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.

### TABLE OF CONTENTS

**ISN and IPJ information**

- **Upcoming Events**
  - Environmental Activities
    - p. 16
  - U.S. Activities
    - p. 21
  - International Activities
    - p. 25

**Indian & Indigenous Developments**

- Environmental Developments
  - p. 32
- U.S. Developments
  - p. 66
- International Developments
  - p. 162

**Dialoguing:**

- Mark Trahant, "An 'honorable' budget? No, but it’s headed in the right direction for Indian Country,"]_p. 225
- Mark Trahant, "A year of action for Indian Country"
  - p. 227
- Mark Trahant, "Deep in the budget: Line by line predictions about Indian health"
  - p. 228
- Mark Trahant, "Expanding access to oral health means changing the law to back tribal sovereignty"
  - p. 229
- Mark Trahant, "Tribes are large employers ... and those employees make the best customers"
  - p. 232
- Mark Trahant, "Frightening words: Indian Health Service is out of money, making you wait for care"
  - p. 233
- Mark Trahant, "A note to Paul Ryan: Indian health funding is a treaty obligation, not from war on poverty"
  - p. 235
- Mark Trahant, "The Katie John case: Alaska Natives shouldn’t wait a century to get a fair shake"
  - p. 236
- Mark Trahant, "New Year with new (old) stories for Indian Country"
  - p. 237
- "NAIPC calls for Cancellation of the United Nations World Conference on Indigenous Peoples"
  - p. 239
- AFN Special Chiefs Assembly, "Indigenous Education For and By Indigenous Peoples"
  - p. 241
- Tai Pei, "The Real Story about How Crimea's Indigenous Peoples are Affected by the Ukrainian Conflict"
  - p. 242
- Marc Woons, "On The Meaning of Renewing the Relationship between the Dutch and Haudenosaunee Peoples: The Two Row Wampum Treaty After 400 Years"
  - p. 243

**Articles:** As IPJ is a refereed journal, articles may be posted on a different schedule from the rest of the journal. We will send out an e-mail announcement when the next set of articles are posted when they are not posted with a regular new journal, and they can be downloaded as a pdf file. Current articles are available with a list on line at:


**Research Notes:**

- Pablo Garcia, "Blessing or Curse? The Chinchero Airport"
  - p. 249

**Reviews:**

- Dr. Rosemary Papa, Review of *Honoring Our Children: Culturally Appropriate Approaches for Teaching Indigenous Students*
  - p. 251

**Media Notes**

- Ph.D. Dissertations from Universities Around the World on Topics Relating to Indians in the Americas
  - p. 254

**Useful Websites**

- p. 255
Co-Editors:
Phil Bellfy, American Indian Studies Program, Michigan State University, 262 Bessey Hall, East Lansing MI 48824, (517)432-2193, bellfy@msu.edu.
Thomas Brasdefer, tbrasde1@tigers.lsu.edu, thomasbrasdefer@gmail.com, Web Master
Thaddeus (Tad) Conner, New Mexico State University: conner03@nmsu.edu, Editor.
Jonathon Erlen, Ph.D., History of Medicine Librarian, School of Medicine, University of Pittsburgh (412)648-8927 erlen@pitt.edu.
Paula Mohan, Political Science Department, 305 Salisbury Hall, University of Wisconsin, Whitewater, Whitewater, WI 53190 (262)472-5772 (o), (608)233-2812(h), mohanp@mail.uww.edu.
Michael Posluns, Daytime & Cell: (416)995-8613, mposluns@accglobal.net.
Annalise Romoser (410)230-2800 ext. 2845, arromoser@lwr.org.
Steve Sachs, 1916 San Pedro, NE, Albuquerque, NM 87110 (505)265-9388, ssachs@earthlink.net, Senior Editor.
Jay Toth, M.A., Professor of Anthropology, SUNY Fredonia , jtoth@atlanticbb.net.
William (Bill) Taggart, New Mexico State University, Department of Government, Box 30001, MSC 3BN Las Cruces, NM 88003, (575)646-4935, witagger@nmsu.edu.
Mark Trahant, Atwood Journalism Chair, University of Alaska Anchorage, marktrahant@thecedarsgroup.org.
David Weiden, Assistant Professor of Political Science and Native American Studies, Metropolitan State University of Denver, King Center 494, Campus Box 43, P.O. Box 173362, Denver, CO 80217-3362, 303-556-4914, dweiden@msudenver.edu. Book Review Editor

ISN Cochairs:
Sheryl Lightfoot, University of Minnesota, slightft@umn.edu.
Laura Evans, evansle@u.washington.edu.

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

IPJ is seeking a new Editor - or Co-Editors, whose primary function is to coordinate 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 being Editor, or serving as a Co-Editor of the Referreing Team, or have a suggestion of some one who might be, contact Steve Sachs, Senior Editor and Coordinator of the IPJ Editorial Board: ssachs@earthlink.net.

IPJ invites volunteers to serve on its advisory committee, refereeing submitted articles. If you are interested in being a reviewer of submitted articles in the IPJ refereeing process, please contact Tad Conner: conner03@nmsu.edu.

Book Review Committee:
IPJ has just established a book review committee. People wishing to review books, often receiving a 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
DEADLINE FOR SUBMISSIONS FOR THE NEXT ISSUE IS NOVEMBER 8

INDIGENOUS POLICY PLANS FOR 2014-15 - WE INVITE YOUR HELP AND INPUT

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. A new development is that, thanks to long time compilers Jonathon Erlen and Jay Toth, we now carry in each issue 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 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 Tad Conner, conner03@nmsu.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/ipjblog.

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 Tad Conner, conner03@nmsu.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. The one exception is the Proceedings of the AIS section at the WSSA meeting, in fall issues, where each article is kept in its own file, and it is O.K. to use an automated note system. 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.

INDIGENOUS WEB PAGE ON RACE ETHNICITY & POLITICS SECTION LINK

Paula Mohan has constructed the American Indian and International Indigenous webpage on the Race and Ethnic Politics link to the APSA website at http://facstaff.uww.edu/mohanp/nasa.html. She is actively soliciting material for ISN’s webpage in the areas of syllabi, directory of scholars, graduate and undergraduate programs, new publications, resources and related areas. Contact her at mohanp@mail.uww.edu.

UPCOMING EVENTS

ISN PROGRAM AT APSA 2014 IN WASHINGTON, DC

The Indigenous Studies Network (ISN) will put on two and a business meeting/networking session at the 2014 American Political Science Association (APSA) Meeting, August 28-31, 2014 in Washington, DC, at the Hyatt/Sheraton. The panels are listed below. For more information contact ISN Program Coordinators: Laura Evans, evansle@u.washington.edu (University of Washington) and Sheryl Lightfoot (University of British Columbia): sheryl.lightfoot@ubc.ca. More information about the APSA meeting is, or will be available by early summer, including the program, at: http://www.apsanet.org/. Room locations will be in the printed program available at the on-site conference registration.

Indigenous Studies NetworkPanel 1 Aboriginal and Indigenous Politics in the Americas

Date: Friday, Aug 29, 2014, 8:00 AM-9:45 AM
Location: Room assignments are pending. Check back soon for room assignments. Only those registered for the meeting can view room assignments. Subject to change. Check the Final Program at the conference.

Co-sponsored by 32 Race, Ethnicity, and Politics-18

Chair(s): Donna Langston Martinez
University of Colorado Denver, donna.martinez@ucdenver.edu
Author(s): Canadian Aboriginals Struggle for Empowerment PRAMOD KUMAR
Canadian Aboriginals Struggle for Empowerment PRAMOD KUMAR MISHRA
HAWASSA UNIVERSITY, drpramodprof@yahoo.com
The Right to Stay Home: Indigeneity and Immigrant Rights in Transnational Perspective
Indigenous Studies NetworkPanel 2 Expressions of Autonomy: Indigenous Peoples' Politics in Global Perspective

Date: Saturday, Aug 30, 2014, 2:30 PM-4:00 PM
Location: Room assignments are pending. Check back soon for room assignments. Only those registered for the meeting can view room assignments. Subject to change. Check the Final Program at the conference.

Co-sponsored by 32 Race, Ethnicity, and Politics-28

Chair(s): Sheryl R. Lightfoot
University of British Columbia, sheryl.lightfoot@ubc.ca

Author(s): Urbanization and Identity Change among Native Americans Elliott D.

