralise” threats. In effect, the result is that the police are acting as a private security agency for the companies.

V. Questions
1. What immediate steps will the government of Peru take to address the devastating impact of the extractive industry on the environments – including the land and water – in which Indigenous Peoples live?

2. How is Peru addressing Indigenous Peoples’ right to Free, Prior, Informed Consent, rather than just consultation?

3. How does Peru protect human rights and environmental defenders?

VI. Recommendations

Cultural Survival recommends that the government of Peru:
Meet the demands of Indigenous federations regarding remediation.
Take steps to implement the provisions of UNDRIP into domestic legislation.
Declare a state of emergency in the lower Marañón Valley.
Ensure that sufficient funds for environmental remediation are delivered to Indigenous Federations to administer on their territories.
Require and conduct an independent inspection of oil pipelines in the Marañón Valley; specifically inspecting aging pipelines and other infrastructure that may be corroding.
As a minimum standard, ensure compliance with domestic Law of Prior Consultation.
Beyond consultation, develop a plan to create legislation that achieves Free, Prior and Informed Consent of Indigenous communities in all projects affecting them.
Ensure Indigenous participation in decision-making at all levels in all matters affecting them.
Invite the UN Special Rapporteur on the Rights of Indigenous Peoples to visit Peru
Engage in remediation, land titling, and compensation for use of and damage to lands owned by Indigenous Peoples.

1 Minority Rights Group International, Refworld, World Directory of Minorities and Indigenous Peoples, Peru (2007) http://www.refworld.org/country,COI,MRGI,COUNTRYPROF,PER,,4954ce0b2,0.html

4 Id. 5 Id.

7 Anaya, James, United Nations Special Rapporteur on the Rights of Indigenous Peoples, The situation of indigenous peoples’ rights in Peru with regard to the extractive industries (Jul. 3, 2014).

9 Id.
10 Id.

11 http://minorityrights.org/minorities/aymara-and-highland-quechua/

15 Id.

16 Id.

17 Id.

18 Id.


21 Id.

22 Id.

23 Id.


25 Id.


30 Id.

31 Id.

32 Id.

33Las Bambas Project: A Restriction on Indigenous Vocal Input in Peru’s Mining Operations


40 Id.
41 Id.
44 Id. 45 Id.
48 Id.
50 Id.
51 Id.
52 Id.
54 Id.
56 Id.
58 Anaya, James, United Nations Special Rapporteur on the Rights of Indigenous Peoples, The situation of indigenous peoples’ rights in Peru with regard to the extractive industries (Jul. 3, 2014), p. 6
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Cultural Survival


Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous peoples' rights in countries throughout the world and publishes its findings in its magazine, the Cultural Survival Quarterly; and on its website: www.cs.org

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Observations on the State of Indigenous Human Rights in Ukraine

I. Executive Summary

In 2007, Ukraine abstained from voting for the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) but endorsed it in May 2014. Coinciding with Russia’s claims of annexation of Crimea, Ukraine officially recognized the Crimean Tatars as Indigenous Peoples as of February 2016. In a roundtable meeting at the Ministry of Information Policy of Ukraine in August 2016, the Crimean Tatars – as well as the Crimean Karaites and the Krymchaks – were identified as Indigenous Peoples.1
The Crimean Tatars are currently deprived of exercising their own elected political representative body. Crimean Tatar, the language of the Crimean Tatars, is limited by the state – particularly with regards to media being accessible in Crimean Tatar. Crimean Tatar activists are subject to forced disappearances, unfounded detentions in police custody and acts of violence. Furthermore, many Crimean Tatars who were deported under Soviet rule and have returned home to Crimea still face discrimination based on unresolved land and housing issues. Complicating matters, many of the human rights violations suffered by Crimean Tatars are the result of Russian occupation of Crimea.

Ukraine participated in the first and second Universal Periodic Review (UPR) cycles within the United Nations, in 2008 and 2012 respectively.

II. Background

The Crimean Tatars comprise the largest group of Indigenous Peoples in Ukraine. They were officially recognized by the government of Ukraine, as well as the European Parliament as Indigenous Peoples in February 2016. The Milli Mejlis, the Crimean Tatar People’s Parliament, is the representative government of the Crimean Tatars. There are 33 members of the executive body that forms the Mejlis, and 220 members that are democratically elected to form the Kurultay, also within the Crimean Tatar government. In 1991, the Kurultay adopted a declaration on the Crimean Tatar’s national sovereignty, claiming the Crimean Tatar’s right to self-determination.

3 Bakkalli, Ayla, From worse to unbearable for the Crimean Tatars (Apr. 11, 2016), http://www.neweasterneurope.eu/interviews/1948-from-worse-to-unbearable-for-the-crimean-tatars
4 Id.
5 Minority Rights Group International, A Window to Europe from Crimean Tatars (Feb. 11, 2016), http://minorityrights.org/2016/02/11/a-window-to-europe-for-crimean-tatars/

In early 2014, Russia claimed the annexation of Crimea in violation of international law. In a case brought before the European Court of Human Rights in August 2015, Ukraine alleged that Russia exercises effective control of Crimea by controlling separatists and armed groups in the region. Ukraine also lodged a complaint against Russia through the International Criminal Court in early 2016.

As a result of the Crimean Tatars’ opposition to Russia’s occupation in Crimea, basic human rights of many Crimean Tatars’ have been violated; including disappearances, limitations on political rights and harassment. In a 2016 report, Amnesty International noted that “…the Russian authorities have prosecuted and forced into exile virtually all dissenting voices, including key leaders and activists within the Crimean Tatar community.”

III. Past UPR recommendations and responses pertaining to Indigenous Peoples

A troika of countries reviewed Ukraine during the second UPR cycle on October 24, 2012. During the review, several countries made recommendations on issues that – while not solely focused on – pertain to Indigenous Peoples within Ukraine.
Disappearances

During the second UPR cycle, several countries including Spain and Argentina, recommended that Ukraine ratify the International Convention for the Protection of All Persons from Disappearance.11 Other stakeholders’ submissions noted that civil human rights activists were often subject to arrest, detention and violence.12 In response, countries recommended Ukraine to adopt the UN Declaration on Human Rights Defenders.

Spain proposed: “Ratify the International Convention for the Protection of All Persons

6 Id.

from Enforced Disappearance....”13 Ukraine responded to this recommendation, however, with rejection.14

Discrimination

Emphasis in the recommendations was also focused on preventing discrimination; such as by adopting “a comprehensive anti-discrimination legislation that would include also a definition of direct and indirect discrimination and a comprehensive list of grounds for discrimination.”15 Some recommendations focused on racial and ethnic discrimination.16 Recommendations also suggested that Ukraine re-activate institutions aimed at combatting racial discrimination, such as the Inter-departmental Working Group against xenophobia and ethnic and racial intolerance.17

Human Rights First pointed out the large amount of racially-motivated violence against, in addition to several other groups, the Crimean Tatars.18 While Human Rights First noted that while there was a national plan to combat this racism including instruction for law enforcement, Ukraine had failed to implement the instruction. The second UPR cycle devoted further attention to the Crimean Tatars. Unrepresented Nations and Peoples Organisation (UNPO) recommended that Ukraine respect the religious rights of the Crimean Tatars.19 The UNPO recommended that Ukraine recognize the Crimean Tatars as Indigenous Peoples. In addition, UNPO and Council of Europe stressed the importance of the Crimean Tatar language during education, in official documents and also through the media.20
Additionally, Portugal recommended Ukraine to ratify the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness

19 Id.p7
20 Id.p9.p10

and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.21 Recommendations made by several other countries during the second UPR cycle, and later accepted by Ukraine, are below:

“Adopt a comprehensive anti-discrimination law that addresses the worrying trend of incidents based on gender, sexual orientation, racial and ethnic discrimination.” (Portugal) 22

“Accelerate the adoption of a bill on preventing and combating discrimination.” (Thailand) 23

“Maintain its programmes aimed at preventing and combating racism, racial discrimination and xenophobia.” (Cuba) 24

“Continue its effort to combat discrimination and promote equality in accordance with international treaties establishing guarantees of fundamental human rights and freedoms, and equality in the enjoyment of such rights, without privileges or restrictions based on race, colour, political, religious or other belief, gender, sexual orientation, ethnic or social origin, property status, place of residence, language or other grounds” (Brazil) 25

“Take further measures against racism and extremism and encourage peaceful coexistence between different ethnic groups.” (China) 26

The UPR Coalition interim report submitted in 2015, however, mentioned that there is no effective anti-discrimination policy in Ukraine and that “the anti-discrimination law itself and other legislative acts require substantial revision...” 27
Council of Europe and UPO noted that land issues related to the Crimean Tatars remain unsolved, and that additionally there are no legal norms for restitution of

22 Id. at R – 97.30

23 Id. at R – 97.28
24 Id. at A – 97.58
25 Id. at A – 97.59
26 Id. at A – 97.62


property to formerly deported Crimean Tatars.28 In evaluating the implementation of recommendations made to Ukraine during the second UPR cycle, the report noted that Ukraine should “[t]ake further action in ensuring and preserving the political, economic, social and cultural rights of the Crimean Tatars.”29

IV. Continuing Rights Violations

A. Crimean Tatar Language (UNDRIP Articles 8, 9, 11, 13, 14)

In January 2016, Ayla Bakkalli, the Crimean Tatar representative to the United States, reported that the use of Crimean Tatar language continues to be prohibited in Crimea.30

However, Article 10 of the Constitution of the Republic of Crimea was adopted on April 11, 2014.31 Article 10 recognizes Crimean Tatar – in addition to Russian and Ukrainian – as an official language. Education was available in Crimean Tatar as of April 2015. 32 Ukraine ratified the International Covenant on Economic, Social and Cultural Rights on November 12, 1973.

B. Freedom of Press and Assembly (Violation of UNDRIP Articles 16, 18, 20, ICCPR Articles 21, 25)

The Mejlis of the Crimean Tatar People (The Mejlis), is the representative political body of the Crimean Tatars.33 Political leaders of the Mejlis, such as Refat Chubarov and Mustafa Dzhemiliev, were forcibly exiled from Crimea. In February 2016, the Prosecutor’s office in Crimea began investigating the Mejlis as an “extremist” organization.34 After a hearing before the Supreme Court of Crimea, the government banned the Mejlis on April 26, 2016.35 Because the Mejlis was ruled an extremist

31 Council of Europe, Information Documents, SG/INF(2016)15 rev (Apr. 11, 2016),
organization, members of the Mejlis may now possibly be prosecuted as extremists. In January 2016, the Council of Europe reported that a decision that the Mejlis was an extremist group would “indicate a new level of repression targeting the Crimean Tatar community as a whole.”

Russian law required media organizations in Crimea were required to re-register by April 2015. The authorities in Crimea refused to re-register the leading Crimean Tatar media organizations. The Crimean Tatar language ATR TV channel relocated from Crimea to mainland Ukraine. Following relocation, ATR still was prevented from reporting in Crimean, and from broadcasting into Crimea. Russian authorities took ATR TV off the air in April 2015, and ATR TV’s internet site was blocked on August 3, 2016.

NGOs were also required to re-register in 2015, and 331 NGOs were denied registration. The Council of Europe reported that restrictions on this freedom of assembly targeted opposition activists, including Crimean Tatar groups.

Furthermore, Ukraine ratified the International Covenant on Civil and Political Rights (ICCPR) on November 12, 1973. Restrictions on peaceful assembly violate Article 21 of the ICCPR. Limitations on the Mejlis also violate ICCPR Article 25, as the ICCPR grants every citizen the right “[t]o take part in the conduct of public affairs, directly or through freely chosen representatives.”

C. Disappearances, detention of activists and violence against activists (Violation of UNDRIP Article 7, ICCPR Article 9, CEP Article 6)

Perhaps most troubling in the current situation is the detention and disappearance of Crimean Tatars, primarily activists vocal about independence from Russia. Forced
disappearances of – as well as violence against - Crimean Tatar activists have occurred within the past several years.

Ervin Ibragimov, a Crimean Tatar activist, has been missing since May 24, 2016.\textsuperscript{45} Ibragimov is a member of the World Congress of Crimean Tatars, an organization created after annexation of Crimea in 2014, focused on promoting the culture and rights of Crimean Tatars. There is CCTV footage of Ibragimov’s abduction on May 24th, as CCTV footage captured Ibragimov being forced into a van.\textsuperscript{46} As of the writing of this report, Ibragimov remains missing.

Emir-Usein Kuku is an activist within the Crimean Tatar community. On April 20, 2015, Kuku was beaten by two men as he was walking to work.\textsuperscript{47} Later in the day several vans full of masked men with automatic rifles surrounded Kuku’s house. Local police produced a search warrant and seized articles of Kuku’s property, including computers and a mobile phone. Kuku was questioned about extremist activities, including social media posts that he created about the Mejlis.\textsuperscript{48}

Detention of Crimean activists persists as a crucial human rights issue in the peninsula. On November 15, 2014, authorities arrested 60 people in a market in Simferopol, Crimea, and detained them for questioning in the police station.\textsuperscript{49} Another mass detention of 15 people happened several days later. In the latter detention, authorities detained people who appeared to be “non-Slavic,” thus a majority of Crimean Tatars.\textsuperscript{50}

Violence and harassment against Crimean Tatar activists persists throughout Crimea. In some instances the violence has resulted in death and torture. Nadir Bekirov, a Crimean Tatar activist, was planning on attending the United Nations World Conference on Indigenous Peoples in New York. Prior to the event, he suffered a violent attack, rendering him so severely injured so as unable to attend the UN World Conference.

In addition to violating several UNDRIP Articles, the forced disappearances of Crimean Tatar activists also violates Article 1 of the International Convention for the Protection of All Persons from Enforced Disappearance (CED).\textsuperscript{51} Ukraine recognized accession to the

\begin{footnotesize}
\begin{enumerate}
\item[46] Id.
\item[47] Id.atp.7
\item[48] Id.
\item[50] Id.
\end{enumerate}
\end{footnotesize}

CED on August 14, 2015.\textsuperscript{52} Additionally, forced disappearances also violate Article 9 of the ICCPR.

\textbf{D. Land, housing and water (Violation of UNDRIP Articles 10, 26, 28)}

Many Crimean Tatars forcibly exiled from Crimea during Soviet occupation, returned to their land in 1989. Upon return, Crimean Tatars “found that they were denied citizenship rights,
access to education, employment and housing.”