Urbanization and Identity Change among Native Americans

Elliott D. Green
London School of Economics, E.D.Green@lse.ac.uk
Tribes and Health Trades: Attitudes in an American Indian tribe about using tobacco sales as an economic development tool

Raymond Orr
raymond.orr@unimelb.edu.au
The Origins, Evolution, and Consequences of Separate Aborigine Constituencies in the Taiwanese Legislature

Kharis Ali Templeman
Stanford University, kharis@stanford.edu
Indigenous Autonomy and Wellbeing: Evidence from Mexico

Raymond Foxworth
University of Colorado, Boulder, raymond.foxworth@colorado.edu
Discussant(s): Sheryl R. Lightfoot
            University of British Columbia, sheryl.lightfoot@ubc.ca

Other American Indian and Indigenous panels in the APSA Program, listed by Panel Division Number (not date and time):

**Other APSA Panels:**

<table>
<thead>
<tr>
<th>Panel Division Number</th>
<th>Title</th>
<th>Date and Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-5</td>
<td>Native Americans and the West: Politics, History, and Connections to Broader Debates</td>
<td>Friday, Aug 29, 10:15 AM</td>
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<tr>
<td>11-26</td>
<td>Multiculturalism, and Pluralism among Latin America’s New Institutions for Indigenous Representation</td>
<td>Thursday, Aug 28, 4:15 PM</td>
</tr>
<tr>
<td>12-6</td>
<td>Multiculturalism, and Pluralism among Latin America’s New Institutions for Indigenous Representation</td>
<td>Thursday, Aug 28, 4:15 PM</td>
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**Other APSA Papers:**

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<th>Panel Division Number</th>
<th>Title</th>
<th>Date and Time</th>
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<tbody>
<tr>
<td>2-21</td>
<td>Past and Futures of Injustice Visions and Struggles: Ideal Theorizing and Indigenous Futures</td>
<td>Saturday, Aug 30, 2:30 PM</td>
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<tr>
<td>2-21</td>
<td>Past and Futures of Injustice Historicizing Indigenous Rights and Ideal Theory</td>
<td>Saturday, Aug 30, 2:30 PM</td>
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<tr>
<td>3-26</td>
<td>Sacred Spaces, Artifacts, and Past Injustices &quot;Ethics of Receivership: Indigenous Commitments in the Repatriation of Artifacts&quot;</td>
<td>Saturday, Aug 30, 2:30 PM</td>
</tr>
<tr>
<td>11-26</td>
<td>Multiculturalism, and Pluralism among Latin America’s New Institutions for Indigenous Representation</td>
<td>Thursday, Aug 28, 4:15 PM</td>
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<td></td>
<td>Lawsuits for the Pacha Mama [Mother Earth] in Ecuador: Explaining the Determinants of New Indigenous Movements to Mitigate Environmental Impacts</td>
<td>Thursday, Aug 28, 4:15 PM</td>
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<td></td>
<td>Parties, Organizations, and Indigenous Governance: Explaining Subnational Regimes in Bolivia</td>
<td>Thursday, Aug 28, 4:15 PM</td>
</tr>
<tr>
<td>31-14</td>
<td>Gender, Work, and Migration Politics Gender and Politics in Oaxacalifornia: Indigenous Women’s Transnational Organizing and Participation</td>
<td>Sunday, Aug 31, 8:00 AM</td>
</tr>
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</table>
Saturday, Aug 30, 9:30 AM
Science, Technology and Environmental Politics, 39-5  Theme Panel: Environmental Governance in China: Compliance, Monitoring and Information in the Digital Age
Contradictory or complementary? Indigenous innovation and manufacturing policy in China’s wind and solar sectors
Friday, Aug 29, 2:00 PM
Politics and History, 7-5  Native Americans and the West: Politics, History, and Connections to Broader Debates
The Strange Career of Federal Indian Policy: Understanding American Indian Political Activism from the late 19th Century Forward
Friday, Aug 29, 10:15 AM
Comparative Politics, 11-9  Bringing Politics Back In: Ethnicity, State Action and Public Goods Provision
Ethnic Mobilization and the Expansion of U.S. States’ Capacity to Provide American Indian Health
Friday, Aug 29, 8:00 AM
New Political Science, 42-5  Radical Democracy, Transnationalism, and the Politics of Belonging
You Are Standing on the Indian: the Settler Contract, Terra Nullis, and White Supremacy
Saturday, Aug 30, 11:30 AM

Other American Indian and International Indigenous panels, papers and/or posters may possibly be in the program: http://www.apsanet.org/mtgs/program_2014.

WSSA 2015 AMERICAN INDIAN STUDIES SECTION PROGRAM, April 8-11, 2015

The American Indian Studies Section of the Western Social Science Association, at its 57th meeting, expects to again have a full program of panels at the association's meeting at the 2015 conference in Portland, OR April 2-5, 2014, at the Marriot Hotel. Paper/panel proposals for the American Indian Studies Section can either be submitted on line by going to: http://wssa.asu.edu/, or by sending them (preferably by E-mail) to AIS section coordinator Leo Killback: lkillsba@asu.edu. Deadline for proposals, including abstracts, probably will be December 1, 2014. Information, which will eventually include the preliminary program, can be accessed on line at: http://wssa.asu.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 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 many Thursdays, 5:30-6:30 pm, as well as other occasional events. All papers are pre-circulated electronically to those who plan to attend the seminar. E-mail mcnickele@newberry.org or call (312)255-3564 to receive a copy of the paper. For more on this and other events at the Newberry Library go to: http://www.newberry.org/mcnickele/AISSeminar.html.

Curriculum Development, Lesson Planning and Language Activities for Immersion Classes workshop is June 30-July 2, 2014 in Albuquerque, NM. For more information go to: http://www.ncai.org/conferences-events/national-events.


The 2014 National UNITY (United National Indian Tribal Youth) Conference: Technology and Tradition for Today and Tomorrow" is June 28-July 3, 2014 in Portland, OR. UNITY also holds occasional training

NCAIS Graduate Student Conference at the Newberry Library in Chicago may be in July 2014. 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, July 7- August 1, 2014, Recording the Native Americas : Indigenous Speech, Representation, and the Politics of Writing. For more information go to: www.newberry.org/mcnickle.


Fifth American Indian / Indigenous Teacher Education ConferenceIndigenizing Education: Empowering Students, Empowering Communities is at Northern Arizona University, Flagstaff, Arizona, July 10-12, 2014. For more information go to: http://jan.ucc.nau.edu/~jar or contact: Jon Reyhner, Ed.D., Professor of Bilingual Multicultural Education, Northern Arizona University, Flagstaff, Arizona 86011, Jon.Reyhner@nau.edu,

NACA Emerging Native Leaders Summit is July 15-17, 2014 in Washington, DC. For more information go to: http://www.ncai.org/conferences-events/national-events.

Tribal Technical Advisory Group is July 16-17, 2014 in Washington, DC. For more information go to: http://www.ncai.org/conferences-events/national-events.

First Stewards Symposium is July 21-23, 2014 in Washington, DC. For more information go to: http://www.ncai.org/conferences-events/national-events.

Tribal Interior Budget Council Meeting is July 22-23, 2014 in Billings, MT. For more information go to: http://www.ncai.org/conferences-events/national-events.

Native American Finance Officers Association 2014 Bond Summit is July 24 on New York, NY. For more information visit: www.nafoa.org.


49th International Conference on Salish and Neighboring Languages may be in August 2014, at the Coeur


CIDLeS Summer School 2014: Coding for Language Communities is August 11th - 15th. The Summer School will take place within the "Parque Natural das Serras de Aire e Candeeiros" in or near Minde, Portugal. For more details visit: http://www.cidles.eu/summer-school-coding-for-language-communities-2014.


Native American Finance Officers Association 2014 Fall Finance & Tribal Economies is Conference September 8-10, 2014 Location TBD. For more information visit: www.nafoa.org.

Digital Story Telling on the illegal theft of the Black Hills at the Homestake Gold Mine, is August 29, 2014 at 8:00 AM, Homestake Mine, Lead, SD. For details go to: http://www.idlenomore.ca.


NICWA Training Institutes-Positive Indian Parenting -ICWA Basics -Advanced ICWA is in Portland, OR, September 8-10, 2014. For details visit: http://www.nicwa.org.

HHS Secretary's Tribal Advisory Committee Meeting is September 10-11, 2014 in Washington, DC. For more information go to: http://www.ncai.org/conferences-events/national-events.

Foundation for Endangered Languages EL XVIII is at Naha, on the Ryukyuan island of Okinawa, during 17-20 September 2014. For details visit: http://www.ogmios.org.

The People's Climate March is September 20-21 in New York City. For details visit: http://peoplesclimatemarch.org.


NIHB Annual Consumer Conference is September 22-26, 2014 at Navajo Nation. For more information go to: http://www.ncai.org/conferences-events/national-events.

2014 Fall Finance & Tribal Economies Conference is September 22-23, 2014 at Hard Rock Hotel, San Diego. For more information go to: http://www.ncai.org/conferences-events/national-events.

The United Nations high-level plenary meeting of the General Assembly: the World Conference on Indigenous Peoples is September 22-23, 2014, at UN Headquarters in New York City. The main objective of the World Conference on Indigenous Peoples is to share perspectives and best practices on the realization of the rights
of indigenous peoples and to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples. For details visit: http://social.un.org/index/IndigenousPeoples/WorldConference.aspx. See the discussion, bellow, of issues concerning organization of the meeting in International Activities, and in the report of the 13th Session of the United Nations Permanent Forum on Indigenous Issues at the beginning of International Developments.


**National Intertribal Tax Alliance 16th Annual Tax Conference** is September 24-25, 2014 in Valley Center, CA. For more information go to: http://www.ncai.org/conferences-events/national-events.

**Memories of the Past and Future... Idle No More,** a virtual event to support our First Nations brothers & sisters in Canada through solidarity and elsewhere, is September 30, 2014 at 12:00 PM. For information visit: http://www.idlenomore.ca/events.

The **40th Anniversary International Indian Treaty Council Conference**, will likely be in October 2014. Details will eventually be posted at: http://www.treatycouncil.org.

The Indigenous Leadership Development Institute, Inc. (ILDI) is holding the **2014 World Indigenous Business Forum** in Guatemala City, Guatemala, Possibly in October 2014. For details visit: http://wibf.ca/.

"**Dialogue on Indigenous Sustainability Implications for our Future**" is October 6-7, 2014 at Tempe Mission Palms Hotel and Conference Center, Tempe, AZ. For details go to: http://www.aisc.ucla.edu/news.

**Department of the Interior (DOI) Indian Health Service & IHS Tribal Self-Governance Advisory Committee Meeting** is October 7-9, 2014, is in Washington, DC (http://www.ncai.org/events/2014/10/07/doi-ihs-tribal-self-governance-advisory-committee-meeting).

**Salish Kootenai College American Indigenous Research Association Annual Meeting** is October 10-11, 2014 in Pablo, MT. For more information go to: http://www.ncai.org/conferences-events/national-events.


**19th La Cosecha Dual Language Conference** is November 19 - 22, 2014 in Santa Fe, NM. For information visit: http://www.dlenm.org/.