As of 2015, Ukraine had yet to resolve the issue of land or housing opportunities for Crimean Tatars returning to Ukraine. Subsequently, while Russia initially made promises of addressing land and housing issues upon initial annexation of Crimea, Russia has yet to act upon those promises.

Additionally, Ukrainian authorities shut off the water supply into Crimea in May 2014, when they cut off the supply of water from the Dnieper River via the North Crimean Canal. In doing so, authorities caused water shortages in Crimea, affecting the Crimean Tatars.

V. Questions

How will the Government of Ukraine ensure that the Crimean Tatars have access to education in their Indigenous language?

What steps will the Government of Ukraine take to allow the Crimean Tatars to regain their political rights to a representative political body?

What action will the Government of Ukraine take to address restoration of Crimean Tatar land to the Crimean Tatars?

VI. Recommendations

1. Cultural Survival recommends that the government of Ukraine:
   1. Take specific steps to implement the provisions of UNDRIP into domestic legislation.

2. Enforce the International Convention for the Protection of All Persons from Enforced Disappearance, specifically Article 6 – in holding individuals criminally responsible.

3. Take immediate action to ensure that the Crimean Tatars have access to an elected body of representatives in the Mejlis, to comport with ICCPR Article 25; including approving the Mejlis application for registration.

4. Obtain the Free, Prior and Informed Consent of Indigenous communities in all projects affecting them.

5. Ensure Indigenous participation in decision-making at all levels in all matters affecting them.

6. Invite the UN Special Rapporteur on the Rights of Indigenous Peoples to visit Ukraine.


55 Id.

OBSERVATIONS ON THE STATE OF INDIGENOUS HUMAN RIGHTS
IN PAKISTAN

Cultural Survival

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Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and
consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a
501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous
peoples' rights in countries throughout the world and publishes its findings in its magazine, the Cultural Survival
Quarterly; and on its website: www.cs.org

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Observations on the State of Indigenous Human Rights in Pakistan

I. Executive Summary
Many Indigenous Peoples live within the borders of Pakistan, yet the
government of Pakistan refuses to acknowledge Indigenous Peoples; instead referring to most
Indigenous communities as ethnic minorities. The Koochis, Rebari, Bakarwal, Kehal, Jogi,
Kabootra, Sanyasi and Kalash are Indigenous Peoples in Pakistan.

Pakistan has signed or ratified several international human rights treaties and declarations,
including the International Covenant on Economic, Social and Cultural Rights (CESCR),
International Convention on Civil and Political Rights (ICCPR), Convention on the Rights of the
Child and the International Convention on the Elimination of All Forms of Racial
Discrimination. Pakistan voted in favor of the United Nations Declaration on the Rights of
Indigenous Peoples (UNDRIP) on September 13, 2007.

II. Background
Although Pakistan voted to adopt UNDRIP, the Government of Pakistan does not acknowledge
any Indigenous Peoples within Pakistan. The Constitution of Pakistan mentions “minority”
several times, but does not reference Indigenous Peoples. Instead, the federal government
emphasizes minorities within Pakistan as religious minorities – not racial or linguistic minorities,
or Indigenous Peoples.

Pakistan submitted a report to the United Nations in 2008 pertaining to the International
Convention on the Elimination of All Forms of Racial Discrimination. In that report, Pakistan
omitted any reference to ethnic minorities. UNESCO cites small groups of Indigenous Peoples
in Pakistan, however, such as the Kihals and Mors and Indigenous Peoples from the Indus, the
Buzdar from the Sulemain Mountains and the Kalasha.

The Pakistani Constitution states that adequate provisions shall be made so that minorities can
freely practice their religions and develop their cultures. Further, the constitution states that all
citizens shall be accorded fundamental rights, including economic and political justice, and
freedom of faith and worship. Further, communities that possess “a distinct ‘language, script or
culture’ shall have the right to preserve the same.”
The Rebari are a group of Indigenous Peoples located in northwest Pakistan, comprised of 8,000 people. They are also referred to as the Rewari or Desai. Traditionally, the Rebari were nomadic cattle, goat and camel herders. The majority of Rabari are Hindu. Rabari dress is unique in the region, with colorful, embroidered clothing.

Another group of Indigenous Peoples, the Baluch, live in the province of Baluchistan. According to numbers based on the 1998 census, the most recent census in Pakistan, the Baluch comprise five percent of the total population of Pakistan. Over fifty percent of the Baluch are considered as living in poverty. During the 1970s through 1990s, the Baluch challenged the government of Pakistan demanding political and economic autonomy.

The Kalash are Indigenous Peoples located in the mountainous Chitral region in northwest Pakistan. They live in Rukmu, Mumoret and Biriu - three V-shaped valleys. The Kalash number just over 5,000 people and are Pakistan’s smallest religious minority. While the Pakistani Government has yet to recognize the Kalash as Indigenous Peoples, after much advocacy from Kalash members, the government did recognize Kalasha as a separate religion in the National Database and Registration Authority (NDRA) in 2015. Thus, Kalasha can now be listed on government documents requiring religious identification, such as birth certificates. Despite Pakistan’s recognition of Kalasha in the NDRA, issues directly tied to the Kalash’s religious identity as Indigenous Peoples and practicing paganism, such as forced religious conversions to Islam and religious-based discrimination, remain.

The Kalash Peoples Development Network have sought UNESCO protection for Kalash cultural heritage since 2008. The National Institute of Folk and Traditional Heritage (NIFTH) in Pakistan sponsored a conference on the issue in 2012. The NIFTH spokesman, Sajid Mnuir, said NIFTH had been working since the 1980s to preserve Kalash Culture. However, inclusion in the UNESCO Intangible Culture Heritage list is a lengthy process.

In June 2016, UNESCO Islamabad, through the 2003 Convention for safeguarding the Intangible Cultural Heritage, proposed to add the Kalash to the list. The Committee, to decide on proposals, meets annually, and as of February 2017 had not yet decided to add the Kalash to the Intangible Cultural Heritage list.

Urdu is the official language of Pakistan although English is often used, particularly in correspondences within the government and in courts and universities. Urdu is spoken by 7.75% of the total population of Pakistan, however, as a mother tongue, and English is a foreign language in Pakistan. The Kalasha language is spoken in several valleys within the Chitral District of the Khyber Pakhtunkhwa Province, including Rumbur, Bumburet and Birir Valleys.

III. Recommendations from Previous UPR Cycles


Several countries made recommendations broadly focused on human rights. During the second UPR cycle, Jordan recommended Pakistan “[c]ontinue developing the institutional framework
with respect to the promotion and protection of human rights.” Additionally, Nicaragua recommended Pakistan to harmonize its legislative domestic framework with international human rights instruments to which Pakistan is a party. Ecuador suggested Pakistan “[i]ncorporate human rights into public policies and strengthen the human rights institutions” Pakistan accepted these recommendations.

Religion was a focus in previous UPR cycles; and an issue that affects many Indigenous Peoples in Pakistan. The Other Stakeholders Report commented that members of non-Islam religions, such as Hindus and Christians, suffer discrimination. One stakeholder highlighted violations pertaining to religion, noting abduction, forced marriage and forcible conversion of Christian and Hindi women had increased. Women and girls were kidnapped, raped and forced to convert to Islam. Additionally, Liberation noted that the government of Pakistan did not investigate and prosecute these abductions, forced marriages and forced conversions. ECLJ noted Christian women frequently report sexual assaults by Muslims.

Additional countries made recommendations made during the second UPR cycle that were adopted by Pakistan in May 2013. Those recommendations are below:

“Review and align the legislation with freedom of religion and belief and freedom of expression, as stipulated in the ICCPR” (Sweden);45

“Increase action to tackle violations of religious freedom especially, but not only, against members of religious minorities” (Italy);46

“Take appropriate, efficient measures to prevent discrimination and violence against religious minorities, bringing instigators to religious violence to justice.” (Slovakia);47

Focusing on education, several countries recommended Pakistan make improvements to “ensure the enrollment of all segments of society in education.” This included providing universal free primary education to all children regardless of sex, nationality, race or ethnic origin. Germany suggested Pakistan “[r]eview public school curricula in order to eliminate prejudice against religious and other minorities (Germany); Furthermore, the Holy See recommended Pakistan to “promote the full safeguarding of religious freedom and other human rights by programmes which, beginning in primary school and within the context of religious instruction, will educate everyone to respect their brothers in humanity.” Pakistan accepted all recommendations above.

IV. Continuing Rights Violations

A. Cultural Appropriation (Violation of UNDRIP Article 15)

In September 2016 Parched, an Indian film about four Rabari women, was released. The film, which features Radhika Apte - a popular Indian actress - as the lead was screened at the Toronto Film Festival in 2015. Leena Yadav wrote and directed Parched.

An individual from the Rabari approached the high court seeking a ban on the film. Members of the Rabari claim the film portrays the female Rabari characters in the film in a crude light; damaging the Rabari reputation and culture. The film incorporates traditional Rabari dress into the film and the film’s characters are clearly represented as Rabari women. The petition filed with the Gujarat High Court states, “Parched is presented in a highly destructive, improper, inappropriate and offensive manner against the sentiments of the [Rabari]. It shows a particular community as vulgar, rude, offensive and crude and creates wrong image of it in the society.”
Following the petition, the Gujarat High Court sought responses from the Central Board of Film Certification in Pakistan, the Information and Broadcasting Ministry as well as Leena Yadav. Yadav maintains that the film is a fictional work and that the costumes are a mix of Gujarati and Rajasthani costumes, and that the Rabari are not specifically named in the film. Yadav claimed the characters are not Rabari women. She asserted, “[o]ur identity is not made by the clothes we wear.” There is no record of Yadav reaching out to the Rabari community for consultations or permission prior to the creation or release of the film.

The cultural appropriation occurring in Parched is in contravention to the UNDRIP. Article 15 states Indigenous Peoples have the right to dignity of their cultures and traditions. Furthermore, UNDRIP recognizes the importance of respect for Indigenous cultures.

B. Restrictions on Religious Freedom and Traditions (Violations of UNDRIP Articles 7, 8, 9, 11, 12, 25 and ICCPR Article 18)

As Pakistan’s smallest religious minority, religion is a critical issue to the Kalash as Indigenous Peoples. Kalasha, as a religion, is constantly under threat as attempts are made to voluntarily and forcibly convert members of the Kalash from Kalasah to Islam. Traveling Islamic scholars occasionally show up in the Kalash villages, and young girls are sometimes forcibly converted to Islam.

A member of the Kalash noted forced conversions are widely used as a means to rid the Kalash of their Indigenous religion in a systematic and institutional manner. For example, in public schools Kalash children are forced to take a class on Islam, but do not study curriculum about Kalash religion. Luke Rehmat, the founder of the Kalash Peoples Development Network (KPDN), notes that the government of Pakistan must do more to legally protect the Kalash from these religious pressures and forced conversions.

Additionally, the Kalasha religion emphasizes a respect for nature and the Kalash consider the springs, from which they get their water, to be holy. As such, people are prohibited from wash clothes and bathing in the springs. In 2016, a group of Muslim individuals from the neighboring community bathed and washed their clothing in the springs. Kalasha has been further under attack over the past several years as various natural disasters – including a series of earthquakes and floods – have been blamed by many members of the Muslim majority on the Kalash “non-believers.”

The Kalash’s freedom to practice their religion, particularly in a Muslim-dominated country, is guaranteed under several articles within UNDRIP. Pakistan’s lack of action in response to reports of forced conversions and the systemic conversion of the Kalash violates UNDRIP. UNDRIP Article 7 confers Indigenous Peoples “...have the collective right to live in freedom, peace and security as distinct peoples...” Further, Article 8 notes that Indigenous Peoples have the right not to be “...subjected to forced assimilation or destruction of their culture.” Kalash have a right, as Indigenous Peoples, to belong to an “Indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned...” Additionally, Article 18 of the ICCPR protects everyone’s right to freedom of religion.

C. Lack of Access to Education and Official Documentation in Language (Violation of UNDRIP Articles 14, 15, 16)
The Forum for Language Initiatives notes, “[l]inguistic diversity is an essential part of life and vital for the long-term survival of humanity.” A census is scheduled to occur in March 2017. The previous census was administered in 1998. In the 1998 census, there was no option to collect information on an individual's mother tongue. The only option provided was for the five largest languages in Pakistan. Thus, Indigenous languages were ignored.

In February 2016 the Kalash held a ceremony at the Kalasha Dur – or Kalasha Culture Center – to launch the Kalasha Language and Culture Preservation Project. A Pakistani official, Mr. Akram, the assistant commissioner in Chitralt, attended the ceremony. He assured the Kalash that he would work to include the Kalasah Language into the curriculum in government schools in Chitralt.

Many Kalash children attend primary school and some attend secondary school and university. In August 2012, there were nine Kalasha primary schools, funded partly or fully by non-profit organizations, including the Aga Khan Foundation. In Kalasha schools children are taught the Kalasha language and about Kalasha religion and culture. There is not enough space at the private Kalasha schools, however, for all of the Kalasha children of primary school age. Nearby Government Primary Schools, however, run solely by the government of Pakistan, are not taught in the Kalasha language but rather in Urdu and English. Upon starting secondary school, the only option in the region are government-run secondary schools. Those schools do not teach in the Kalasha language, nor about Kalasha religion or culture. Additionally they have mandatory Islamic studies as part of the curriculum.

Indigenous Peoples have a right to education in their language. Indigenous Peoples have the right “...to establish and control their educational systems and institutions providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning.” Further, Indigenous children have the right to all levels of state education. There is an insufficient amount of state-run primary schools offering education in the Kalasha language. Furthermore, not only are there no secondary schools that teach in Kalasha, but state-run secondary schools include mandatory curriculum on Islamic studies; which may harm the Kalasha religion and culture.

A. Kalash Livelihood and Natural Disasters (Violation of CESCR)

To complicate educational and language matters further, one of the primary schools in the Kalasha Valleys was destroyed by floods in 2013. Severe flooding occurred in the valley in 2010, 2013 and 2015. Following the floods in the summer of 2015, in November 2015 an earthquake that registered at 7.5 on the Richter scale occurred in the Chitralt Valley.