**AFN 2014 Conference** is October 23-25, 2014 in Anchorage, AK. For more information go to: http://www.ncai.org/conferences-events/national-events.

**71st Annual Convention & Marketplace** is October 26-31, 2014 in Atlanta, Georgia. For more information go to: http://www.ncai.org/conferences-events/national-events.

19th La Cosecha Dual Language Conference is November 19 - 22, 2014 in Santa Fe, NM. For information visit: http://www.dlenm.org/.

The Indigenous Leadership Development Institute, Inc. (ILDI) is holding the 2014 World Indigenous Business Forum is in Guatemala City, October 27-31, 2014. For details visit: http://wibf.ca/.

Annual, Sunrise Gathering on Alcatraz Island may be in October or November 2014. For details go to: http://www.iitc.org/conferences-events/community-events/.

STEAM (Science Technology Engineering Arts and Math): The Wisdom of Our Languages & Cultures 40th Bilingual Multicultural Education / Equity Conference, may be, November 2014. For details visit: http://bmeec.net/.

First Nations Language Keepers Conference may be in November 2015 at the Saskatoon Inn and Conference Centre in Saskatoon, Saskatchewan, Canada. Details area available at: http://www.sicc.sk.ca/.

MEES Australia in cooperation with the Eduarda Foundation, Inc. may hold the 2014 National Indigenous Health Conference in November, 2014. For details contact: Mike Edubas: edubasmike@yahoo.com.

Tribal Interior Budget Council is November 5-6, 2014 in Washington, DC. For more information go to: http://www.ncai.org/conferences-events/national-events.

NACA Annual Conference & Expo is November 10-13, 2014 in Palm Springs, CA. For more information go to: http://www.ncai.org/conferences-events/national-events.


The 2014 Lakota, Dakota, Nakota Language Summit is in Rapid City, SD, November 13-15, 2014. For details go to: http://www.tuswecatiospaye.org/.


Language revitalization in a Russian & European context: Exploring solutions for minority language maintenance is December 2, 2014. For information go to: http://blogs.helsinki.fi/minor-eurus/conference2013/..

HHS Secretary's Tribal Advisory Committee Meeting is December 4-5, 2014 in Washington, DC. For more information go to: http://www.ncai.org/conferences-events/national-events.

Intertribal Agricultural Council Annual Convention is December 8-11, 2014, details TBD. For more information go to: http://www.ncai.org/conferences-events/national-events.

A Community on Ecosystem Services Linking Science, Practice & Decision Marking is December 8-11, in 2014 Washington, DC. For more information go to:
2014 World Indigenous Domestic Violence Conference is in Cairns, Australia, December 8–10, 2014. For information visit: www.indigenousconferences.com or email: admin@indigenoushealth.net

NICWA Training Institutes-Positive Indian Parenting -ICWA Basics -Advanced ICWA is in San Diego, CA, December 13, 2014. For details visit: http://www.nicwa.org

SSILA Annual Winter Meeting may be in January 2015. For more information http://linguistlist.org/ssila/AnnualMeeting/AnnualMeeting.cfm.

Center for Advanced Research in Language Acquisition, 5th International Conference on the Development and Assessment of Intercultural Competence may be in January 2015. For information visit: http://cercll.arizona.edu/development/conferences/2014 ICC.

22nd Annual Stabilizing Indigenous Languages Symposium may be at the University of Hawaii at Hilo, in January 2015. Information will become available at www.uhh.hawaii.edu.

Eleventh International Conference on Environmental, Cultural, Economic and Social Sustainability is at the Scandic Copenhagen Hotel, Copenhagen, Denmark from 21-23 January 2015. The On Sustainability knowledge community is brought together by a common concern for sustainability in an holistic perspective, where environmental, cultural, economic and social concerns intersect. For details go to http://onsustainability.com/2015-conference?utm_source=Dan%27s+Promo&utm_medium=Email&utm_campaign=S15A+Dan%27s+Promo.

The 18th Annual National Indian Education Association (NIEA) Legislative Summit is likely in February 2015, in Washington, D.C. For information go to: http://www.niea.org/Membership/Legislative-Summit.aspx.

The United National 2014 Indian Tribal Youth Midyear UNITY Meeting may be in February 2015. For details go to: http://www.unityinc.org/.

National Association for Bilingual Education 43rd Annual Conference may be in, February 2015. For information go to: http://nflrc.hawaii.edu/icldc/2013/call.html.

5th International Conference on Language Documentation and Conservation (ICLDC): may be at the University of Hawaii at Manoa, Honolulu, HI, February or March 2015. For details visit: http://events.hellotrade.com/conferences/international-conference-on-language-documentation-and-conservation/.

The 2015 Conference of the National Association of Native American Studies is at the Crowne Plaza Executive Center, Baton Rouge, LA, is February 9-15, 2015. For more information, please visit the following: http://www.naaas.org/.

Native/Indigenous Studies Area of the 2015 Southwest Popular Culture/American Culture Association (Formerly the Southwest/Texas Popular Culture/American Culture Association) 36th annual meeting is February 11-14, 2015 in Albuquerque, NM. Further details can be found at: http://swtxpca.org/https://mail.msu.edu/cgi-bin/webmail?timestamp=1187041691&md5=r%2B8zeYT8m2RajaxaGpmkeQ%3D%3D&redirect=http%3A%2F%2Fwww.swtexaspca.org%2F.

The NCAI 2015 Executive Council Winter Session is February 23-25, 2015 at the L’Enfant Plaza Hotel, Washington, DC. For details go to: http://www.ncai.org/conferences-Events.7.0.html.

SWCOLT is in Colorado - Denver, OMNI Interlocken, February 26-28, 2015. For information go to: http://www.swcolt.org/.

The 38th Annual California Conference on American Indian Education may be in March 2015. For more information contact: Achel McBride: (530)895-4212 x 110, Irma Amaro: (707)464-3512, or Judy Delgado at 916-319-0506, judelgado@cde.ca.gov, or go to: http://www.aisc.ucla.edu/admin/gcal.shtml.

The 10th Annual Conference on Endangered Languages and Cultures of the Americas may be at the University of Utah, Salt Lake City, UT, in March 2015, put on by the Center for American Indian Languages, at the University of Utah, which also runs a series of workshops. For details go to: http://www.cail.utah.edu, or contact Jennifer Mitchell: cail.utah@gmail.com.

Ninth Heritage Language Research Institute: Heritage Speakers and the Advantages of Bilingualism may be in March 2015 at UCLA. For details go to: http://nhlrc.ucla.edu/.

Third International Conference on Heritage/Community Languages may be in March 2015 at UCLA, Los Angeles, CA. For details visit: http://nhlrc.ucla.edu/.

TESOL: Explore – Sustain – Renew may be in March 2015. For details go to: http://www.tesol.org/.


Massachusetts Association of Bilingual Education Cross-Cultural Connections is March 22, 2015, in New Haven, CT. For information visit: http://www.massmabe.org/.


The National Association for Ethnic Studies (NAES) 43rd Annual Conference may be in April 2015 For details contact National Association for Ethnic Studies (NAES), Department of Ethnic Studies, Colorado State University, 1790 Campus Delivery, Fort Collins, CO 80523-179, www.ethnicstudies.org.

The 11th Giving the Gift of Language: A Teacher Training Workshop for Native Language Instruction and Acquisition may be in April 2015. For information visit: http://www.nsilec.org/index.htm.

Alaska Native Studies Conference 2014 may be in April 2015 at the University of Alaska Anchorage campus. For details go to: http://alaskanativestudies.org.

The Western Political Science Association (WPSA) 2015, April 2, 2015 - April 4, 2015Caesars Palace, Las Vegas, Nevada, will likely include one or more Race, Ethnicity an Politics panels that could include Indigenous issues. For details go to: http://wpsa.research.pdx.edu/

Tenth Annual Southeast Indian Studies Conference is April 10-11 2015, at University of North Carolina at Pembroke. For more information contact Alesia Cummings at (910)521-6266, alesia.cummings@uncp.edu or Dr. Mary Ann Jacobs, (910)521-6266, mary.jacobs@uncp.edu, http://www.uncp.edu/sais/.

Washington Association of Bilingual Education: Culture and Content Connections: Keys to Academic Success is April 11 – 12, 2015, in Tacoma, WA. For details go to: http://wabewa.org/.

Native American Finance Officers Association's 32nd Annual Conference is April 14-15, 2015 at the Roosevelt Hotel New Orleans, LA. For more information visit www.nafoa.org.


The Native American Student Advocacy Institute may be in May 2015. For details visit: http://nasai.collegeboard.org/.

The 7th Native American and Indigenous Studies Association Annual Conference may be in May 2015. For more information go to: http://conferences.la.utexas.edu/naisa2014/or http://naisa.ais.arizona.edu/.

22nd Annual Stabilizing Indigenous Languages Conference and 6th Western Symposium on Language Issues (WeSLI) may be in June 2015. For details go to: http://jan.ucc.nau.edu/~jar/AIE/conf.html.

Fostering Indigenous Business and Entrepreneurship in the Americas Conference: FIBEA 2015 may be in June 2015. 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.


The 2015 International Conference of Indigenous Archives, Libraries, and Museums may be in June 2015. For information, to view past conference programs and/or submit a proposal before the November 15 deadline, visit: http://www.atalm.org. Please direct questions to atalminfo@gmail.com.

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 22nd Annual National Training Program: “Native Pride and Spirit: Yesterday, Today and Forever” is likely in June 2015. Information is available from the Society of American Indian Government Employees, P.O. Box 7715, Washington, D.C. 20044,

The International Society for Language Studies, co-sponsored by Akita International University, is pleased to announce that we will hold a conference from June 13-15, 2014 at Akita International University, in Akita, Japan. The theme of the conference will be “A Critical Examination of Language and Society.” For more information go to http://www.isls.co/index-2.html.

Dene (Athabaskan) Language Conference may be in Prince George, BC, June 2015. For more information, please visit: http://www.uaf.edu/alc/.


ATDLE is June 23 – 26, 2014, in Sacramento, CA. For details visit: http://atdle.org/.

The Northwest Indian Language Institute Summer 2015 may be in June-July 2015, at the University of Oregon, Eugene, OR. For details go to: http://pages.uoregon.edu/nwili/.

Seventh International Conference on Climate: Impacts and Responses may be at the University of Iceland, Reykjavik, Iceland, June 2015. The Climate Change Conference is for any person with an interest in, and concern for, scientific, policy and strategic perspectives in climate change. It will address a range of critically important themes relating to the vexing question of climate change. Plenary speakers will include some of the world’s leading thinkers in the fields of climatology and environmental science, as well as numerous paper, workshop and colloquium presentations by researchers and practitioners. For details go to: http://on-climate.com/the-conference.

The NCAI 2015 Mid Year Conference is in June 2015. For details go to: http://www.ncai.org/Conferences-Events.7.0.html.

Regional RES (Reservation Economic Summit) D.C. is June 15-17, 2015 in Washington, DC. For more information go to: http://www.ncai.org/conferences-events/national-events.

Language is Life Biennial Conference may be in September 2015. For details, visit: http://www.aicls.org/.

Eighth Minnesota Indigenous Language Symposium may be in September 2015. For details go to: http://www.grassrootsindigenousmultimedia.org/index.php?option=com_content&view=article&id=69&Itemid=137


The Indigenous Leadership Development Institute Inc. (ILDI), O’ahu, Hawaii, is host for World Indigenous Business Forum 2015, possibly in October 2015. for details go to: http://wibf.ca/.
72nd Annual Convention and Marketplace is October 18-23, 2015, in San Diego, CA. For details go to: http://www.ncai.org/Conferences-Events.7.0.html.

Eleventh Native American Symposium and a performance event may be in November 2015, possibly at Southeastern Oklahoma State University in Durant, Oklahoma. For details visit www.se.edu/nas/, or contact Dr. Mark B. Spencer, Department of English, Humanities, and Languages, Box 4121, Southeastern Oklahoma State University, Durant, OK 74701-0609, mspencer@se.edu

The 2015 Lakota, Dakota, Nakota Language Summit is in Rapid City, SD, November 19-21, 2015. For details go to: http://www.tuswecatospaye.org/.

USHRN Bi-annual Human Rights Conference may be in December 2015. For more information and registration: http://www.ushrnetwork.org/.


SWCOLT is at the East West Center, University of Hawaii, Honolulu, HI, in March 2016. For information go to: http://www.swcolt.org/.


NIEA 2016 Convention & Trade Show is October 4-8, 2016 in Reno, NV. For details visit: http://www.niea.org.


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ONGOING ACTIVITIES
Steve Sachs

Environmental Activities

With the U.S. State Department having released it final environmental impact report saying that the Keystone Pipeline is environmental O.K. and is not likely to increase tar sands oil extraction (see
Environmental Developments below), which numerous environmentalists say is biased, having been made by close associates of big oil and gas companies, numerous environmental organizations began a series of increased protests and campaigns to move the Secretary of State, and if necessary, the President, not to approve Keystone, beginning with rallies across the U.S. on Monday, February 3 (e.g. Friends of the Earth, "First, find a NoKXL vigil this Monday near you": https://actionnetwork.org/event_campaigns/kxl-fseis?referrer=friends-of-the-earth; and 350.org, including joining other groups in protesting outside the State Department in Washington, DC: https://actionnetwork.org/events/keystone-xl-vigil-abq?referrer=tom-solomon&source=facebook).

On April 22nd, the **Cowboy Indian Alliance** of pipeline fighters — ranchers, farmers, tribal communities, and their friends — rode into Washington DC for the next, and perhaps final, chapter in the fight against Keystone XL. They set up camp near the White House, "lighting our fire and burning our sage, and for 5 days, we will bear proud witness to President Obama’s final decision on Keystone XL, reminding him of the threat this tar sands pipeline poses to our climate, land, water and tribal rights. Throughout those 5 days, we will show the power of our communities with events ranging from prayers at Sec. Kerry’s home and an opening ceremony of tribes and ranchers on horseback in front of the White House. On April 27th, we invite our friends and allies against the pipeline to join us as we conclude our camp and march once more to the White House for our final, unmistakable message to President Obama. Our community of pipeline fighters just sent 2 million comments against the pipeline in just 30 days. We must follow this up with action in the streets on April 27th as we march with tribal leaders and individuals currently living with the risk tar sands to show all the beauty and power we represent. Everyone is needed and everyone is welcome." Many groups including 350.org are involved. For more go to: https://rally.org/rejectandprotect/iD7sQfJrUOv/350org.

Andrea Germanos, "First Nations Vow: There Will Be No Tar Sands Pipeline," **Common Dreams**, June 12, 2014, http://www.commondreams.org/headline/2014/06/12-4, reported, "'We have drawn a line in the earth they cannot, and will not, cross,' said Chief Martin Louie of the Nadleh Whut’en First Nation. That is the message stressed by First Nations communities who say that even if Canada's Prime Minister Harper gives the federal OK to Enbridge's Northern Gateway project, First Nations law and their 'responsibilities to future generations' will stop the project dead in its tracks."

**350.org** is active internationally, nationally and locally in many projects to curb carbon emissions and switch to renewable energy, including participating in the Cowboy Indian Alliance of Keystone Pipeline Fighters (see above) and in running **Global Power Shift**, which after its international meeting in Istanbul in 2013, is in phase II, developing numerous national and local chapters and activities. For example, in April 2014, in the Republic of Georgia, local groups were engaged in an anti-coal campaign. In Guatemala, in Guatemala City, from March 21 to 23 2014, Guatemala Power Shift (GPS) developed an event that transformed and improved the working mechanisms of young Guatemalan leaders and national volunteer networks, because it has empowered the efforts of thousands of volunteers in the country. This event was the first national meeting of water and climate change dedicated and committed to propose actions to counter the effects of climate change and promote solutions toward the environment and water conservation, focused on several Guatemala’s rural areas. The event started with an open call to reach participants from multiple sectors of the population (north, south, east, west, and central Guatemala), involving a multiethnic and multicultural group in such meeting. The group of selected leaders, learned, worked and exposed the social issues at a local and community level. After discussing and evaluating their local issues, a map of local climate actions was developed, incising directly on the facts that affect them directly, and promoting solutions. Other GPS groups are active in Kenya, Nepal, Australia, Ukraine, Canada, Vietnam, France, Philippines, Brazil, Egypt, China and India among others (for more go to www.globalpowershift.org). In the U.S. 350.org has been active nationally, and in its local chapters on many aspects of the struggle to move from fossil fuel to green energy. Local chapters have been involved as well. In Albuquerque, NM, for example, 350.org efforts include working to have utility company PNM replace shut down coal generation with as much renewable energy as possible, and in encouraging University of New Mexico to divest from investments in carbon energy companies. (For more, go to: http://350.org/).
In Calvert County Maryland by Chesapeake Bay, environmentalists are opposing what they call "Keystone on the Bay, “construction of a huge natural gas liquefaction plant to export large amounts fracked natural gas (Rebecca Burns, "Keystone By the Bay," In These Times, March 2014).

Idle No More, Global Exchange, and others participated in the Connect the Dots Refinery Corridor Healing Walk from Martinez to Benicia, CA is May 17, 2014 (All day). For details Contact (510)619-3279 or visit: http://www.globalexchange.org/events/walk-connect-dots-refinery-corridor-healing-walks-0.

In Eastern New Brunswick, Canada, a protest, reported by authorities as violent, in mid-October, against Fracking at the site of seismic testing near Rexton, was broken up by the Canadian Royal Mounted Police enforcing a court ordered injunction. About 40 people were arrested ("Canada: Shale Protests End in Arrests," The New York Times, October 18, 2013).