The primary source of income for the Kalash is through farming and livestock. Tourism, however, also contributed to the economy in the Kalash Valley for several years. The floods and following earthquakes had devastating consequences on the Kalash’s land. As such, their ability to farm and thus their economy has been negatively impacted. Pakistan ratified the CESCR in 2008. Under CESCR, Pakistan recognized the “right of everyone to

CESCR extend to Indigenous Peoples within Pakistan. UNDRIP further recognizes that rights enshrined in treaties apply to Indigenous Peoples.

V. Questions
How will Pakistan ensure that consultation cooperation with Indigenous Peoples occurs with regards to media and film to prevent appropriation of Indigenous Peoples’ cultures? What steps will Pakistan undertake to provide a sufficient amount of state-run primary schools that offer education in Indigenous Peoples’ languages?

How will Pakistan provide state-sponsored education at the secondary level for Indigenous Peoples without jeopardizing their culture and traditions? How will Pakistan ensure that forced conversions of women and girls from Kalasha to Islam cease?

Pakistan committed to taking steps to ensure the realization of that right. The commitments made through an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

VI. Recommendations

Cultural Survival recommends that the government of Pakistan:
1. Take concrete steps to implement the provisions of UNDRIP into domestic laws of Pakistan.
3. Highlight consultation and cooperation processes that members of the public may be able to undertake with Indigenous Peoples so as to avoid cultural appropriation.
4. Increase cultural awareness of Indigenous Peoples within the media so as to avoid future cultural appropriation without prior consultation with the Indigenous Peoples affected.
5. Request that the Kalash to be added to UNESCO’s Intangible Cultural Heritage List.
6. Take concrete steps to ensure that members of the Kalash are not suffering from forced conversions to Muslim from neighboring communities.
7. Ensure that Kalash children have education to primary education in the Kalasha Language.
8. Amend the curriculum in state-run secondary schools so as to not require Kalash students to study Islam.
10. Ensure Indigenous participation in decision-making at all levels in all matters affecting them.
11. Invite the UN Special Rapporteur on the Rights of Indigenous Peoples to visit Pakistan.

Endnotes

1 United Nations Committee on the Elimination of Racial Discrimination, Consideration of reports submitted by States parties under article 9 of the Convention, Pakistan (Nov. 26, 2015).
http://www.refworld.org/publisher,CERD,,PAK,5790d9434,0.html
5 Ali, Shaheen Sardar, The Rights of Ethnic Minorities in Pakistan: A Legal Analysis (with particular
7 Minority Rights Group International, REDRESSING A HISTORY OF NEGLECT: Discrimination of Ethnic Groups and Indigenous Peoples of Pakistan, Shadow NGO report to the UN Committee on the Elimination of Racial Discrimination (CERD) for the examination of the 15th-20th periodic reports of Pakistan at the 74th CERD session in February 2009.
9 Ali, Shaheen Sardar at 174. 10 Ali, Shaheen Sardar at 174. 11 Ali, Shaheen Sardar at 177
13 Id.
14 Id.
15 Id. 16 Id.
18 Id.
19 Id.
20 Id.
22 Kalash, Taj Khan and and Jan Heegard, In the Footsteps of Halfdan Siiger, Danish Research in Central Asia, p. 116 Ed. Ulrik Hoj Johnsen et al. (2016).
26 Id.
28 Id.
36 Id. at 113.
439

38 Id. at A – 122.17. 39 Id, at A – 122.55 40 Id.


40 Id. at p. 32. 41 Id. at p. 33.


42 Id. at A – 122.155. 43 Id. at A – 122.157. 44 Id. at A – 122.145. 45 Id. at A – 122.146.

44 Id. at A – 122.149. 51 Id. at A – 122.150.

50 Id. at A – 122.149. 51 Id. at A – 122.150.


53 Id.


55 Id.


58 Id.

59 United Nations Declaration on the Rights of Indigenous Peoples, Article 15(1)


62 The Express Tribune, Earthquake was Allah’s wrath for Kalash community’s immoral ways (Nov. 10, 2015), http://tribune.com.pk/story/988585/earthquake-was-allahs-wrath-for-kalash-communitys-immoral-


66 The Express Tribune, Earthquake was Allah’s wrath for Kalash community’s immoral ways (Nov. 10, 2015), http://tribune.com.pk/story/988585/earthquake-was-allahs-wrath-for-kalash-communitys-immoral-

67 United Nations Declaration on the Rights of Indigenous Peoples, Article 7(2)

68 United Nations Declaration on the Rights of Indigenous Peoples, Article 15(1)


70 International Covenant on Civil and Political Rights, Article 18.

71 Sagar, Muhammed Zaman et al., Survey Report: Mother Tongue Based on Multilingual Education Programs in Pakistan (Nov 2011), p. 2

72 Ishpata News, Assistant Commissioner Chitral Assures Kalasha Peoples to make their Language Part of School Curriculum (Feb. 29, 2016), https://ishpatanews.tv/2016/02/29/assistant-commissioner-chitral assures-kalasha-peoples-to-make-their-language-part-of-school-curriculum/#.WKVNRMtYtmA

73 The Kalasha Times, Assistant Commissioner Chitral Assures Kalasha Peoples to make their Language 11 ways./

74 Kalash, Taj Khan and and Jan Heegard, In the footsteps of Halfdan Siiger, Danish Research in Central Asia, p. 11

75 Ed. Ulrik Johnsen et al. (2016).
Id. at 120.  
76 Id.  
77 Id.  
79 Kalash, Taj Khan and and Jan Heegard, In the Footsteps of Halfdan Siiger, Danish Research in Central Asia, p. 121 Ed. Ulrik Hoj Johnsen et al. (2016).  
80 United Nations Declaration on the Rights of Indigenous Peoples, Article 14(1)  
81 United Nations Declaration on the Rights of Indigenous Peoples, Article (2)  
84 The Express Tribune, Earthquake was Allah’s wrath for Kalash community’s immoral ways (Nov. 10, 2015), http://tribune.com.pk/story/988585/earthquake-was-allahs-wrath-for-kalash-communitys-immoral-ways/  
89 International Covenant on Economic, Social and Cultural Rights (1976), http://hrlibrary.umn.edu/instree/b2esc.htm, Article 11(1)  
90 See UNDRIP stating that “Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights2 and the International Covenant on Civil and Political Rights,2 as well as the Vienna Declaration and Programme of Action,3 affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development” ways/.  
91 <(H)>  

OBSERVATIONS ON THE STATE OF INDIGENOUS RIGHTS IN JAPAN  
Cultural Survival  


Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous peoples' rights in countries throughout the world and publishes its findings in its magazine, the Cultural Survival Quarterly; and on its website: www.cs.org  

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Observations on the State of Indigenous Human Rights in Japan  
I. Executive Summary
While the nation of Japan has made significant strides in addressing historical issues of marginalization and discrimination against the Ainu People, more work remains to be done. Ainu individuals continue to suffer greater rates of poverty and lower rates of academic success compared to non-Ainu Japanese citizens. The dialogue between the government of Japan and the Ainu People also continues to be problematic. Significant work remains to be done if the government of Japan aims to fulfill the aims of international legal instruments such as the United National Declaration on the Rights of Indigenous Peoples.

II. Background

The Ainu are an Indigenous Peoples in the northern region of the Japanese archipelago, and the island of Hokkaido.1 Once separate from the nation of Japan, Hokkaido was annexed by Japan in 1869, leading to increased conflict between the Ainu and the nation of Japan. Like other Indigenous Peoples across the globe, the marginalization of the Ainu has been a lengthy historical process in Japan. This process began in earnest during the Meiji Restoration period in the mid-late 1800s.2 The economic and social marginalization of the Ainu continues into the present era.

The Ainu have historically been the target of practices and policies which created systemic cultural and economic disenfranchisement. Policies which encouraged cultural assimilation and cultural and linguistic discrimination, as well as changing land ownership regimes, worked to impoverish and marginalize the Ainu people.3 The Ainu were encouraged to assimilate with prevailing Japanese culture, and adopt Japanese identity in favor of Ainu identity.4 On the history of the Ainu, the Ainu Association of Hokkaido wrote that:

“[I]n the course of modernization of Japan, Ainu people have been denied their unique culture and deprived of land and livelihood, had their very existence as a separate people refuted, and been driven into discrimination and poverty. Consequently, even today, the living standards of Ainu people are far below than those of the general Japanese population. The Hokkaido Ainu Survey on Living Conditions of 2006 and the Survey on Living Conditions of Ainu People of 2008 conducted by Hokkaido University demonstrate these facts. Findings of the surveys showed clear differences in annual incomes, percentage of welfare recipients, lifestyle, occupations and percentage of higher school enrolments among those from the Ainu community, when compared to the general public.”5

In recent years Japan has taken legal and cultural steps to end systemic discrimination against the Ainu, and to promote a resurgence of Ainu culture. Japan is also actively engaged with the international human rights framework. In 1997 the Japanese government enacted the Ainu Culture Protection Act.6 However, the measures in the Cultural Protection Act were not derived from the fact that the Ainu are an Indigenous Peoples, nor are they predicated on the United

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2 Id.
3 Id.
4 Id.

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Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) or principals articulated therein. While the Ainu Culture Protection Act was an important step forward for the rights of the Ainu People, it did not go so far as to allow for self-determination or ownership of resources or mineral rights.

In 2007, Japan voted for the adoption of UNDRIP. Japan has also ratified that International Covenant on Civil and Political Rights (ICCPR). In a 2009 report by the Japanese government, there is mention that some Ainu people were involved with the adoption of UNDRIP, which is noted within the report as part of the movement to improve the lives and protect the cultural heritage of the Ainu people. In 2008 the Japanese Diet adopted a resolution which recognized the Ainu as an Indigenous Peoples. Given the historic marginalization of the Ainu, this recognition represented an important step forward. The Resolution required the Japanese government to recognize the Ainu as a historically marginalized group, that the Ainu were a People with a distinct cultural, religious, and linguistic history who have lived on and near Hokkaido, and to adopt comprehensive policy measures to further enhance existing Ainu policy with the aid of experts. Following the resolution, it was the stated goal of the Japanese government to enact policy in line with the UNDRIP. However, efforts by the Japanese government to redress the historic marginalization of the Ainu are still incomplete.

### III. Recommendations from Previous UPR Cycles

Japan has been through two previous Universal Periodic Review cycles, in 2008 and 2012. The majority of recommendations by other nations were presented during the 2008 Review cycle. During the course of these Reviews, a number of recommendations were presented by reviewing nations, including:


> Urge Japan to seek ways to initiating a dialogue with its indigenous peoples so that it can implement the United Nations Declaration on the Rights of Indigenous Peoples. Algeria.

> The Committee on the Elimination of Racial Discrimination (CERD) welcomed Japan’s support of the 2007 United Nations Declaration on the Rights of Indigenous Peoples, but expressed concern about the limited progress towards its implementation.

### IV. Continuing Rights Violations
A. Poverty, Education, and Representation (Violation of UNDRIP Articles 5, 17, 18, 19, 21, 22, 26)

Japan has taken steps to implement recommendations from previous UPR reports, and has been responsive to the recommendations presented by various nations involved in the UPR, but there remains considerable work to be done. In 2012 the Ainu Association of Hokkaido presented a report for the UPR follow-up from the 2008 review cycle. They identified a number of issues on which they wished the Japanese government to take action in working to address the issues of women belonging to minority groups including the Ainu. These issues were education, employment, welfare, health, and violence.18

Economic marginalization continues to be an ongoing issue for Ainu people. A 2008 survey of Ainu people showed that Ainu households were about 2.5 times as likely to be receiving public assistance compared to households through the country.19 More than seventy percent of Ainu individuals who engaged in higher education reported financial difficulties, and three quarters of Ainu individuals who did not complete higher education reported financial difficulties as the primary barrier to success.20

A 2013 survey of Ainu individuals found that “[a]pproximately 77.6% of residents said that life was ‘very difficult’ or ‘somehow difficult,’ showing a slight improvement from the last survey (81.1%). The number of the Ainu receiving welfare assistance is 1.6 times as many as the general Hokkaido residents however in terms of the ratio, indicating a slight deterioration.”21

There is also a gap in educational achievement between Ainu individuals and the

15 Id.
16 Id.
17 Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/JPN/CO/3-6), paras. 4 and 20.
20 Id.

Japanese population at large. The ratio of those going to high school is 92.6% compared with the general average of 98.6%, and the ratio of those progressing to university is a low 25.8% compared with the general average of 42.0%. As education plays an important role in the improvement of the Ainu’s social standing, the alleviation of this disparity is an urgent priority.22 The problems with education of the Ainu People stand in direct contravention to rights established under the UNDRIP.23

Furthermore, Ainu individuals continue to feel that they face discrimination from Japanese society. According to the previous survey, 23.4% of respondents indicated they had experienced discrimination since they can remember, and 9.6% indicated that they had not experienced discrimination against themselves but knew someone who had.24 One of the principles included in the UNDRIP is that Indigenous Peoples shall, in the exercise of their rights, be free from discrimination.25 Furthermore, the right of all peoples to be free from discrimination is enshrined in the ICCPR.26
Another issue is that of political representation. Ainu individuals continue to have extremely limited representation in the parliamentary system of Japan. There is no mechanism in place which allows the Ainu people to interact with the government of Japan as co-sovereigns, or through designated representatives, which stands in contravention of the ICCPR. This lack of consultation stands in contravention to principles of Free, Prior and Informed Consent with regard to Ainu issues. While the government of Japan has engaged with Ainu cultural groups, these groups do not necessarily speak for or represent the Ainu as a whole. As a result, the political willpower necessary to push the government of Japan to engage with Ainu issues remains limited.

B. Global Funding of Energy Projects

One important issue which relates to Japan and Indigenous Peoples does not directly relate to the Ainu, but to Indigenous Peoples in the United States. Major Japanese financial concerns, including the Mizuho Bank Ltd. and the Bank of Tokyo-Mitsubishi UFJ, have been financially involved with the development of the Dakota Access Pipeline (DAPL) in the United States. The impact of a major global financial power such as Japan extends beyond the boundaries of the nation. Funding for the controversial DAPL, which has been the target of large-scale protests in North Dakota because of its potential to negatively impact the water resources and cultural heritage sites of the Standing Rock Sioux Tribe. These banks are part of an international loan syndicate which is led by four banks that are signatory to the Equator Principles, a risk-management framework designed to manage and limit environmental and social risk in projects. 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 through the exercise of free, prior, and informed consent, the continued involvement of financial interests in the DAPL project stands against international human rights regimes which seek to protect the rights of Indigenous Peoples.