"Bushman travels 5,000 miles to tell Prince Charles ‘We’re not poachers’," Survival International, April 8, 2014, http://www.survivalinternational.org/news/10163, reported, "A Bushman from the Central Kalahari travelled 5,000 miles from his home in Botswana today to tell the Prince of Wales, ‘We’re not poachers – we hunt to survive.’ In February Botswana’s President Khama was an honored guest at a global anti-poaching conference in London, alongside Prince Charles and Prince William. The initiative resulted in the launch of Prince William’s United for Wildlife, drawing together seven big conservation organizations, including US-based Conservation International (CI). President Khama is a CI board member. But President Khama has banned all hunting nationwide, even for Bushmen who hunt to feed their families, under the pretext of clamping down on poaching. However, it has emerged that trophy hunters who pay up to $8,000 to hunt giraffes and zebras are still being allowed to hunt. Jumanda Gakelebone, 40, arrived at Prince Charles’s residence this morning with a letter appealing to the Prince to help stop Botswana’s violent regime against the country’s indigenous Bushmen. British barrister Gordon Bennett joined Gakelebone at Clarence House, in his first meeting with his Bushman clients since being banned from Botswana in 2013. Bennett was barred after he and the Bushmen won three court cases against the Botswana government’s persecution of the tribe. Prince Charles first met with the Kalahari Bushmen during a trip to Botswana with his friend and mentor Sir Laurens van der Post in 1987. Sir Laurens was Prince William’s godfather. He later wrote, ‘What I discovered was the profound and intuitive ties that bind the Bushmen to their land; their awareness of the workings of the natural world and of the delicate balance between life, physical surroundings and inner spirituality that they had maintained for so long in the harshest of environments... The Bushman is an innocent victim of what, far too glibly, too many of us would call ‘progress’... We all lose if the Bushman disappears.’ The Bushmen’s letter to Prince Charles states, ‘We have survived alongside the animals of the Central Kalahari Game Reserve since the beginning of time. We know how to look after them and we hunt them for our survival, not for entertainment like many tourists from your country do. We know that you walked with Mr. Laurens van der Post and Bushmen a long time ago. You know who we are. We are begging you to talk with President Khama, and ask him to stop persecuting us the Bushmen. Let us live and hunt on our ancestral land in the Central Kalahari Game Reserve like our fathers and their fathers before them. We want our children to live off the fat of this land, in peace’. Download the Bushmen’s letter to His Royal Highness The Prince of Wales (PDF, 700 KB) at: http://assets.survivalinternational.org/documents/1197/bushmen-letter-prince-charles.pdf.
Food and Water Watch, in January 2014, was engaged in a campaign to "Tell the EPA to Meet With Those Who Have Been Harmed By Fracking": Six people from towns in Pennsylvania, Wyoming and Texas that have been torn apart by fracking, unlike many of their neighbors, "did not sign non-disclosure agreements with gas companies, which means they're some of the only people from these places who are still able to speak out against this dangerous drilling process. It's time for the EPA to meet with these folks who have been harmed by fracking the most. But instead of hearing them out, the EPA has shut down fracking investigations in their hometowns, caving under oil and gas industry pressure. Although the preliminary results of all three studies showed that fracking had in fact contaminated local water sources, all three investigations were dropped and the families in these communities were left to find clean water elsewhere. It is time for the EPA to meet with people from these three towns, and to reopen the investigations on fracking." For more information go to: https://secure3.convio.net/fww/site/Advocacy?jsessionid=1547AB9A818F468F76654E5BCF607F70.app331a?page=UserController&id=1057&autologin=true.

Marc Dadigan, "California Tribes Front and Center at Sacramento Anti-Fracking Rally," ICTMN, March 21, 2014, http://indiancountrytodaymedianetwork.com/gallery/photo/california-tribes-front-and-center-sacramento-anti-fracking-rally-154110, reported, "Parched by drought that is causing water shortages and threatening crops and fisheries, California and the tribes residing there are embattled over fracking, which uses millions of gallons of water per shale well. California has more tribes than any other state, and scores of them were out in force on March 15 at a “Don’t Frack California” rally at the State Capitol in Sacramento. More than 4,000 people gathered to demand that Governor Jerry Brown pass a moratorium on hydraulic fracking for oil."

Carbonfund.org Foundation (carbonfund.org) is engaged in a variety of projects. Its Renewable Energy and Methane Projects involves giving support to local projects that produce wind, solar or other renewable energy, and projects that collect greatly global warming inducing methane that would otherwise escape into the atmosphere, such as from landfills and dairies. Projects ongoing at the end of April 2014 include: Small Scale Indian Wind Projects in Tamil Nadu and Gujarat, India, North Country Landfill Methane Project in Bethlehem, New Hampshire, New York State Landfill Methane Project in Rodman, New York, New Bedford Landfill Gas-to-Energy Project in Greater New Bedford, Massachusetts, Neria Small Hydroelectric Project in Karnataka State of
India, Hilarides Dairy Project in : Lindsay, California, and Fujian Nanridao Wind Project of China on Nanri Island of Putian City, Fujian Province of China. Carbonfund Energy Efficiency & Carbon Credits Projects include the Truck Stop Electrification Project across Arkansas, California, Georgia, New Jersey, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Texas that mitigate climate change, reduce localized air and noise pollution, and reduce fuel usage and the environmental harm caused by fossil fuel extraction while providing for development of new technologies and additional jobs created better resting conditions for drivers and providing alternative to idling in parking lots or road shoulders, and the New Zealand Compact Fluorescent Lightbulb Project. Reforestation & Avoided Deforestation Projects encompass the Lower Mississippi Alluvial Valley Reforestation Initiative aiming to reforest at least one million acres throughout Louisiana, Mississippi, Arkansas, Tennessee, Kentucky, Missouri and Illinois, and Acre, Brazil REDD+ Forestry Projects that while protecting forests establish alternative sources of income and employment opportunities along with social projects and programs such as building a new school and health clinic in the course of providing payments for ecosystem services.

The Chippewa are opposing the return of large scale mining to the Upper Peninsula of Michigan, where several companies have or are poised to begin mining (John Collins, "Undermining the Northern Peninsula," In These Times, March 2014).

In Ecuador, where the government has approved plans to drill for oil in the Amazon area Yasuni National Park, home of the Waorani people, in summer 2013, polls showed that the majority of the country's citizens oppose the drilling, and activists were pushing for a referendum on the issue, while encouraging protests against the extraction. For more information go to Amazon Watch: http://scim.ag/Yasunidrill ("Opponents Vow to Block Amazon Drilling," Science, August 23, 2013).


An anti pollution protest against the building of an incinerator in the Chinese City of Hangzhou became violent, in mid-May 2014, injuring at least 29 police officers and ten demonstrators (David Barboza, “Protest of Planned Incinerator Turns Violent in Chinese City,” The New York Times, May 12, 2014). More broadly, amidst the wide range of environmental outrages that increasingly have been blanketing China, a large environmental movement has been growing, and environmental regulation is increasing, though still way behind expanding environmental damage and harm to people. The Chinese government long stressed economic development and job creation at any cost, in part to preempt unrest. What it is finding is that the environmental degradation with its human cost has become a major source of unrest (Michelle Chen, "China's Green Movement: Environmentalists cut through the smog of state repression," In These Times, March, 2014).
"New Penan blockade against oil palm plantation," Survival International, December 23, 2013, http://www.survivalinternational.org/news/986, reported, "Forty Penan families, from the Malaysian state of Sarawak, are blockading in protest against the Shin Yang logging and oil palm plantation company for trespassing on their ancestral land. The Penan from Long Jaik, below the controversial Murum Dam, recently won a court case against Shin Yang for converting their land into an oil palm plantation. The court recognized the Penan’s rights over the oil palm plantation. Shin Yang is appealing the court’s decision. The 40 families, led by their village chief, Tugang Matu, have now begun a blockade to stop Shin Yang continuing to trespass on their land and to demand compensation. Survival International has received a message from the village urging it to alert the media to their protest. The Penan have been fighting for many years to keep logging companies off their land. Oil palm companies are now moving into areas from where the valuable timber has been taken. The recent court decision is a major victory for the Penan, but they fear that it will be ignored and the company will carry on as usual. Shin Yang has established large-scale oil palm plantations on Penan land, often without consulting the Penan. It is also one of the biggest timber firms in Sarawak and is operating on large parts of Penan land.

U.S. Activities

National Congress of American Indians (NCAI) President Brian Cladoosby, gave the State of Indian Nations Address, January 30, 2014, saying, “This is an exciting time for Indian Country. Tribes are meeting our challenges head on, improving the lives of our people and our neighbors, and preparing the next generation for even greater achievements. ... But our ability to contribute to the collective prosperity of the country is threatened by the federal government’s failure to keep its promises.” Cladoosby opened by reflecting on many of the recent achievements throughout Indian country pointing out that the number of Native-owned businesses in the United States has grown to about a quarter million, while tribes are now large employers in many states, and are increasingly finding trading partners in foreign nations, indicating that “Tribal nations are no longer seen as a footnote to America’s past, but as a force for America’s future.” Cladoosby was encouraged by the 2013 reauthorization of the Violence Against Women Act, which included greater protections for most Native American women, but he was quite concerned that Congress glaringly left the 226 Alaska tribes out of the law and unprotected—an injustice that NCAI was working to correct this year. Cladoosby acknowledged that Native and non-Native Americans shared similar aspirations, saying “We all want good schools and sustainable employment, safe communities and new opportunities, drinkable water and breathable air... and a bright future for our children.” To achieve those goals, he proposed that US government must by an ally that promotes sovereignty instead of subordination. The NCAI president was encouraged by what he saw as the Obama administration’s positive relationship Indian nations, and while noting many positive trends for Native America, emphasized the need to meet the many challenges facing Indian country today. He identified many of these problems, which centered around the themes of opportunities for youth, violence, tribal sovereignty, and the federal government’s failure to uphold its trustee responsibilities. Recapping the foundation of Indian-US relations, Cladoosby described the trustee relationship in which the US government “Promised three things: To
provide funding for essential services... To guard our right to govern ourselves on our remaining lands, and to help manage those lands and resources in our interests.” He repeatedly mentioned that the government did not sufficiently grant Indian nations the power of self-determination, and resolved that the success of Native communities depends on the federal government respecting indigenous sovereignty. Following Cladoosby’s address, the congressional response was given by Montana senator Jon Tester who was introduced as “a champion of Indian country.” Echoing Cladoosby, Tester described his vision for empowering tribes to make their own decisions. “We must work with Indian country in order to best support Indian country,” said Tester. “Dictating policy from Washington simply does not work.” He expressed regret about recent funding cuts to Native schools. Acknowledging that, “We’ve failed to live up to our trust responsibilities,” Tester affirmed that the state of Indian Nations is a concern that the United States government must face, “The federal government must treat tribes as trusted allies and honor the contracts and treaties we agreed to. It must live up to its trust responsibilities, but then step aside and let tribes take the reins and determine your fate.” For more information, visit: http://www.ncai.org/events/2014/01/30/2014-state-of-indian-nations-address, which includes a downloadable video of the address: and "2014 State of Indian Nations: Honoring Self-determination," Cultural Survival, January 31, 2014, http://www.culturalsurvival.org/news/2014-state-indian-nations-honoring-self-determination#sthash.3Hv4uuK.dpuf.

The National Congress of American Indians (NCAI) published "An Honorable Budget For Indian Country Fiscal Year 2015 Budget Request," January 31, which is downloadable at: http://www.ncai.org/NCAI_2014_Budget_Request.pdf. NCAI publishes this detailed annual document "as part of its mission to serve as a forum for unified policy development among tribal governments. Tribal leaders respectfully request that these recommendations be considered as part of the appropriations process. An honorable budget for Indian Country will empower tribes so they can provide their people with good health care, quality education, decent and adequate housing, and public safety. These services – that every American expects – meet the needs of Native peoples, benefit residents of surrounding communities, and fulfill trust and treaty obligations to tribal nations. The FY 2015 budget requests were compiled with the help of tribal leaders, Native organizations, and partner groups. NCAI is grateful for their contributions and participation in the creation of these requests" ("An Honorable Budget For Indian Country Fiscal Year 2015 Budget Request," NCAI, January 31, 2014, http://www.ncai.org/news/articles/2014/01/31/ncai-sets-2014-agenda-with-budget-proposal-state-of-indian-nations). "NCAI Analysis of the President's FY2015 Budget Request," March 5, 2014 is at: http://www.ncai.org/news/articles/2014/03/05/ncai-analysis-of-the-president-s-fy2015-budget-request.

NCAI actions and statements since the Winter 2013-14 issue of IPJ include: December 21, 2013: objecting to Wisconsin Governor Walker signing a bill making it easier for schools with Native American mascots to keep them and harder for people who want to change the nicknames to challenge them; January 22, 2014: The NCAI President committed to strengthening the partnership with Boys and Girls Clubs, in a meeting with the Boys and Girls Clubs of America and members of the Tulalip Tribe to discuss the importance of supporting Native youth through positive youth development programs. He noted that the Boys and Girls Clubs in Indian Country serve over 85,000 Native youth in over 200 clubs nationwide in Indian country; March 13, 2014: NCAI Encouraged By DOI Opinion On Carcieri; Reaffirms Need For A Robust Fix That Ensures Tribal Equality; May 19, 2014 - having repeatedly supported efforts to have the Washington Redskins Football Team change its name, NCAI and ChangeTheMascot.org launched a new photo project highlighting what Native people are
Proud To Be; and May 23, 2014, NCAI Supports Revisions “To Create A Fair And Just” Recognition Process.

Gale Courey Toensing, "NIGA Takes Stand With Wind River Against Opposing State Legislation," ICTMN, May 21, 2014, http://indiancountrytodaymedianetwork.com/2014/05/21/niga-takes-stand-wind-river-against-opposing-state-legislation-154956, reported, "The National Indian Gaming Association has promised to fight a proposed bill that would terminate 170,000 acres of the Wind River Reservation and set a dangerous precedent for state expropriation of land throughout Indian country," in a unanimous decision by NIGA members at the association’s annual Indian Gaming Tradeshow and Conference, in San Diego during the week of May 11, 2014. The action is in response to a bill proposed in the Wyoming Senate "to clarify" the boarders of the Wind River Reservation shared by the Northern Arapaho and Eastern Shoshone nations, in an attempt to remove the City of Riverton from the two tribes jurisdiction to control air quality under the Clean Air Act of 1970’s “Treatment of Tribes as States” provision, after the Environmental Protection Agency (EPA) authorized the tribes to regulate air quality on their reservation in December 2013." For more information, contact: Laura Harris, 505.842.8677, lharris@aio.org, or Chrissie Castro, 323.420.6844, chrissie.castro@gmail.com.

The National Indian Child Welfare Association, the National congress of American Indians, the Native American Rights Fund, and the Association on American Indian Affairs sent a letter, in early February, 2014, to the U.S. Department of Justice requesting an investigation into the treatment of Indian children by public welfare agencies and private adoption organizations, as there is a great deal of evidence of violation of the Indian Child Welfare Act, which requires that Indian children not be placed outside of their tribal membership. Meanwhile, the American Civil Liberties Union filed a class action law suit on behalf of two North Dakota Indian nations and Indian parents in Pennington County, SD, claiming that the county has been removing Indian children from their parents in custody hearings without sufficient protections (Dan Frosch, "Indian Groups Question Public Child-Welfare Practices," The New York Times, February 4, 2014).

"FEDEX, RETURN TO SENDER: Native American Organizations Call on Washington Football Team Corporate Sponsors to Stop Harming Children," Press Release, Albuquerque, NM, July 10, 2014, stated, "Native American organizations and communities from across the country are calling on the Washington NFL team’s corporate sponsors to do what is right for America’s children, and cancel their sponsorship of the Washington football team, starting with Federal Express (Fed-Ex). This week, the Native Voice Network, a virtual community of Native American families and organizations, will launch a national public awareness campaign aimed at NFL sponsoring corporations, urging them to end their affiliation with a mascot and nickname that harms children. The American Psychological Association (APA)* officially called for the immediate end to American Indian mascots based on research showing that mascots establish an unwelcome and often hostile learning environment for Native youth, and increases negative attitudes about Native youth by non-Native youth. But the hurt doesn’t stop there. The APA also found that mascots undermine the educational experience of non-Native students as well. 'The findings are clear. Racist mascots hurt Native youth who can’t afford for corporate sponsors to sit on the sidelines in this debate,' says Jennifer Varenchik, a Native American working with youth. According to the Centers for Disease Control and Prevention,** suicide is the second leading cause of death for Native youth in the 15-24 age group—two and half times the national rate. 'Our communities are dealing with this crisis founded in the low self-esteem of our children. When young people hear words like the 'R-word' and see dehumanizing images about our culture, they are directly impacted and often internalize these negative stereotypes, having detrimental effects on their school work and life choices.' The bottom line is that no community-minded corporation should sponsor a mascot that hurts American youth. The mascot debate has been missing the point. The issue is not about who is offending or ‘honoring’ who. The Native Voice Network is making clear that harm is being inflicted on America’s youth—Native and non-Native alike. This can no longer be denied nor tolerated. We hope Federal Express and other NFL sponsors are listening,' comments Laura Harris, Executive Director of Americans for Indian Opportunity, the organizational host of the NVN."
"The Onondaga Nation Files Petition Against United States with Inter-American Commission on Human Rights," Cultural Survival, April 17, 2014, http://www.culturalsurvival.org/news/onondaga-nation-files-petition-against-united-states-inter-american-commission-human-rights, reported, On Tuesday, April 15, members of the Onondaga Nation, a treaty-recognized sovereign nation with homelands in upstate New York, filed a petition against the United States with the Inter-American Commission on Human Rights (IACHR). Since 1788, 2.5 million acres of land have been stolen from the Onondaga Nation by New York State, and the failure of the domestic court system has left the Nation with no choice but to seek assistance for human rights violations from the international community. To bring attention to the filing, chiefs from the Onondaga Nation and supporters gathered at the Friends Meeting House in Washington, DC wearing traditional dress and with a historic wampum belt commissioned for the Nation by President George Washington to signify peace and friendship while ratifying the 1794 Treaty of Canandaigua. "On March 11, 2005, the Nation filed a Land Rights Action in the United States District Court, which the federal court dismissed. The Nation then appealed to the Second Circuit Court of Appeals, which affirmed that dismissal. Finally, the Nation filed a petition for a writ of certiorari with the Supreme Court seeking review of the dismissal and its affirmance. On October 15, 2013, the Supreme Court denied that petition. No further remedy is available in the United States court system. 'Where the U.S. courts failed, the international community can help us preserve our role as an environmental steward of the land,' added Hill. 'That means greater access to our surrounding lands and to cleansing the industrial pollution in Onondaga Lake, which remains a vital location to our nation’s spiritual life.' The response from the U.S. courts bars the Nation from any domestic remedy and refuses it the chance to articulate the violations of New York State dating back to the late 18th Century. The federal courts’ inherently discriminatory ruling refused to consider the merits of the Nation’s case, holding that indigenous peoples’ claims for relief arising from violations of their land rights are ‘inherently disruptive’ and, therefore, cannot be considered. The Nation’s petition at the IACHR outlines the United States’ responsibility for violations of the Nation’s property rights, equality, judicial protection and due process – outlined in multiple domestic and international agreements, including multiple treaties, the American Declaration of the Rights and Duties of Man and the United Nations Declaration on the Rights of Indigenous Peoples." The complaint asserts, "The Onondaga Nation has never sold or otherwise relinquished its lands or its rights as a sovereign nation. Between 1788 and 1822 the State of New York took approximately 2.5 million acres of Onondaga Nation land, violating federal law, the Constitution and various treaties. Major land “acquisitions” by New York State in the 18th century were conducted with unauthorized individuals without the knowledge or consent of the authorized Onondaga chiefs. On multiple occasions, the State deceived the Onondagas into thinking the State was only leasing the land."