V. Questions

● Does the government of Japan have plans to continue with projects for the regeneration projects of traditional Ainu living spaces in Hokkaido?
● Current government regulations on land and resource use interfere or do not allow for Ainu people to access materials used in traditional activities such as gathering natural fibers for clothing. Does the government have plans to address this issue, have the Ainu people been involved in this process, and to what extent has it proceeded?
One measure undertaken by the government Council for Ainu Policy Promotion was the development of the Symbolic Space for Ethnic Harmony. This appears to be imagined by the government as a center for a renaissance of Ainu culture, with public facilities for research and exhibition of traditional Ainu culture. What has the effect of the Symbolic Space been, and are there plans to continue this effort?

It is unclear as to whether the Council for Ainu Policy Promotion is still meeting. From January 2009 to June 2014 the Council held six meetings. No meetings have been reported on the Council’s website since June, 2014. Is the Council still active, and does it remain a priority for the Japanese government?

Another open question remains the status of Ainu outside of Hokkaido. The 2009 Final Report states that no survey of Ainu outside of Hokkaido had been conducted since a 1988 Tokyo survey. This would be another interesting fact to learn from contacts on the ground.

VI. Recommendations

Cultural Survival urges the government of Japan to:

Continue to make strides to engage the Ainu people, and promote the resurgent development of Ainu culture and heritage.

Make a renewed commitment to the principles of Free, Prior and Informed Consent, as outlined in the UNDRIP, and in so doing continue to consult with the Ainu people to understand the needs of the Ainu community.

Urge Japanese banks to consider adopting policies that will properly implement global contact and guiding principles, and reduce involvement in projects which do not comply with the principles of Free, Prior, and Informed Consent. As a signatory to the UNDRIP, it is important that the government perform due diligence and work to support the principles of the UNDRIP through both legislative and fiscal policy.

Use the opportunity of the Olympic Games to make improvements to address the needs and issues of Indigenous Peoples. The government of Japan should take this opportunity to address ongoing issues facing the Ainu people.

Consider measures to allow Ainu communities increased self-determination, and measures to promote increased political representation by seeking to engage with direct representatives of the Ainu People.

Ensure Indigenous participation in decision-making at all levels in all matters affecting them. Invite the UN Special Rapporteur on the Rights of Indigenous Peoples to visit Japan.


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Observations on the State of Indigenous Human Rights in Gabon

I. Executive Issue Summary

In the nation of Gabon, efforts to promote environmental conservation, including rainforests and the biodiversity they contain, have led to conflict between the rights of Indigenous Peoples within the nation and conservation regimes. The rights of Indigenous Peoples established under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) have been disregarded, and the livelihoods of Indigenous communities have been damaged by conservation efforts.1 Both conservation and the rights of Indigenous Peoples are important goals worth pursuing, but a new strategy which integrates Indigenous Peoples into the conservation process, through consultation and the exercise of Free, Prior and Informed Consent, could produce better outcomes for both conservation efforts and the Indigenous communities of Gabon.

II. Background

Part of the Congo Basin, the biodiverse nation of Gabon is home to a number of self-identifying Indigenous Peoples2 which include the Baka, the Akowa, the Bekui, the Bebinga, the Bambongo, and the Baringa.3 A joint report from the international non-governmental organization (NGO) Mighty and Gabon-based NGO Brainforest states that Gabon is home to a significant forest-dependent Indigenous population, including up to 30,000 Baka and Babongo people.4 Collectively these groups are often referred to as the “Pygmies of Gabon,” though it should be noted that the term “Pygmy” carries derogatory and offensive connotations.5 Nevertheless, the term continues to see widespread use.6 Widespread foreign investment has made Gabon one of the most prosperous West African nations, with a relatively high Gross National Product. However, the nation also has levels of poverty comparable to low-income countries.7 Gabon is also involved with international conservation frameworks.8

Gabon is involved with international legal frameworks in areas of both Indigenous human
3 Id.
rights and in the conservation of biodiversity. The nation voted for the adoption of the UNDRIP in September of 2007, and ratified the ICCPR in 1983. Conservation efforts in Gabon have been driven through the creation of Protected Areas (PAs). In a report to the United Nations General Assembly, Special Rapporteur on the rights of Indigenous Peoples Victoria Tauli-Corpuz wrote: “A protected area is a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives.” Protected areas consist of many different conservation modalities, among them national parks and forests, wildlife refuges, marine areas, private and non-governmental organization (NGO)-governed preserves, Indigenous peoples’ protected areas, community lands and other areas where the protection of nature and the practice of sustainable livelihoods foster ecosystem integrity.

Since the turn of the century, Gabon has undertaken a program of conservation intended to preserve rainforest and biodiversity within the nation, through the creation of PAs. In 2002 President of Gabon El Hadj Omar Bong signed a decree which created thirteen national parks, including Ivindo National Park, which will be discussed in detail in the following section. These conservation efforts have had negative consequences for local communities and Indigenous People living near the national parks, including depriving them of access to resources associated with traditional patterns of livelihood and access to natural resources.

The forest-dependent nature of many among the nation’s Indigenous population means that there is an intersection between conservation efforts and Indigenous Peoples. While policies are ostensibly driven by international policy designed to protect biodiversity and protect the rights of Indigenous Peoples, the two frameworks do not always align. Protected areas have the potential of safeguarding biodiversity for the benefit of all humanity; however, these have also been associated with human rights violations against Indigenous Peoples in many parts of the world. The violations to the rights of Indigenous Peoples in the wake of expanding PAs have been raised by respective special rapporteurs during numerous country visits and communications to governments.

III. Recommendations from Previous UPR Cycles
Gabon was previously reviewed during the 2012 Universal Periodic Review cycle. During that cycle, the National Report submitted by the government of Gabon indicated that it was taking steps to address recommendations made on the rights of minority and Indigenous groups. The recommendations on the rights of Indigenous People were as follows:

*Strengthen its policies designed to better integrate the Pygmies in the society.* Angola

*Ensure full and equal access to public health services for Pygmy peoples in all areas of the country in particular by increasing the number of health care facilities and ensure proper registration of children at birth.* Hungary

*Encourage the participation of minorities, such as the Pygmies, in the political, economic and social life of the country.* Costa Rica

*Protect the rights of Pygmy minority and elevate their health conditions and make all health services accessible to them, while facilitate their attainment of different health services in an easy way.* Iraq

*Adopt a specific plan to protect the rights of Indigenous peoples and a strategy to make basic services more accessible to the Pygmy minority.* Slovenia

*Take additional measures to ensure the integration of Indigenous peoples in public institutions.* Burundi

In the wake of these recommendations, the government of Gabon adopted recommendations which committed to work to further integrate the Pygmy population into society at large, and to work to end discrimination against the Pygmy population. The government also reaffirmed its commitment to the principles of the UNDRIP, stating that, “[d]rawing on the United Nations Declaration on the Rights of Indigenous Peoples, Gabon, together with civil society and a number of development partners, is taking steps to protect the rights of Indigenous peoples through public debates and the provision of medical, educational and economic assistance.” The National Report also reaffirmed a commitment to a public policy that would “take account” of the Pygmies at an institutional level.

### IV. Continuing Rights Violations

**A. Protected Areas and Indigenous Peoples: Rights in Competition (Violation of UNDRIP Articles 5, 26)**

While various local communities have experienced negative impacts because of the creation of protected areas in Gabon, Indigenous Peoples appear to have suffered the most. This is related to the discrimination they suffer in general, but also to the fact that the traditional territories of Indigenous Peoples largely coincide with areas targeted for conservation. The nomadic or semi-nomadic lifestyles of Indigenous Peoples depend on the non-intensive use of extensive areas of
forest, while simultaneously stewarding the biodiversity of the environment. It is no coincidence that the areas inhabited by Indigenous Peoples overlap with protected areas. Already limited consultation and participation mechanisms are particularly ill suited to Indigenous socio-cultural realities; their unparalleled hunting skills combined with an increasingly difficult livelihood situation has made them particular targets for both poaching and anti-poaching interests.

In 2016, the Rainforest Foundation, with the aid of local partners including Gabon-based NGO Brainforest, published a case study on Ivindo National Park. This study sought to understand the impact that the park, a PA, and other conservation efforts in Gabon had on Indigenous communities. Areas around Ivindo National Park are home to Baka People. Ivindo National Park is also the site of Kongou Falls, which has important cultural significance to Indigenous and local communities in Gabon. Some members of local and Indigenous communities in the area still identify themselves as the traditional inhabitants of the Kongou falls.

The results of the study demonstrate that in Gabon the rights of local communities and Indigenous peoples continue to be largely ignored or outright violated by conservation actors. The establishment of the Ivindo National Park imposed a number of restrictions on local communities regarding hunting, fishing, and gathering, which has led to local communities having not only less to eat, but also less surplus (particularly fish) to sell, meaning they have fewer resources to pay for necessities including their children’s education or medicines. This stands in direct contravention to the International Covenant on Civil and Political Rights (ICCPR), which holds that all Peoples have the right of self-determination, including the free pursuit of economic development.

**B. Free, Prior and Informed Consent (Violation of UNDRIP Article 10, 18, 19)**

International conservation policy, as expressed through the instruments of the United Nations, calls for participation of local communities in conservation efforts. This includes adequate consultation and the exercise of Free, Prior and Informed Consent (FPIC) by Indigenous Peoples when conservation efforts would impact them. These principles are enshrined in several international legal instruments, but their implementation in Gabon falls short. In Gabon, local and Indigenous communities were not consulted before the creation of the Park, in violation of Free, Prior and Informed Consent standards outlined by the UNDRIP. In field research conducted by the Rainforest Foundation UK and Brainforest, villagers (later triangulated and verified with other informants) attest that there was no consultation prior to the establishment of the National Park, and there is a unanimous agreement that the decision about the park was imposed on them. Interviewees felt that they are not listened to by the authorities, and feel disrespected.

This is part of a pattern of marginalization arising from systemic inability of Indigenous Peoples to engage in decision-making processes with the government. In identifying regional trends for Indigenous Peoples in the Congo Basin, including those within Gabon, the Rainforest...
Foundation concluded that “with very low income, Indigenous forest peoples have very little, if any, economic power to counteract any legal sanctions or challenge what in many cases appear to amount to arbitrary and extra-judicial punishments.” Moreover, as marginalized groups in society, they remain disempowered to voice their rights, they continue to have unequal negotiating power, and are subsequently easy targets for outsiders to “use” and abuse, whether physically (in labor or violations) or intellectually (in negotiating trade or rights). Furthermore, “involvement is often reduced to public information campaigns rather than significant FPIC and consultation.”

C. Land Use Rights (Violation of UNDRIP Article 25, 26, 27)

In part, conflict between conservation efforts and Indigenous populations also stem from systemic issues within the legal framework present in the country. On the topic, a scholarly analysis of land use framework found that “in general, Gabon may have the legal framework in the [Congo Basin] region that most strongly limits community rights. While other countries vaguely recognize customary land rights, Gabonese law is specific in recognizing only usage rights, and the country doesn’t have specific legislation on Indigenous Peoples either.” This legal framework is similarly at odds with the UNDRIP, which consolidates the rights of Indigenous peoples already recognized in other human rights instruments and through the jurisprudence of the international human rights treaty bodies, affirms the right of Indigenous Peoples to own and control their lands. As a result, the legal framework of land rights within Gabon stands in contravention of UNDRIP article 26.

Furthermore, local and Indigenous communities have virtually no tenure security over their traditional lands in any of the five Congo Basin countries, including Gabon. Allocations for other uses, notably logging, mining and oil concessions, agro-industrial plantations and also protected areas, are effectively pushing local and Indigenous communities to ever smaller areas of land where they toil to meet their subsistence needs. Designation of protected areas in the region follows the same pattern of exclusion, and in some cases even worsens it.

30 **Protected Areas in the Congo Basin: Failing Both People and Biodiversity?** Rainforest Foundation UK. Counsell, Orozco, Pyhala.
31 Id.
32 Id.
33 United Nations International Covenant on Civil and Political Rights. Available at http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx
35 Id.
37 **Protected Areas in the Congo Basin: Failing Both People and Biodiversity?** Rainforest Foundation UK. Counsell, Orozco, Pyhala.
38 In contravention of UNDRIP Article 18.

39 Id.
40 Id.
41 Id.
42 Id.
45 UNDRIP Article 26.
46 In contravention of UNDRIP Article 26.
47 **Protected Areas in the Congo Basin: Failing Both People and Biodiversity?** Rainforest Foundation UK. Counsell, Orozco, Pyhala.
48 Id.

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V. Questions

1. What actions does the government of Gabon have planned to reconcile the difficulties between conservation efforts and the rights of Indigenous Peoples?

2. How does the government of Gabon plan to incorporate the perspectives of Indigenous Peoples into conservation efforts in the future?

3. What is the government of Gabon doing to regulate conservation regimes and institutions with respect to Indigenous Peoples’ rights?

VI. Recommendations

Cultural Survival urges the government of Gabon to:

Work to engage local Indigenous Peoples in conservation efforts. If engaged, Indigenous communities could be a significant asset in serving environmental goals while simultaneously ensuring that the rights of Indigenous Peoples could also be protected. Local and Indigenous communities have detailed ecological knowledge and traditional conservation practices, as well as a strong spiritual and physical link to the rainforest. This link creates sophisticated ideas of what sustainable use of these territories means for them and for future generations. The imposed conservation model that has dispossessed them as described above is in conflict with their understanding of land use and conservation. Hence, huge potential for collaboration and mutual benefit is being wasted.49

Work to integrate community rights to lands, livelihoods, participation and FPIC in all aspects of conservation planning and management, including by formally committing not to support the creation of new PAs without the FPIC of local people. More broadly, ensure that all future land use planning and zoning involves the consultation and FPIC of local and Indigenous communities.50

Consider changes to land use regimes which support traditional land use patterns which are harmonious with the land use needs of Indigenous Peoples.

Obtain the Free, Prior and Informed Consent of Indigenous communities in all projects affecting them.

Ensure Indigenous participation in decision-making at all levels in all matters affecting them. Invite the UN Special Rapporteur on the Rights of Indigenous Peoples to visit Gabon.