"Seminole and Miccosukee Leaders Fight to Save Burial Grounds in Florida," Cultural Survival, May 22, 2014, http://www.culturalsurvival.org/news/seminole-and-miccosukee-leaders-fight-save-burial-grounds-florida, reported, "A group of Indigenous leaders in Florida, known as the Council of the Original Miccosukee Semanole Nation Aboriginal Peoples, is trying to halt a government infrastructure project which would result in the destruction of indigenous burial grounds, after becoming aware of the plans in April, 2014. The proposed project, authorized under the Flood Prevention Act of 1954, would flood a significant portion of the Three Forks Marsh Conservation Area (TFMCA), near Port Malabar, Florida, to create a water retention and filtration area. Following standard protocol, the Army Corps of Engineers first conducted an archeological survey of the area in 2003 to identify any cultural resources which would be damaged by the plans. As a result, a total of nine different sites at TFMCA became eligible for listing on the National Register of Historic Places, three of which - Elder Mound, Platt Mound, and Lone Oak Mound - were identified as large mounds containing human remains. The human remains that were uncovered during the fieldwork were reburied on site. Collaborating with the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida, the Army Corps initially agreed to construct ring levees around the three burial mounds to protect them from being inundated by 12 to 15 feet of water, but those plans were later scrapped. The Army Corps stated in a letter that “After compiling the engineering data, we have come to the conclusion that we cannot construct the levees to protect the sites from inundation,” and further maintained that what were originally thought to be burial grounds were actually prehistoric fishing locations, given the quantity of animal bones found during excavation. Although the Seminole Tribe and Miccosukee Tribe informed the Army Corps that they could not accept the inundation of human remains, they did
not legally challenge the reversed decision by the Army Corps to flood the sites. While the Seminole Tribe and Miccosukee Tribe were officially notified about the plans, the Army Corps failed to notify the Council of the Original Miccosukee Simanolee Nation Aboriginal Peoples, an indigenous group in Florida who are not federally recognized and who continue to govern themselves under their traditional laws. Upon learning about the proposed project at TFMC, the Council wrote a letter to the Army Corps challenging the decision. Signed by Bobby C. Billie, Cecil Osceola, and Leroy Osceola, the letter read, “The Council of the Original Miccosukee Simanolee Nation Aboriginal Peoples does not want you to use our sacred (holy) aboriginal burial grounds as a dumpsite for your dirty water… Desecrating our aboriginal burial grounds with 12-15 feet of dirty water is wrong, and the removal of any aboriginal human remains and belongings violates domestic laws, international laws, and the Creator’s Natural Law.” Further actions are planned, and the Council of the Original Miccosukee Simanolee Nation Aboriginal Peoples is urging people to write letters to the Jacksonville District of the Army Corps of Engineers, the St. Johns River Water Management District, and the Seminole Tribe of Florida asking them to halt the Three Forks project. For further information, contact the Council of the Original Miccosukee Simanolee Nation at Ancienttrees@hotmail.com."

"Dine Minds is a grass roots organization on the Navajo reservation working to bridge the communication gap between the Navajo public and their government. Concerned that too many council decisions have been made with little or no public input, the group put on a forum, January 17, 2014, Meeting of Dine Minds, to encourage community dialogue with council members and other officials (Alasyair Lee Bitsoi, "Dine Minds' tries to bridge gap between government, governed," Navajo Times, January 23, 2014).

"EONM Calls on Governor Fallin to ‘Recognize the Racism in Oklahoma’," ICTMN, May 21, 2014, http://indiancountrytodaymedianetwork.com/2014/05/21/eonm-calls-governor-fallin-recognize-racism-oklahoma-154966, reported, "A group of Native American parents protested outside of the Oklahoma State Capitol building on Monday to draw attention to Governor Mary Fallin’s recent actions toward the Native community. The group known as Eradicating Offensive Native Mascotry presented more than 8,000 signatures in their effort to spur Fallin to 'recognize the racism [against Natives] in Oklahoma and do something about it.'" EONM was moved to protest following a number of actions by Fallin, and in one case by the Governor's daughter, including the Governor signing an extradition order leading to the removal of Baby Veronica from her birth parents, failing to call attention to the killing of a Native teenager in Custer County, and her daughter Christina Fallin’s offensive behavior, wearing Native headdress, and performing a fake war dance during her band’s performance in April 2014.

International Activities


Idle No More, http://www.idlenomore.ca, has continued to be involved in numerous events, including, Aboriginal Day In Orangeville. Saturday, June 21, 2014 at 12:00 pm, Alexandria Park on Second Street, Orangeville, ON, Digital Story Telling on the illegal theft of the Black Hills at the Homestake Gold Mine. Friday, August 29, 2014 at 08:00 AM, Homestake Mine, Lead, SD, and Memories of the Past and Future... Idle No More, a virtual event to support our First Nations brothers & sisters in Canada through solidarity and elsewhere, September 30, 2014 at 12:00 PM (http://www.idlenomore.ca/events). On May 27, 2014, AFN Special Chiefs Assembly (SCA) passed a resolution rejecting the Canadian Parliament's legislation on First Nation Education, Bill C-33, and calling for Indigenous Education by and for Indigenous people (See "Indigenous
Education by and for Indigenous people," in Dialoguing). Tsleil-Waututh Nation launching a legal challenge May 2, filing a legal case against the Canadian Government and its National Energy Board for their conduct thus far in the review of the tar sands Kinder Morgan Trans Mountain Expansion project (KMX). The link to their Livestream page for the press conference May 2 is: https://new.livestream.com/tsleilwaututh/kindermorgan, and the media advisory is at: https://www.facebook.com/photo.php?fbid=696316270426610&set=a.639946432730261.1073741828.630937800297791&type=1&theater. In February, Idle No More Supported the February 14th Annual Women's Memorial March, held on Valentine's Day each year to honor the memory of Indigenous women, including trans and two-spirit women, who have died as a result of physical, mental, emotional, and spiritual violence. "Now in its 23rd year, the March remembers and honors murdered and missing women, and seeks to organize against ongoing gendered" (For more, see, "Idle No More Supports the 23rd Annual February 14th Women's Memorial March, Cultural Survival, February 14, 2014. http://www.culturalsurvival.org/news/idle-no-more-supports-23rd-annual-february-14th-womens-memorial-march).

Jenna Winton, "Omushkegowuk Walkers: Reclaiming the Past, Present, and Future," Cultural Survival, April 18, 2014, http://www.culturalsurvival.org/news/omushkegowuk-walkers-reclaiming-past-present-and-future, reports, "On January 4, 2014, three Cree men, Danny Metatawabin, Brian Okimaw, and Paul Mattinas, began a 1,700km trek from Attawapiskat First Nation to the Parliament Hill Building in Ottawa, Ontario, Canada, to send a message and raise awareness of the treaty rights made between First Nations and the Canadian government. In the past, lack of housing, infrastructure, increasingly poor health care programs, and very few educational opportunities have led to unsustainable living conditions and a disproportionate percentage of social issues in First Nation’s communities. According to Metatawabin, these factors and the government’s lack of respect for treaty rights inspired them to walk, with the intent of sparking a discussion between both the federal and provincial governments and First Nation’s leaders on implementing the treaties. He commented, “I find that the government is not treating First Nations with respect and honor, and I find that they don’t understand the spiritual intent of the treaties.” Throughout the fifty day walk through frigid conditions, the participants, now known as the Omushkegowuk Walkers, visited local First Nation’s communities along the way and were received by overwhelming support. “We were greeted with respect and were treated very well; we had accommodations, or were provided with places to stay as well as meals. And for those communities that were able to, they feasted for us. But I always reminded them that the feast is not for us. It's for their people and their communities. It was very positive. We prayed daily, and we’d also like to acknowledge the people for their prayers.” While passing through Fort Albany, Moosonee, Cochrane, North Bay and other communities, the group grew as the message spread and people took up the cause, joining the walk for treaty awareness. On their scheduled arrival in Ottawa on February 24, a total of 18 Walkers showed up with the original three. The demonstrations continued as they rallied on Parliament Hill after a ceremony at the Human Rights monument. “In a good way it was very overwhelming. I want to thank all of the people, the communities for the empowerment in order for myself and the Walkers to complete the journey, because we did this for the people,” Metatawabin stated. On their Facebook page “Reclaiming Our Steps Past, Present, and Future” there is a call for action beyond the walk. “This spiritual journey, echoed by our ancestors is a calling for all of First Nation Peoples to be awakened and take action on matters that affect our existence- past, present and future. We cannot remain silent and/or be silenced [anymore]. This is our time. Change is upon us and we are the change.” Metatawabin encourages supporters to keep pressuring the governments to honor and respect the treaties. “The walk didn't end there. We still continue, we'll still add pressure. Just stay tuned for more.”

(Guatemala) and Africa 70 (El Salvador). The same youth that participated in the two prior events, met once again at beautiful Lake Atitlán, greeting each other with hugs and smiles in the early morning sun. "The main goal of this project was to improve integration and participation for Indigenous Central American youth, using community radio as a tool. At the prior events, the youth learned about their shared histories, the history of community radio, and Indigenous values, among other topics. They practiced investigative journalism and gained experience presenting for radio and in front of their peers and elders. The forum was organized to motivate the youth to create their own projects following the closing of this training series. One participant acknowledged the need to work together with other Indigenous youth from different countries stating, 'It seems like were are from different countries, but really we are all united as one community. We need to erase the imaginary lines that divide Central America.' On the first day of the event, youth worked in groups, tackling important questions in creative ways. They participated in a scavenger hunt, searching the premises for their groups’ questions. Once they found and answered a question, they could grab their next clue card. Some of the questions included, “How does community radio deal with youth issues in our communities?”; “What are the most important social issues that are affecting Indigenous youth in our communities?” Following this activity, the youth groups presented their ideas to each other, then they reached consensus regarding which issues were most relevant to their communities and which issues most deserved follow-up projects. The topics that the groups chose were discrimination, Indigenous rights, youth issues, and history. Youth were given the responsibility to create real project proposals that tackled the identified issues in their various communities. They had to take into consideration distance, the lack of funds and all other difficulties that they might encounter. T, was at the youth groups worked together, guided by facilitators who stressed the importance of making these project proposals viable, under the expectation that these would be real projects that the youth would have to execute." "The youth arrived in the conference room ready to present their project proposals. The group with the topic 'Indigenous Rights' decided that their project proposal would be to create a Facebook page dedicated to Indigenous rights. They recognized that this proposal is one that is viable, considering the distance between the group members, and that it is a great tool for sharing information and creating networks. They planned on creating a team who would search for issues that were happening internationally and teams that would update about their own communities. The page would share stories regarding both Indigenous rights violations, as well as communities who are fighting to protect their rights. As Mauricio Guerrero, one of the youth panelists commented, 'The majority of youth now use social media. Do we have access to Facebook? The majority of us do. But we have to use these mediums productively. There we have to influence others and fight against discrimination against our Indigenous communities.' After the presentations, the event closed with the youth participants making commitments to proceed with the projects that they themselves had designed. They fleshed out the proposals, detailing who would take what role, and what each role entailed. Then, they signed their names next to their roles, with their contact information, making a commitment to continue with their projects after the closing of the event. For each project, at least one coordinator was assigned, and in some cases, one coordinator per country. These coordinators closed the event by presenting their groups’ name, its main objective, and all of the members’ names and roles. These coordinators also accepted the responsibility of organizing their group members after the closing of the event so that they may move forward with their projects. The youth expressed deep gratitude for having participated in the project. Motivated to make a difference in their communities and in Central America, one youth stated, 'We are going to do something, even if is something small. Let’s be the black dot in the monstrous white that is the monopoly of the mediums of communication.'" 