49 Id. 50 Id.

INDIGENISMO: FORGOTTEN BODIES, TONGUES OF CHANGE

Brandon Alvarez, May, 2017
Trauma, noun, 2. “A psychic injury, esp. one caused by emotional shock, the memory of which is repressed and remains unhealed; an internal injury, esp. to the brain, which may result in a behavioral disorder of organic origin. Also, the state or condition so caused” (OED, 2016). In my mind, trauma is no longer a noun, it is a verb, an act; an act of repeated remembering. Imagine yourself on a Ferris wheel, but every time you go around your worst fear appears beside you with a gun to your head and all of a sudden you are left helpless to an apparition that lives inside you as it pulls the trigger.

Bactine can only do so much: a cut here, a welt there, it became routine even; one slowly grows accustomed to furious eyes and raised fists. Crack! A thousand memories of violence compiled into pockmarked skin and mindless apologies, it’s easy to think them normal after a while. Crack! But the dark lasts. Spending terrified eons swathed in it as the little pinpricks of insectile legs covered my skin. I began throwing up during meals because of what I knew would happen if I couldn’t finish my plate. Crack! The sting of the metal nibbed belt felt almost comforting compared to the alternative. Locked away like a disparaged puppet. Crack! My skin is bleeding now. Each time I’m left in a world of pitch black I can’t help but cry.

Trauma, words can’t capture the feeling until you are left trapped in it. My friends tell me I should see a therapist. But what they and the world have neglected, have forgotten to understand…trauma is a team player.

Machismo, noun. “The quality of being macho; manliness, male virility, or masculine pride; the display of this” (OED, 2016). Machismo, the assumption of the male body as “dominant, aggressive, unemotional, and….heterosexual” (Pena-Talamantes, 2013, p.166). “You disgust me”. Words that little boys never expect to hear spewing forth from their fathers’ mouths until they reach your ears and like little pinpricks draw blood from your rapidly paling face. I thought my father was a monster, until I met the real one puppeteering him like a macabre marionette master. Machismo, a cultural disease dressed up in the shiny trappings of “social norms”. Decades upon centuries of subjugating women, of casting out queer and trans people of color from our communities because “They don’t belong here”. The boy locked in the attic wants to cry but can’t, it’s not right for boys to cry.

Machismo, the dying rattles of the cultures colonized by the Spanish echoes in your name. Analogies are innocent enough until they force cultures to relive the rape and destruction of their histories, until they begin comparing dominated peoples to women, until they begin building up societies around them. Machismo took the violence of Spanish colonizers, of their rape and destruction, and placed it onto indigenous men. Machismo narrates a story where to be powerful, one has to claim that power over others; where femininity was passivized and sexualized, where it became synonymous with weakness. Denying native cultures their heritages, their practices, the Spanish force-fed a religion that defined family as being a power dynamic between husband and wife. Machismo was never meant to simply dictate gender roles, it serves as a way to control and oppress who is allowed to define and behave as what, and how these power echelons are allowed to interact.

Indigenous, adjective, 1. “Born or produced naturally in a land or region; native or belonging naturally to” (OED, 2016). Forgotten like trauma, but instead of a word we are an entire people. Indigenous. A word that is often thought to signify a forgotten past, traced with the blood-laden echoes staining the swords of Spanish Conquerors in their lust for
gold, land, and power. The blood of the Indio, the native body stained scarlet in the weeping Andes, lost in the ground beneath it. Pizarro, Cortes, de Soto, Amalgro, names that will go down in history as the conquerors of a nation that nobody cared about. What they left? The dead, among them the living with dead souls.

Historical trauma, n. “Cumulative emotional and psychological wounding across generations, including the lifespan, which emanates from massive group trauma” (Brave Heart 2001, p. 283). A lens that we too often forget to think about in contemporary white America. Culture-wide trauma seems ridiculous, impossible even, from the lens of the white American; their cultural power and historical ambiguity too strong to have a singular event, aside from the apocalypse, leave lasting psychological impacts on near everyone. What is another case of child abuse when there are a thousand more worse than it? Everyday occurrences, that poor kid just happened to draw the short end of the stick.

I didn’t draw the short end of the stick in the parent pool, I drew from a hand filled with short sticks, a hand that each and every Indio is told it must take from. Trauma, Machismo, Indigenous, three words that culminate together to form a historical cycle that has been perpetuated over the eons to break down, damage, and disadvantage native bodies since colonization. Machismo, an ordered “difference in power…the exertion of dominance, control, and aggression of…Spanish men over….indigenous women…serv[ing] as a wider metaphor for penetration of the colonized body” (Chant 2003, p. 132). The trauma of the rape, death, and carnage that destroyed entire nations; bought to life in Latinx-Indio men who are told from day one that they can have no power without taking it themselves.

As the pain of colonization is reflected in the power hierarchies of Machismo, it is too founded in the perpetuation of this trauma in the Indio’s descendant. Because of the prevalence of Machismo as historical trauma, experiences like mine, experiences of “childhood neglect, abuse, and household dysfunction” (Fryberg, 2016, pg. 6) have become so prevalent that indigenous youth often have to grow into higher thresholds for trauma and the development of PTSD just to survive (Heart, 2011, pg. 284). Indio youth are not afforded the luxury of coping, of learning to deal with the pain that is inflicted upon them day by day, month by month, and year by year. We experience trauma and move on because if we dwell on it too long we become another 1 in 5. One in five, 20%, the attempted suicide rate in indigenous youths. 3%, 3 in 100, is the normal suicide rate for those under the age of 20. Making the suicide attempt rate for indigenous youth nearly seven times the national average (Whitbeck, 2014, pg. 168 : American Foundation for Suicide Prevention). This is not a unique or singular issue either, criminality, high rates of substance abuse, often poor school performance and negative perceptions of the education system, are all often indicators present in indigenous youth (Whitbeck, 2014).

Indigenous youth are not the only ones holding the worst hand once the universe has dealt it’s cards. Indigenous women, and indeed, any individual who does not fit into this dichotomous power relationship are left reeling as what little they were dealt is taken from them. As Claudia Moreno describes in her 2007 study “Machismo hamper[s] women’s ability to leave abusive relationships because of sociocultural expectations, shame and fear, economic problems, few job skills, and shattered self-esteem…[it] disempowers…[them] from taking action and changing their risky behaviors and abusive situations” (p.11). Machismo doesn’t just target those who do not have the agency to act for themselves, it takes away agency from women and from anyone who is social identified as “non-masculine”. As one woman in Moreno’s study stated “When I was being abused, I thought
that was life; because my mother did it to me, my uncle and aunts did it to me, so what made me think that my husband wasn’t going to do it to me?” (p.6). Women cannot break out of this cycle of abuse, as to report their partners, to fight back, to leave, is to risk more violence; to risk total social isolation. Machismo tells them that this is normal.

While Machismo has run rampant among the Latin-American populace for generations, to say that there have been no efforts to address its consequences would be a lie. The problem, in the case of current intervention strategy, is directly because of such. The issue is, we cannot stop this continuous cycle of abuse and control simply by treating the symptoms, we have to get at its consequent source. Hector Adames, a doctor in neuropsychology at Wright State University, argues that , “Many mental health providers have neglected the complexities involved when considering gender in the treatment of Latin[x’s]” (2017, p.102). In other words, an individual’s sense of “gendered self” heavily influences the ways in which historical trauma (i.e. Machismo) affects them. For instance, Latinx men have a particularly difficult time expressing vulnerability, often resulting in emotional repression and low utilization of mental healthcare, while Latinx women often struggle with feelings of professional conflict due to pressure to become a homemaker (Adames, 2017). Due to the fact that Machismo is so centered around differential methods of oppression for people of different identities, I would posit that we can address the collective, rather than individual, trauma of Machismo by utilizing the same “treatment structure” but instead on a broader, community-level scale.

The collective trauma of the Latinx indigenous can be more accurately described as an “attack [on] the sense of history of those [the colonizer] wishes to dominate” (Adames, 2017, p.107). As such, the establishment of these preventative community-level structures has to be qualified in the sense that it does not further violate/destroy Latinx or Indigenous cultures and histories. In order to accomplish this, we will approach change from two different fronts, working through both culture and explicit governmental/community action.

In order to establish long-term cultural change, we first have to understand the process by which culture is created, or, as Dr. Hazel Markus (2016) describes it, the “cultural cycle”, being “the implicit and explicit patterns of historically and socially derived ideas and images, and their manifestation in the institutions and interactions that constitute society” (p.2). These patterns are broken down into 4 separate stages: Ideas, Institutions, Interactions, and Individuals. Machismo, as a cultural practice, is a pervasive cultural idea (the highest tier of the cultural cycle). This then cascades down the cultural cycle. As institutions such as the Spanish Catholic Church reinforce the power dynamics of Machismo through scriptural teachings such as “Wives, submit yourselves to your own husbands as you do to the Lord. For the husband is the head of the wife as Christ is the head of the church.” (Ephesians 5: 22-23, The New International Version). This then manifests itself in the interactions between individuals. For example, the pervasive abuse and dominant behavior over women that men often express (as detailed previously), or the use of the word “Maricon” (loosely translated as “faggot” in English, but more significant as it implies one is not “worthy” of maleness) to moderate masculine/feminine behavior between males. This, then, creates the idea of the gendered self in the definition of the individual. Therefore, in order to combat Machismo, we have to combat its weak points at the various levels of the cultural cycle. As Fryberg and Markus (2016) further detail, “we can close the gaps created by disruptions in traditional cultural cycles – the effects of colonizing practices on Indigenous cultures – and can foster a sense of cultural continuity by considering how each level of the cultural cycle impacts psychological well-being” (p. 12). In other words, the trauma of colonization (Machismo), can be fought against in
Indigenous communities by supporting Indigenous narratives; by creating a sense of “continuity” between one’s historical self and culture and one’s contemporary self and culture. To accomplish this, I bring in research from the Cambridge handbook of acculturation psychology and from Dr. Susan Klein’s research in her handbook on the achievement of Sex Equity.

According to Saba Safdar and Tracy Berno (2016), acculturation as a process of cultural change is often initiated by the cross-cultural “sojourner”; defined as “voluntary, temporary acculturating groups”, being those who travel across cultures with the intention of returning to their place of origin (p.173). Due to the fact that sojourners only have a finite amount of time to gain and adjust their cultural knowledge, they are a particularly interesting case study in how individual change can be made in a short period of time. While this change depends on a number of factors, (such as language, discrimination, social support, personality factors, motivational factors, finance, and academics (p. 178-179)) I would like to hone in on the impact of social support.

As a general observation, international students with more social support tend to experience less social and academic stress, leading to more robust changes to their cultural selves (Safdar & Berno, 2016, p. 178). Social support, in this context, is quantified by number of host-country students in an international student’s social circle. Drawing on this observation, I would posit that, by utilizing the adaptive process of the sojourner, we can generate long term social change in indigenous communities through the institution of education. As such, I would argue that a connection can be made in the contexts experienced by indigenous and international students due to the fact that, as described by Fryberg and Markus, the trauma suffered by indigenous students stems from the disruption of their traditional cultural cycles by the culture of the colonizer. In other words, like international students, indigenous students suffer from a large cultural shift; even if on a much greater scale than the international student. Furthermore, as both Safdar and Berno (2016), along with Fryberg (2016) state, social support is a major indicator of personal success in the future; whether it be the number of host-country friends for international students, or the acceptance and support of indigenous cultural practices and histories of indigenous students.

Drawing upon Dr. Susan Klein’s (1985) research in the achievement of Sex Equity, it is argued that equity, as a function of education, impacts and is impacted by levels of equity within society (p.14). This concurs with Fryberg and Markus’ theory of cultural change, as outlined in the following. Education, as a construct, is an institution that teaches students (Individuals) various academic practices (Ideas). However, social and cultural practices (Ideas) are also taught via student interactions with teachers and peers (Interactions); ultimately shaping the student into their own definition of self (Individuals). Being that education, as a period of development, is a particularly crucial time for the creation of a student’s social dynamic, a change in the way the institution influences the student will consequently cause change in the culture itself; causing changes in the way students interact, define themselves, and eventually shifting cultural ideas as new generations learn new practices. Therefore, shifting out of this theoretical framework and to the problem at hand, how can we realistically apply this to combat Machismo?

The answer to this question is not a particularly easy one, as it requires a rather large and long-term scale of thinking. Despite this, however, two distinct subdivisions exist when discussing distinct and actionable change, being governmental and non-profit actions. Within Fryberg and Markus’s 2016 study with North American Indigenous students, they
had the administrative support of the indigenous community and local government to make changes within the structure of the school system to be more favorable to the native populations there. While the same courses of action are feasible within specifically indigenous South American communities, the potential for such expressive changes is less probable in outside or mixed communities. Therefore, the first step to actionable change is creating community awareness and creating small social initiatives in these situations outside native communities where indigenous students are even more likely to struggle without a concretized historical community base. To do this, we utilize the creation of the gendered self by Machismo to specifically target different gendered traumas. These, in turn, will be explored through the framework of various gendered identities below.

Relative to indigenous Latinx men, there is an expressive impact of Machismo on the extents to which one is allowed to self-define due to the limits that Machismo places on masculinity as a whole. In particular, Machismo delimits emotionality to be feminine, which in turn leads to trends of emotional repression, often leading to the abusive outbursts characterized by Machismo earlier as men feel that they are losing their levels of “masculine control. This, in turn, causes male indigenous students to suffer academically as they become much less prone to seek emotional or academic help (as such is indicative of weakness). This, in turn, often leads these students to early involvement in the school or legal disciplinary system. Therefore, exploring explicit changes that could consequently made to target this subgroup, I would posit that creating student groups centered around masculinity (whether inside school or outside as a community group for youth) would be particularly effective in creating the “social support” (as explicated earlier) to move into a cultural idea of selfhood that is not as rooted in Machismo. More particularly, having male administrators provide spaces of affirmation where the male community of students feel like their emotions are being validated provides students with a way to break out of the emotional boundaries of Machismo. In tandem, this provides a space for male students to freely re-define masculinity for themselves. As Machismo places masculinity at the crux of personal self-worth and power, allowing students to re-define masculinity as a less violent/oppressive construct provides them with a way to generate change while not having to fully reject themselves or alienate themselves from the ideas of larger society (providing smoother levels of acculturation).

Relative to indigenous Latinx women, a large part of the fight against Machismo stems from the resistance of the gendered expectations and evaluations that is places on them. As a function of historical trauma, Machismo inherently passivizes femininity and sexualizes it comparatively to masculinity (as a reflection of the physical dominance of the colonizer over the colonized, as detailed earlier). Therefore, a large part of any community based action will rely on empowerment and support. More specifically, teaching educators to be conscious of gender biases in the classroom, and how to actively combat them, is important. Validating female student’s responses, encouraging them to look beyond the cultural expectation of them as mothers and home-makers, and calling out misogynistic or sexualized comments towards female students are all key to establishing to female students that they possess power as individuals. Coupled with this, screenings of films or discussions of strong indigenous Latinx femmes within the curricula or within student orgs will provide room for more self-defined notions of womanhood. Considering that women who break norms of submissivity are often labeled as “not Latina enough”, establishing that Latinx women can be powerful while being Latinx is important to maintain the self-image of Latinx women while acting against Machismo. As a last implementation, although more controversial, simply making indigenous Latinx women aware of the gender discrimination and disparity that exists as a result of Machismo is important. It is
awareness of this that drove such powerful protests and Latinx/Chicanx movements among women during 2nd wave feminism.

Lastly, relative to indigenous Latinx non-binary or queer individuals, combating Machismo becomes slightly more complicated. Due to the fact that homophobia is particularly prevalent, queer indigenous Latinx individuals already face a great deal of discrimination. On top of this, individuals within the community often isolate and discriminate against each other (For instance, gay men condemning others for being too “feminine”). As non-binary and queer individuals transgress both the gender and sexual boundaries of Machismo (being that there must be a male-female binary and that there must be male/female couplings where the male is dominant over the female), connecting these students and individuals with support groups is crucial to their survival. The function of social support is accentuated in this case, as these individuals are part of a greater number of oppressed groups, and need some form of social acceptance in order to progress forward. Consequently, the administrative measures by which educators can widely impact this populace is a bit more difficult (as the political measures around enacting anti-discrimination policies is much more convoluted). Therefore, in this case, offering group counseling sessions may also be beneficial for these students.

Lastly, looking at the various methods of governmental action we can use to drive change; the question becomes less, “what can we do?”, and more “what shouldn’t?”. As Radcliffe(2006) details, a crucial factor to consider when trying to make cultural change in indigenous communities is that we do not further transgress indigenous histories or further impose the practices of the “dominant” culture onto them. Too often when action is attempted at the governmental level, such “rel[ies] on notions of [the Indio]…as the labor that would build the new nation and...as the bodies that would consume the goods that it produced...[becoming] a sort of sacrificial offering that afforded safe passage into...realized modernity” (Coronado, 2009, pg. 168). As consequence, the government then becomes a facet of colonialism itself by forcing the totality of the labor to move to “modernity” onto the Indio. Therefore, as Cordova (2014) explicates, the only way we can effectively combat Machismo is to “…respect both Western and indigenous democratic and participatory principles” (pg. 25). As governmental action requires the consensus of elected leaders along with the general agreeance of the populace, I would hence argue that governmental level action can’t really be used as a large factor for cultural change in this instance. Aside from potential legal action around the crackdown of the legal system on parental and spousal abuse (which would just lend to the imprisonment of more men, hence actually accentuating the negative effects of Machismo), feasible action can’t really be implemented without first establishing cultural change.

Machismo. What remains with an entire culture is destroyed? Three syllables containing the suffering of thousands of Latinx youth, indigenous youth. A group that is more susceptible than almost any other group around the globe. My bruised and battered body is one of the lucky ones, with only a few inches of blade between I and those who’s cries will never be heard again. Thousands of indigenous bodies are piled underneath our feet, and because of Machismo, because of the expectations of violence and trauma that colonization has created, it is only growing larger day by day, year by year. As the Spanish raped our culture, as they murdered and left the oppressive force of Machismo and of the Spanish Catholic Church, we are still left reeling and bleeding out on the floor as our youth struggle to survive; never mind succeed. If we want to move forward as a people, as a group of survivors struggling to find a place in the world, it is crucial that we find a way to combat it. By using the very force of Machismo, it’s oppressive gendered nature, we can create interventions in our youth to teach them to adapt. To overcome the limitations, the
violence, and the power imbalance that Machismo has created in our communities and re-
define what it mean to be Indigenous, to be Latinx. Even as reluctant generations of
tradition in oppression define our elders, we can revolutionize and change culture across
time. We use education not as a method of resistance, but as a method of change, of
fighting against that which has killed both predecessor and peer.

References

Gender Ideologies: Integrating Indigenous and Contemporary Perspectives into
Treatment. In Cultural Foundations and Interventions in Latino/a Mental Health (pp.


Cordova, F. (2014). Weaving Indigenous and Western Methods of Conflict Resolution in the

Coronado, J. (2009). Reading Indigenismo, Writing the Indio. In The Andes Imagined:
Indigenismo, Society, and Modernity (pp. 163-168). Pittsburgh, PA: University of
Pittsburgh Press.

Fryberg, S., Covarrubias, R., & Burack, J. A. (2016). The Ongoing Psychological Colonization
doi:10.1093/oxfordhb/9780199938735.013.35

Indigenous Peoples of the Americas: Concepts, Research, and Clinical
doi:10.1080/02791072.2011.628913

Indigenous (2016) In Oxford English dictionary online (2nd ed.). Retrieved from oed.com

Hopkins University Press. Handbook for Achieving Sex Equity through Education.

Machismo (2016) In Oxford English dictionary online (2nd ed.). Retrieved from oed.com

Moreno, C. L. (2007). The Relationship Between Culture, Gender, Structural Factors, Abuse,

LATINO SEXUAL MINORITIES' MACHOFLEXIBLE IDENTITIES IN HIGHER
EDUCATION. Culture, Society, & Masculinities, 5(2), 166-178. doi:
10.3149/CSM.0502.166

Development for Andean Indigenous People. Environment and Planning D: Society and
Space,24(2), 231-248. doi:10.1068/d430

Cambridge: Cambridge University Press.


REVIEW

BIBLIOMETRIC ANALYSIS OF SOVIET AND POST-SOVIET HISTIOGRAPHY
OF THE NATIVE POPULATION OF ALASKA
OF THE RUSSIAN-AMERICAN PERIOD

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The Native population of Alaska for a long time attracted Russian researchers since this vast territory was at that time Russia’s only transoceanic colony, known today as “Russian America.” The first Russian works dedicated directly or indirectly to the Natives of Alaska belong to the end of the 18th–beginning of the 19th century. These are primarily the notes and journals of mariners, travelers, merchants, and missionaries who visited the Russian possessions in the New World or who lived there for some time. All such works belong to important historical sources, often entirely unique. In them is contained not only ethnographic information, but sometimes the methods of management and policy are described in relation to the different native groups. This theme is presented in even more detail in various documents of the Russian American period, for example, in the Nastavleniya (Instructions) of the eminent merchant G. I. Shelikhov to his deputy K. A. Samoilov of 4 May 1786, where a plan of subjugation of the Eskimos of Kodiak Island is described in detail, as well as policy in relation to other peoples of Alaska.

However, the object of our study is not a source overview but rather a scholarly historiography of the Soviet and post-Soviet period, which touched upon questions of history and the ethnography of Alaskan peoples (without drawing in works on linguistics, archaeology, population genetics, and physical anthropology because of their substantial specificity). In chronological regard, this article embraces works that examine various aspects of the traditional ethnography of Alaskan Natives and their history in the early colonial period, that is, in the period of Russian America.

In spite of the seeming simplicity of the theme its analysis in fact presents certain difficulties. In particular, these questions arise: What works must be selected from the entire available bibliographic corpus? Where is the boundary beyond which scholarly work can be characterized as ethnographic and not historic? Does it pay to consider works, in which one part of the material belongs to the Alaskan peoples, while the other to other North Americans or Siberians? What criteria are to be placed at the base of the classification?

It is obvious that an overview of Russian historiography based on the stated theme should be limited to the most significant kinds of scholarly publications. These should be monographs (or large essays), as well as parts of them and articles in academic journals and collections, leaving out of the equation scholarly theses and reports without a reference system, published in the materials of various conferences. It is more difficult to identify works on history and ethnography in which information about Alaskan Natives is interspersed with other data. This often concerns overviews and summary works in which the peoples of Alaska figure together with other Natives of the New and Old World, as, for example, in two articles by I. S. Gurvich and Yu. P. Averkieva, published in 1981. An analogous problem arises with respect to separate parts (chapters or paragraphs) and individual or collective monographs. Thus, in the book by E. M. Meletinskii about the Paleoasiatic mythological epic about Raven there are several chapters in which Alaskan Natives figure. But one of them deals, in addition to the Eskimos and Aleuts, the Evenk, Yukagir, and Asian Eskimos. In another chapter most of the text is dedicated to an analysis of myths about Raven among the Tlingit Indians, with drawing in a small amount of analogous material about other Indians of the Northwest Coast of America outside the bounds of Alaska. And only one chapter (“Myths about Raven among the Northern Athapaskans and Eyak”) is strictly adequate for the criteria of this article. On the whole, it makes sense not to consider works in which the material about the Native residents of Alaska comprise less than a half of their total volume. Correspondingly, of three chapters in E. M. Meletinskii’s monograph it pays to note only the last two, but to exclude his later article on this theme and the above-
mentioned works of I. S. Gurvich and Yu. P. Averkieva, as well as the monograph of the latter on slavery among the Indians of North America.6

A separate question arises with works dedicated to museum materials and collections. It is evident that it is necessary to consider only those works in which more than 50% occupies information about Alaskan Natives and not about collectors of objects of their material culture, about problems of forming museum collections, organization of exhibits, and so on. On the other hand, it evidently makes sense to include into bibliographic analysis thematic sketch books of museum collections with introductory articles and scholarly commentary.

Also, the question regarding ethnohistorical works is not a simple one. The fact is that many works discuss the Native residents of Alaska, where general questions of Russian colonization are examined, discuss missionary activities of the Russian Orthodox Church in the distant eastern boundaries of the Empire, describe Russian geographic discoveries, and so on. However, in all such works the Alaskan Natives usually figure only as the secondary “background” and therefore it is hardly worth including these works in our bibliographic overview. Excluded from this general rule are works where materials about the relationships of the new arrivals with the Native residents embrace no less than 50% of the total volume of text.

As many problems arise with classification. Bibliographic overviews or historiographic articles/essays are usually created based on a list of authors (in alphabetic or thematic order), or corresponding to a specific theme. However, classification can also be formed based on other criteria (or combinations of them): based on time and place of publication, based on peoples, based on specialization and character of the publications (summary works, works about a group of people or about a single ethnos/ethnic group, works on ethnohistory, on specific ethnic aspects of material and spiritual culture, and so on). Depending on the selected criteria it is possible to obtain various statistical materials and reduce them for convenience and clarity into a few tables or graphs. For qualitative assessment of the selected statistical material the following served as the main basic criteria: authors and their works, the Native peoples of Alaska, and the works dedicated to them, and finally, the thematic of the last. The results were summarized in three tables (see below).

In doing this the chief bibliometric source used was a list of scholarly literature, including 140 works of 29 authors. Most of them are representatives of metropolitan scholarship, which is entirely understandable since the primary sources of information (archives, libraries, museums) on Alaskan Natives in Russia have been traditionally concentrated in Moscow and Leningrad/St. Petersburg. Most authors wrote from one to three works, and specialists whose works about peoples of Alaska number more than five make up less than a third—a total of six people (see Table 1). The bulk of the works is represented by scholarly articles in various journals and collections, as well as chapters of monographic collections. Relatively few monographs and essays comparable to them in volume on the Native residents of Alaska have been published—a total of 14 (including three catalogs of collections in the Kunstkamera)—10% of the total number of works. Part of them is dedicated to individual peoples (Tlingit, Aleuts), the rest to several Alaskan ethnic groups (Athapaskans, Eskimos, and Aleuts, and Tlingit and Haida).

If attention is turned to the years of publication, the bulk of the works on the history and ethnography of Alaskan Natives was published in the last three decades, which probably reflects a general rise in scholarship connected with the development of computer technology and the Internet that have significantly simplified and sped up collection, developing, editing, and publication of scholarly material. It is impossible not to note here that the current policy of the state also rendered noticeable influence on the number, dynamics, and scope of work. From the
very beginning of the Soviet period the theme of history and ethnography of native residents of Alaska was on the distant periphery of attention of historical scholarship in the USSR, which was occupied mainly by the study of the class struggle of the working class, the revolution of 1917, Communist movement in the world, and similar subjects. Therefore, during the Second World War publications on the history and ethnography of the natives of Russian America could literally be counted as isolates (see Table 1). Moreover, occupation by an American theme brought on suspicion of the Soviet authorities and during the reign of Stalin could lead to political repression. This occurred with A. Yu. Averkieva—student of the well-known American ethnographer Franz Boas—who in 1947 was imprisoned in Stalin’s camps. And though after the death of Stalin the threat of repression passed, nevertheless, not all the problems of the history and ethnography of the Aleuts, Indians, and Eskimos of Alaska could be freely studied and discussed by Soviet researchers. This primarily concerned relationships of natives with new arrivals from Russia. For example, still in 1985 the author of these lines was denied publication of an article about an uprising of the Tlingit Indians against the Russians in 1802. In this there was nothing remarkable, since the policy of the Soviet authorities was built on silence about conflicts between the native residents of Siberia, the Caucasus, and America with the Russians in light of the support of the USSR in the anti-colonial struggle during the post-war period. Only after the fall of power of the Communist Party did Russian scholars obtain the possibility to freely publish their works on ethnohistorical themes, which led to a sharp increase in the publication stream from the beginning of the 1990s.

### Table 1

<table>
<thead>
<tr>
<th>Author</th>
<th>Year of Publication</th>
<th>Number</th>
<th>Books*</th>
<th>Articles, Chapters of Monographs</th>
<th>People</th>
<th>Theme</th>
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<tbody>
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<td>Avdeev, A. D.</td>
<td>1959</td>
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<td>sc</td>
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* Individual chapters or large paragraphs of authored or collected monographs are assigned to the category of articles.

** Abbreviations: ea—economic activity and socioeconomic relations; e—ecology; eh—ethnic history; ma—military affairs and armament; mc—material culture (tools for work and everyday life, dwellings, clothing, food); musc—museum collections; p—power relations; sc—spiritual culture (including religion, folklore, and art); so—social organization, structure, and social relations.

*** Including three catalogs of collections in the Kunstkamera.
Not only the dynamics of publication, but also “ethnic representation” of the Native peoples of Alaska in Russian historiography looks very uneven (see Table 2). The Tlingit Indians retain absolute precedence—43 works are dedicated to them. In second place with a noticeable margin are the Aleuts (28 publications). Half as popular among Russian specialists are the Athapaskans of Alaska. Somewhat yielding to them are the Eskimos, among whom the Alutiiq—Natives of Kodiak Island and its vicinity (including the Chugach)—occupy the leading position. A total of only two or three works are dedicated to some Native peoples (Denaina, Ahtna, Eyak), and many groups are not represented at all by individual publications (for example, the Kutchin/Gwich’in, Kaigani Haida, or Inupiat Eskimos) and in the best case figure only in overviews or summary works together with other Native peoples of Alaska. Such inequality of “ethnic representation” is explained in large part by the fact that the primary bulk of written sources and museum materials belong to those ethnic groups with whom the Russians most intensively interacted in the 18th–19th century, and these were in first order the Aleuts, southern Eskimos, Denaina and Ahtna Athapaskans, and the Tlingit. Relatively constant contacts with northern groups of Eskimos and Indians began only at the end of the 1810s when the Russian-American Company, governing Alaska, began its trading operations in the basins of the Nushagak, Kuskokwim, and Yukon rivers, as well as in the region of Bering Strait. In this connection, somewhat surprising is the lack of large works (monographs and large essays) on the Alutiiq Eskimos, with whom among the Russians had long and very intensive contacts, and about whom there is an extensive range of archival and published sources. In this regard they are much less fortunate than the Aleuts and Tlingit, about whom several monographs have been written.\(^\text{10}\)

**Table 2**

<table>
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<tr>
<th>Author(s)</th>
<th>Period</th>
<th>Count</th>
<th>Count</th>
<th>Ethnic Groups</th>
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<td>Okladnikova, E. A.</td>
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<td>Trainin, G. A., Stepanova, M. V., Lyapunova, R. G.</td>
<td>1959</td>
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<td>Fradkin, E. K.</td>
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<td>Yakimov, O. D.</td>
<td>1998</td>
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Concerning the theme of works by Soviet/Russian specialists, a very mixed picture is observed here as well (see Table 3). Among the works of Russian authors, works on ethnohistory unquestionably dominate, comprising 30% of the total number of works. Scholarly publications connected with museum collections are numerically less than half so many (12.5%), and works on general problems of the ethnography of individual peoples or groups of peoples, as well as dedicated to problems of social organization of Alaskan Natives, amount to 8.7% and 8%, respectively. The remaining themes were and are even less popular in Russian historiography (religious aspects, art, folklore and mythology, and so on). Some problems have been reflected on the pages of the works of Soviet/Russian scholars only as secondary subjects, usually in large works of a synthesizing character (traditional dwellings and food, the problem of family relations, and some other themes). On the other hand, represented very fittingly are the old museum collections connected with the peoples of Alaska that have recently been newly described and published by the well-known St. Petersburg specialist S. A. Korsun, who has already published three fundamental catalogs of collections in the Kunstkamera, and now prepares the next similar volume.11

Table 3

<table>
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<tr>
<th>Theme</th>
<th>Monographs</th>
<th>Monograph Chapters, Articles, and Reports</th>
<th>Total Number of Publications</th>
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<td>Common problems of</td>
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* See Abbreviations from Table 1.
Thus, the bibliometric research conducted permits identifying achievements and certain lacunae in the study of the Native population of Alaska and outlining some directions for further scholarly research. For example, the need for writing a large synthesizing monograph about the Alutiiq Eskimos is long overdue, and what is more, there are rather many original Russian sources dedicated to them. Many other Alaskan peoples also need investigation in greater detail (especially some groups of Athapaskans and Eskimos). Possibly the time has come for writing a fundamental summarizing work about all the native peoples of this huge region, taking into account all the presently accumulated vast historiographic material. In addition, the bibliometric information obtained points to the need to draw attention of Russian scholars to several aspects of traditional ethnography of the Native residents of Alaska, who up to now have been outside the field of their scholarly interests. For example, in Soviet and Russian ethnographic works such important aspects as family and marital relations are poorly represented. On the whole, bibliometric analysis has demonstrated a rather broad spectrum of possibilities for reviewing the current state of Russian historiography and possible prospects for its further development. In addition, analysis of the historiography permits an indirect method of judging the influence of policy of the state on the state of scholarship and scholarly research. Without knowledge of policies it is impossible to understand and evaluate many nuances of Russian historiography.
**Bibliography**

*Aleuty: Katalog kolektsii Kunstkamery* [The Aleuts: The Catalog of the Collections of the Kunstkamera], authored and compiled by S. A. Korsun, edited by Yu. E. Berezkin (St. Petersburg, 2014).

Artem’ev, A. R. *Iz istorii osvoeniya russkimi ostrova Sitkha (Baranova)* [From the History of the Opening Up by Russians of Sitkha (Baranov) Island] (Vladivostok, 1994).


Avdeev, A. D. “Aleutskie maski v sobraniyakh Museya antropologii i etnografii Akademii nauk SSSR” [Aleut Masks in Collections of the Museum of Anthropology and Ethnography of the Academy of Sciences of the USSR], *Sb. MAE* [Collections of the Museum of Anthropology and Ethnography], vol. XVIII (Leningrad, 1959), 279–304.


Averkieva, Yu. P. “Razlozhenie rodovoi obshchiny i formirovanie ranneklassovykh otnoshenii v obshchestve indeitsev severo-zapadnogo poberezh’ya” [Disintegration of the Clan Community and Formation of Early Class Relations in the Society of the Indians of the Northwest Coast], *Trudy Instituta etnografii* [Works of the Institute of Ethnography], vol. LXX (Moscow, 1961), 1–175.


Dzeniskevich, G. I. “Okhotnichii i rybolovnyi promysly u tanaina (Alyaski) v XIX v.” [Hunting and Fishing among the Tanaina (Alaska) in the 19th Century], Kul’turnoe nasledie narodov
Америки и Африки [Cultural Heritage of the peoples of America and Africa], *Sb. MAE* [Bulletin of the Museum of Anthropology and Ethnography], vol. XXXI (Leningrad, 1975), 52–68.

Дзенискеевич, Г. И. “О культовых элементах в орнаменте из игл дикобраза у атапасков Аляски” [On Cult Elements in the Decoration of Porcupine Quills among the Athapaskans of Alaska], *Pervobytnoe iskusstvo* [Primitive Art] (Novosibirsk, 1976), 166–175.


Дзенискеевич, Г. И. “Медведь в фольклоре индейцев Аляски” [The Bear in the Folklore of the Indians of Alaska], *Fol’klor i etnografiya* [Folklore and Ethnography] (Leningrad, 1984), 16–23.


Дзенискеевич, Г. И. “Экологические адаптации в традиционной культуре северных атапасков” [Ecological Adaptation in the Traditional Culture of the Northern Athapaskans], *Ekologiya amerikanskikh indeitsev i eskimosov* [Ecology of the American Indians and Eskimos] (Moscow, 1988), 93–101.


Дзенискеевич, Г. И. “Сказания о шаманах в современном фольклоре атапасков Аляски” [Stories about Shamans in Contemporary Folklore of the Athapaskans of Alaska], *Fol’klor i etnicheskaya deistvitel’nost’* [Folklore and Ethnic Reality] (St. Petersburg, 1992), 147–155.

Дзенискеевич, Г. И. “Религиозные традиции индейцев Аляски и христианство” [Religious Traditions of the Indians of Alaska and Christianity], *Otkrytie Ameriki prodolzhaetsya* [The Discovery of America Continues], Issue 2 (St. Petersburg, 1994), 88–105.

Дзенискеевич, Г. И. “Символы статуса тлинкитского вождя” [Symbols of Status of a Tlingit Chief], *Simvoly i atributy vlasti* [Symbols and Attributes of Authority] (St. Petersburg, 1996), 285–300.

Дзенискеевич, Г. И. “Женские маски тлинкитских шаманов” [Female Masks of Tlingit Shamans], *Amerikanske aborigeny i ikh kul’tura* [American Natives and Their Culture] (St. Petersburg, 1997), 100–110.

Дзенискеевич, Г. И. “Животные—магические помощники тлинкитского шамана” [Animals—Magical Assistants of the Tlingit Shaman], *Otkrytie Ameriki prodolzhaetsya* [The Discovery of America Continues], Issue 3 (St. Petersburg, 2001), 98–109.

*Ескимосы алютиик: Katalog kollektsii Kunstkamery* [Alutiiq Eskimos: Catalog of the Collections of the Kunstkamera], authored-compiled by S. A. Korsun, edited by Yu. E. Berezkin (St. Petersburg, 2010).

Fainberg, L. A. *Obshchestvennyi stroi eskimosov i aleutov: Ot materinskogo roda k sosedskoi obshchine* [Social Structure of the Eskimos and Aleuts: From the Maternal Clan to Neighboring Community] (Moscow, 1964).


Grinëv, A. V. “Индейцы эяки и суд’ба русского поселения в Якутате” [The Eyak Indians and the Fate of the Russian Settlement at Yakutat], *Sovetskaya etnografiya* 5 (1988), 110–120.

Grinëv, A. V. “Личные имена индейцев Тлинктов” [Personal Names of the Tlingit Indians], *Sovetskaya etnografiya* 5 (1990), 132–141.


Grinëv, A. V. “Ruskie nagradnye medali dlya tuzemtsev Alyaski” [Russian Award Medals for Natives of Alaska], *Klio* 2 (2006), 109–120.


Aleuts and Eskimos, Istoriya Russkoi Ameriki (1732–1867) [The History of Russian America (1732–1867)], vol. 1 of Osnovanie Russkoi Ameriki (1732 –1799) [The Founding of Russian America (1732–1799)], edited by N. N. Bolkhovitinov (Moscow, 1997), 85–90.


Lyapunova, R. G. “Voron v fol’klore i mifologii aleutov” [The Raven in the Folklore and Mythology of the Aleuts], Fol’klor i etnografija. U etnograficheskikh istokov fol’klornykh syuzhetov i obrazov [Folklore and Ethnography. At the Ethnographic Sources of Folklore Subjects and Images], edited by B. N. Putilov (Leningrad, 1984), 23–34.

Lyapunova, R. G. “Golovnye ubory aleutov v sobranii MAE” [Headgear of the Aleuts in the Collection of the Museum of Anthropology and Ethnography], Kul’tura narodov Ameriki.


Lyapunova, R. G. “Aleuty k nachalu kontaktov s russkimi: nekotorye demograficheskie i kul’turnye aspekty (po rannim russkim istochnikam)” [The Aleuts at the Beginning of Contacts with the Russians: Some Demographic and Cultural Aspects (Based on Early Russian Sources)], Otkrytie Ameriki prodolzhaetsya [The Discovery of America Continues], issue 1 (St. Petersburg, 1993), 41–53.


Meletinskii, E. M. “Mif i epos o Vorone u indeitsev Severo-Zapadnogo poberezh’ya Ameriki [Myth and Epic about Raven among the Indians of the Northwest Coast of America], Voron’i mify v fol’klure: Paleaoaziatskii mifologicheskii epos: Tsikl Vorona [Raven Myths in the Folklore of the Paleoasiatic Mythological Epic: The Raven Series] (Moscow, 1979), 114–143.


Okladnikova, E. A. “Otrazhenie osobennosti sotsial’noi organizatsii v misterii eskimosov-konyagov” [Reflection of Specifics of Social Organization in the Mystery Plays of the Koniag Eskimos], Otkrytie Ameriki prodolzhaetsya [The Discovery of America Continues], issue 3 (St. Petersburg, 2001), 64–87.

Piterskaya, E. S. “Potestarnye otnosheniya u aleutov i kad’yakskikh eskimosov v dokontaktnyi i rannekolonial’nyi periody (XVII–XVIII veka)” [Potesterian Relations among the Aleuts and Kodiak Eskimos in Pre-Contact and Early Colonial Periods (17th–18th Century)], Vlast’ v aborigennoi Amerike [Governance in Aboriginal America] (Moscow, 2006), 525–544.


Razumovskaya, R. S. “Predmety material’noi kul’tury indeitsev poberezh’ya Alyaski v Muzee antropologii i etnografii im. Petra Velikogo Akademii nauk SSSR” [Objects of Material Culture of the Tlingit Indians of the Coast of Alaska in the Peter the Great Museum of Anthropology and Ethnography of the Academy of Sciences of the USSR], Strany i narody Vostoka [Countries and Peoples of the East], issue VI (Moscow, 1968), 20–28.


Zorin, A. V. *Indeiskaya voina v Russkoi Amerike* [Indian War in Russian America] (Kursk, 2002).


Zorin, A. V. “Klanovyi sostav tlinkitskoi koalitsii vo vremya voiny 1802 (Popytka rekonstruktsii)” [Clan Composition of the Tlingit Coalition during the War in 1802 (An Attempt at Reconstruction)], *Pervye amerikantsy* [The First Americans] 13 (2005), 10–15.


Zorin, A. V. “Mezhdu dvukh ognei: indeity denaina i russkie mekhopromyshlenniki v kontse XVIII veka” [Between Two Fires: The Tanaina Indians and Russian Fur Hunters at the End of the 18th Century], *Vlast’ v aborigennoi Amerike* [Governance in Aboriginal America] (Moscow, 2006), 592–610.


End Notes

1) G. I. Shelikhov, Rossiiskogo kuptsa Grigor’ya Shelikhova stranstvovanie s 1783 po 1787 god iz Okhotska po Vostochnomu okeanu k Amerikanskim beregam i vozvrashchenie ego v Rossiyu . . . [The Russian Merchant Grigorii Shelikhov’s Travels from 1783 to 1787 from Okhotsk across the Eastern Ocean to the American Shores and His Return to Russia. . .] (St. Petersburg, 1791); Romanov, V. P., “O Kolyuzhakh i Koloshakh voobshche” [On the Kolyuzhi and Koloshi in General], Severnyi arkhiv [Northern Archive], 17 (1825), 1–28; Russkaya Amerika. Po lichnym vpechatleniyam missionerov, zemleprokhodtsev, moryakov, issledovatelei i drugih ochevidtsyev [Russian America. Based on the Personal Impressions of Missionaries, Explorers, Sailors,
Researchers, and Other Eyewitnesses], compiled by R. G. Lyapunova and others, edited by A. D. Dridzo and R. V. Kinzhalov (Moscow, 1994); and other works.


7) See for example, S. A. Korsun, “Iz istorii postupleniya severoamerikanskh kollektsii MAE v XVIII stoletii” [From the History of Receipt of North American Collections by the Museum of Anthropology and Ethnography in the 18th Century], Otkrytie Ameriki prodolzhaetsya [The Discovery of America Continues], Issue 3 (St. Petersburg, 2001), 116–146.


11) See Tlinkity: Katalog kollektsii Kunstkamery, edited by Yu. E. Berezkin; compilation, text, and annotation by S. A. Korsun (St. Petersburg, 2007) [unpublished translation in English:

12) The Leningrad researcher R. G. Lyapunova tried to write such a work, but her untimely death did not permit finishing it.

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Offerings from the University of Hawaii Press include: Winona K. Mesiona Lee and Mele A. Look, *Ho’i Hou Ka Mauli Ola: Pathways to Native Hawaiian Health* (This collection highlights the historic, groundbreaking, and fascinating work done by doctors, researchers, and healthcare providers to improve the life of Native Hawaiians and Pacific Islanders, 176 pp. for $18 paper); Timothy Neale, *Wild Articulations: Environmentalism and Indigeneity in Northern Australia* (286 pp. for $65 cloth); Diane Austin-Brooks and Francesca Merlan, eds., *People and Change in Indigenous Australia* (216 pp. for $64 cloth); and Richard Walter and Peter Sheppard, *Archaeology of the Solomon Islands* (192 pp. for $42 paper), All, plus $6 first item, $2 each additional, shipping, from University of Hawai’i Press, 1840 Kolawalu St., Honolulu, HI 96822 (808)956-8255, uhpbooks@hawaii.edu, http://www.uhpress.hawaii.edu.


Offerings from the University of Oklahoma Press include: Paul R. Wylie, Blood on the Marias: The Baker Massacre (336 pp. for $21.95 paper, $29.95 cloth); Janne Lahti, Wars for Empire: Apaches, the United States, and the Southwest Borderlands (328 pp. for $34.95 cloth); Gregory F. Michino, Depredation and Deceit: The Making of the Jicarilla and Ute Wars in New Mexico (366 pp. for $32.95 cloth); Donald L. Fixico, "That's What They Used to Say": Reflections on American Indian Oral Tradition (272 pp. for $34.95 cloth); Robert S. McPherson, Both Sides of the Bulpen: Navajo Trade and Posts (376 pp. for $34.95 cloth); Stephen Warren, ed., The Eastern Shawnee Tribe of Oklahoma (385 pp. for $34.95 cloth); Jon Reyner and Jeanne Eder, American Indian Education, A History, 2nd Edition (408 pp. for $29.95 paper); Robert H. Jackson, Frontiers of Evangelization: Indians in the Sierra Gorda and Chiquitos Missions (208 pp. for $36.95 cloth); Charles Etienne Brasseur de Bourbourg, translated and edited by Katia Sainson, The Manuscript Hunter: Etienne Brasseur de Bourbourg's Travels through Central America and Mexico, 1854-1859 (compiling Indigenous writings) (304 pp. for $39.95 cloth), all, plus $5 for first item, $1.50 for each additional, shipping, from the University of Oklahoma Press, Attn: Order Department, 2800 Venture Drive, Norman, OK 73069-8218, www.oupress.com.

Offerings from the University of Alaska Press include: David Ramseur, Melting the Ice Curtain: The Extraordinary Story of Citizen Diplomacy on the Russia-Alaska Frontier (344 pp. for 24.95 paper); Daniel Lee Henry, Across the Shaman's River: John Muir, the Tlingit Stronghold, and the Opening of the North (256 pp. for $32.95 paper); and Birgitte Sonne, Worldviews of the Greenlanders: An Inuit Arctic Perspective (1150 pp. for $80 cloth), all plus $6 first item, $1 each additional, from University of Alaska Press: www.alaska.edu/uapress.


Offerings from the University of Chicago Press encompass: Chip Colwell, Plundered Skulls and Stolen Spirits: Inside the Fight to Reclaim Native America's Culture (336 pp. for $30 cloth, $18 E Book); Nicolas Howe, Landscapes of the Secular: Law Religion and American Sacred Space (248 pp. for $40 cloth and E-Book); Albin Johnson, Seventeen Years in Alaska: A Depiction of Life Among the Indians of Yakutat (Distributed for University of Alaska Press: 136 pp. for $20, $7to $20 E-Book); Henrietta Butler, The Tuareg or Kel Tamasheq: The People


David A. Grann, Killers of the Flower Moon: The Osage Murders and the Berth of the FBI is 338 pp. for $28.95 cloth, published by Doubleday.

Annie Proulx, Barkskins: A Novel, is historical fiction about a colonial family that intermarries with Micmacs, illustrating the comparative Indian and settler lives over generations. The book is 721 pp. for $32 from Simon and Schuster in New York

Claire Smith, Flinders University of South Australia, Department of Archaeology, Faculty Member, "Kennewick Man: Perspectives on the Ancient One" discusses, "Kennewick Man, known as the Ancient One to Native Americans, has been the lightning rod for conflict between archaeologists and indigenous peoples in the United States. A decade-long legal case pitted scientists against Native American communities and highlighted the shortcomings of the Native American Graves and Repatriation Act (NAGPRA), designed to protect Native remains. In this volume, we hear from the many sides of this issue—archaeologists, tribal leaders, and others—as well as views from the international community. The wider implications of the case and its resolution is explored...." It is available via Academia at: https://www.academia.edu/33020986/Kennewick_Man_Perspectives_on_the_Ancient_One?auto=download&campaign=weekly_digest.

Marathon for Justice is a documentary film by EmpathyWorks Films that tells the story of marginalized communities in Philadelphia, the Navajo Nation, and the Black Hills emphasizing the environmental injustices that these groups struggle against and fight with daily. The Trailer is available at: https://www.culturalsurvival.org/news/marathon-justice. The film is available via: https://vimeo.com/user12659129.

Joor Baruah, Adi: At The Confluence is an award winning documentary film that portrays the resilience and dives deep into this confluence of issues faced by the Adi people on the border of India and China. See www.theaditribe.com. The opinions included in the article are excerpts from interviews filmed for the documentary. A trailer of the film is available at: https://www.culturalsurvival.org/news/border-india-and-china-adi-face-confluence-issues. Joor Baruah is an audiovisual artist interested in using documentary, photography, music and new media for social change. His creative work, mostly revolving around borderland spaces and people, include: Glimpses of the Misty East (docu-series, assistant to Dr. Bhupen Hazarika), Vanastree: Women of The Forest (documentary, co-editor/music), Resilience (idoc, interactive designer) and Brothers (musical album, singer/music design). He is currently working on the feature-length and interactive versions of Adi | At The Confluence and American Justice On Trial, about the sensational trial of Black Panther leader Huey Newton. His work is inspired by the folk songs of his mother Rose Baruah and his uncle - singer/filmmaker and revolutionary Bhupen Hazarika. Joor Baruah has an M.A. in Social Documentation (Documentary Filmmaking) from the Films & Digital Media, History of Art & Visual Culture and Art departments, University of Santa Cruz, California and an M.B.A from Central University, India.
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.

Dissertation abstracts Data Base 2006 – the present:

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Useful Web Sites

Environmental Web Sites


UN NGO Climate Change Caucus, with numerous task forces, is at: http://climatecaucus.net.


350.org works around the world on climate change related issued, at: www.350.org.

Greenpeace engages on many environmental concerns, at: greenpeace.org/usa/ and greenpeace.org/.

Friends of the Earth is involved world wide in environmental advocacy, at: foei.org.

The Union of Concerned Scientists (UCS) works on a variety of environmental, as well as other, issues, at: www.ucssusa.org.

Environmental Action is active on numerous environmental issue, at: environmental-action.org.
Environment America works on environmental issue in the U.S. at: 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 and https://secure.foodandwaterwatch.org.

The Wilderness Society works on environmental issues, particularly concerning preserving "wild places." at: wilderness.org.

Ocean River Institute works on river and other water issue, at: oceanriver.org.

The National Wildlife Federation, at: nwf.org, and The National Wildlife Federation Action Fund, at: 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.

The National Parks Conservation Association (NPCA) includes in its concerns environmental issues relating to U.S. national parks, at: npca.org and 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.

Wiser Earth lists more than 10,700 environmental and environmental justice organizations at: http://www.wiserearth.org/organization/

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/.


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.


SaveOurEnvironment.org, a coalition of environmental organizations acting politically in the U.S.: http://ga3.org/campaign/0908_endangered_species/xuninw84p7m8mxxm.

The National Resources Defense Council works on a variety of environmental issues in the U.S.: NRhttp://www.nrdconline.org/

Care 2 is concerned about a variety of issues, including the environment: 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.

Green Ships, in fall 2008, was is 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.


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, Planting Peace is sponsored by the Organic Consumers Association: http://organicconsumers.org/.

The Global Climate Change Campaign: http://www.globalclimatecampaign.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.org.

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/.

The *American Indian Studies Consortium* is at: http://www.cic.uiuc.edu/programs/AmericanIndianStudiesConsortium/.

Some news sources that have been useful in putting the issues of Indigenous Policy together are:


*Pechanga Net*: http://www.pechanga.net/NativeNews.html


*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/Mark_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/hpaied/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: http://www.indianz.com/adc20/adc20.html.

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

**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.

The **Northern California Indian Development Council** has a web-based archive of traditional images and sounds at: http://www.ncide.org/.

Tribal College Journal (TCJ) provides to news related to American Indian higher education: tribalcollegejournal.org.

American Indian Graduate Center: 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.

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/.

The National Council Of Urban Indian Health is at: 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 website in order to expose crimes against humanity committed upon the original inhabitants of Alaska, at: [http://www.katalla-chilkat-tlingit.com/](http://www.katalla-chilkat-tlingit.com/).

An interactive website, [www.cherokee.org/allotment](http://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 website, 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](http://www.bluelakerancheria-nsn.gov).


**Indigenous Rights Quarterly** can be accessed at: [http://www.aitpn.org/irq.htm](http://www.aitpn.org/irq.htm).

**NGO Society for Threatened Peoples International**, in consultative status to the United Nations ECOSOC, and in participatory status with the Council of Europe, Indigenous Peoples Department, USA: [http://www.gf bv.de](http://www.gf bv.de).


The **World Indigenous Higher Education Consortium (WINHEC)** and its Journal are online at: [http://www.win-hec.org/](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.


The **Asian Indigenous and Tribal Peoples Network** produces occasional papers and reports at: [http://www.aitpn.org/Issues/II-08-07.htm](http://www.aitpn.org/Issues/II-08-07.htm).

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**ANNOUNCEMENTS**
Call for Contributors: We are seeking contributors for the following states:
Alaska  
Arizona  
Colorado  
Hawaii  
Iowa  
Maine  
Nevada  
New Mexico  
Wisconsin

A State by State History of Race and Racism in the United States  
(A two-volume, encyclopedia set in our Greenwood line)

Patricia Reid-Merritt, Editor  
Distinguished Professor, Stockton University

(Editor - Race in America: How a Pseudoscientific Concept Shaped Human Interaction, Praeger, 2016)

In the 21st century, it is easy for some students and readers to believe that racism is a thing of the past; in reality, old wounds have yet to heal, and new forms of racism are taking shape. Racism has played a role in American society since the founding of the nation, in spite of the words "all men are created equal" within the Declaration of Independence. A state by state analysis adopts the "in your own backyard" approach and brings issues surrounding race and racism closer to home.

To be published under Greenwood Imprints, A State by State History of Race and Racism in the United States is intended for advanced high school, college students, and general interest readers who wish to explore racial and ethnic minority issues by state. Each chapter (7k-9k words) explores the history of race relations in each of the 50 states and will include a chronology, historical overview, topical essays, and a bibliography.

We are seeking contributing authors who can provide a clear, concise and carefully researched historical narrative. Must be able to write for a broad audience and meet the publication submission deadline (summer, 2017).

If you are interested in being a part of this bold and exciting project, please send an email identifying your state interest, along with a brief bio/resume to the editor (Pat.Reid-Merritt@stockton.edu). We welcome your contribution and participation in the on-going conversations on race and racism in America.

Thank you for your interest. Feel free to share this call with interested colleagues!

Questions? Please contact Kim Kennedy White at kkennedy-white@abc-clio.com

EMPLOYMENT OPPORTUNITY: TRIBAL CLIMATE LIAISON
United Southern and Eastern Tribes, Inc. (USET) is soliciting applications for the position of Tribal Climate Science Liaison for the USET region and regions of the Southeast and Northeast Climate Science Centers.

The following excerpt from the vacancy announcement describes duties of the Tribal Climate Science Liaison:

**Brief Description of Duties to Be Performed**

The Office of Environmental Resource Management (OERM) Tribal Climate Science Liaison will serve as a technical expert on climate change issues, resource vulnerability, and climate adaptation actions to Tribal nations in the USET region, and more broadly in the combined region comprising the Department of Interior’s Northeast Climate Science Center and Southeast Climate Science Center (NE CSC and SE CSC). The Tribal Climate Science Liaison will be responsible to develop and implement a communication, education and outreach program; identify climate research needs and priorities; and provide climate adaptation planning support to Tribal nations. He/she will also integrate program and research results into budget documents, annual reports, or other documents. The Tribal Climate Science Liaison will participate in a network of Tribal climate science liaisons within the Climate Science Center system; and a national workgroup of Tribal organizations, Tribal colleges, and other partners to address policy and resource issues associated with Tribal climate resilience. This position will be based at the University of Massachusetts-Amherst.

The Tribal Climate Science Liaison will also have office space at the Southeast Climate Science Center at NC State University.


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Twitter: @WaterPotential

"All electronic mail messages in connection with State business which are sent to or received by this account are subject to the NC Public Records Law and may be disclosed to third parties." - NCSU Office of General Counsel

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