low cost, community radio is an accessible tool. However, the laws of Guatemala do not allow for any form of non-profit radio, including community radio. Instead, Guatemala only provides for commercial and government use of radio frequencies; obtaining a commercial license is done through a bidding process with the highest bid winning. As a result, the vast majority of Guatemala’s Indigenous communities are unable to legally operate community radio stations; only a rare few have been successful in the awarding of a frequency. Instead, many Indigenous communities operate community radio stations illegally, typically borrowing frequencies that are not in use, but always under the threat of raids, confiscation of costly equipment, and imprisonment by government officials. Since the Peace Accords ending Guatemala’s Civil War were signed in 1996, Indigenous communities have been working together to push the government to change these discriminatory laws. As explained in more detail below, this strong and vibrant lobbying effort led to a 2010 legislative bill that would have legalized community radio. That bill was awarded a favorable recommendation by a Congressional subcommittee but was later shelved, continuing to leave radio stations and operators vulnerable to persecution and raids. A community radio movement emerged in Guatemala after it became clear that ensuring that Indigenous Peoples have access to communications media was not a priority for the Government of Guatemala. Lobbying campaigns to change the current General Telecommunications Law are numerous. Hundreds of Indigenous community members have traveled to the capital to lobby Congress on behalf of community radio stations. Thousands have participated in public demonstrations and marches. The Special Rapporteur has recognized the role that media plays in protecting Indigenous Peoples’ rights to freedom of expression, which includes the right to seek, receive and impart information, culture and participation, paying attention specifically to community radio. Community radio, as a form of media, is linked to the maintenance of languages and cultures, is a valuable tool to educate children, and promotes democracy by advancing participation and non-discrimination. On behalf of Indigenous communities in Guatemala operating community radio stations or wanting to, three organizations, Cultural Survival, La Asociación Sobrevivencia Cultural, and Asociación Mujb’ab’l Yol (Encuentro de Expresiones) submitted a Statement of Information pursuant to the mandate of the UN Special Rapporteur on the rights of Indigenous Peoples to “receive…information and communications from…communities and organizations, on alleged violations of their human rights and fundamental freedoms....” The petitioners are three separate organizations devoted to ensuring that Indigenous communities are able to exercise their rights to culture, language, freedom of expression, and political participation. Cultural Survival, La Asociación Sobrevivencia Cultural, and Asociación Mujb’ab’l Yol (Encuentro de Expresiones) view Indigenous community radio as a crucial tool for Indigenous Peoples and are therefore committed to building the capacity and supporting existing Indigenous community radio stations in Guatemala. As recognized by the international community and as provided for in the United Nations Declaration on the Rights of Indigenous Peoples, access to all forms of media, including radio, is an essential means for Indigenous Peoples to exercise many of their human rights, including culture, language, participation and freedom of expression. Despite a commitment from the Government of Guatemala nineteen years ago to provide access to radio frequencies in a non-discriminatory manner to Indigenous Peoples, the Government continues to fail in meeting its human rights obligations. “We have submitted a petition to the UN Special Rapporteur on the Rights of Indigenous Peoples in order to increase international pressure on the Government of Guatemala to provide a way for non-profit Indigenous community radio stations to acquire broadcast licenses. The government promised to do so 18 years ago in the Peace Accords that ended the civil war, but continues to drag their feet. The tireless efforts of many Guatemalan citizens has led to a favorable recommendation of the Proposed Community Media Law, Initiative 4087, from the Indigenous Peoples Committee in the Congress, but additional pressure is needed to make that Bill into a Law,” said Mark Camp, Deputy Executive Director of Cultural Survival."

"Ayoreo Indians send urgent video appeal to Spanish tycoon," Cultural Survival, February 27, 2014. http://www.survivalinternational.org/news/10032, reported, "Ayoreo Indian leaders in Paraguay have sent an unprecedented video appeal to Spanish construction giant Group San José and its subsidiary ranching company Carlos Casado S.A., demanding the return of their ancestral land which is inhabited by their uncontacted relatives. In the short video clip, three Ayoreo men speak of the urgent threat of deforestation being carried out by the ranchers on the uncontacted Ayoreo’s land and call
on supporters to help protect the Chaco forest from further destruction." "Grupo San José’s subsidiary, Carlos Casado S.A., owns large parts of the Ayoreo’s ancestral land in the Chaco forest in northern Paraguay, and was previously caught red-handed clearing the forest illegally. The Chaco already has the highest rate of deforestation in the world." "The last uncontacted Indians outside Amazonia are forced to live on the run from the bulldozers that flatten their houses and gardens to make way for cattle. Diseases brought in by outsiders could decimate the Indians. The majority of Ayoreo that have been contacted and brought out of the forest now suffer from serious respiratory illnesses such as tuberculosis. Several have died in recent years. Survival International has written to Grupo San José’s shareholders, urging them to disinvest over the company’s involvement in the destruction of the uncontacted Ayoreo’s forest, and Survival’s supporters have sent thousands of letters to Paraguay’s Environment Minister. Survival’s Director Stephen Corry said today, ‘Paraguay has already earned the unsavory reputation of having the highest deforestation rate in the world. If the country had any genuine concern for the remaining forest it need look no further than the Ayoreo, who are the true guardians of their land. Instead, this UNESCO biosphere is being rapidly devastated for the benefit of Brazil’s beef industry, and to line the pockets of one of Spain’s richest men.’"

"Brazilian indigenous leader slams Amazon mega-dams in Paris protest," Survival International, March 14, 2014, http://www.survivalinternational.org/news/10062, reported, "Brazilian Indian Sonia Guajajara led a protest in Paris today – the International Day of Action for Rivers – calling for a halt to the construction of mega-dams in the Amazon. Sonia led over a hundred protestors to the offices of French companies GDF Suez, EDF and Alstom, which are involved in the construction of several destructive dams. She led the group in forming ‘human waves’ which crashed into the office buildings to represent the destruction of large Amazonian dams by the global anti-dam movement. The group then carried its messages to the River Seine. Survival supporters carried placards reading ‘STOP AMAZON DAMS’. Sonia, of the Guajajara tribe in the north-eastern Amazon, is the national coordinator of the Association of Indigenous Peoples (APIB), a network of indigenous organizations in Brazil. She said, ‘Brazil’s reputation is at stake... We are here to bring visibility to the unacceptable prejudice and discrimination suffered by indigenous peoples and to demand that it stops’. Despite fierce opposition, Brazil is forging ahead with its construction of the massive Belo Monte dam on the Xingu River, and the Madeira and Tapajós river dams, all in the heart of the Amazon rainforest. Thousands of Indians have been protesting against these projects, warning that they are devastating the forest and putting at risk the lives of the thousands of Indians who live there. Indian leader Megaron Kayapó said, ‘Which rivers will we have for fishing? The Xingu is our river, our supermarket... We live by hunting, fishing, and planting... We have always been against it (Belo Monte), and we will always be against it’. The uncontacted Indians living near the dam construction sites could be completely wiped out by outside diseases brought in by the thousands of migrants being drawn to the areas. On Tuesday, Sonia denounced Brazil’s abuse of indigenous rights at the United Nations in Geneva, including the government and landowners’ aims to weaken indigenous rights and open up indigenous territories for massive industrial projects. Director of Survival France, Jean-Patrick Razon, said today, ‘Sonia’s demands in Paris today, just three months before the World Cup kicks off, act as another wake-up call to the human rights scandal inflicted on the Indians by these French companies, and by the Brazilian state. When will they listen and put a stop to this once and for all?’ Sonia’s visit to Europe was coordinated by Amazon Watch, France Libertés and Planète Amazone." Survival’s 2010 report highlighting the
great negative impact on Indigenous peoples of large dams being built world wide is at:

The holding of the Olympics in Sochi, Russia was attended by local Indigenous protests. "Circassians Demand Russia Admit to Genocide in Sochi," Cultural Survival, February 15, 2014, http://www.culturalsurvival.org/news/circassians-demand-russia-admit-genocide-sochi, reported, "The hosting of the 2014 Winter Olympics in Sochi, Russia has caused a recent uproar in the local Indigenous Circassian community. The Circassian ancestral home is Circassia, Russia, an area in the North Caucasus along the North East shore of the Black Sea. The 2010 Russian census recorded a population of 718,727 Circassians. Circassians are divided into two main tribes, the Adyghe and the Karbardians. However the whole is made up of twelve different tribes, represented on their flag by twelve distinct stars. Once the predominant ethnic group in the Caucus, the Circassians were nearly wiped out in the aftermath of the Russian-Circassian War. In what is considered by some the first genocide in modern Europe’s history, the “ethnic cleansing” of the Circassians from 1860 to 1864 resulted in close to 95% of the Circassian nation disappearing by either death or deportation. In preparation for the Games, Sochi, which was once the Circassian capital, constructed facilities on areas alleged to hold mass graves of Circassians killed during the “cleansing”. Circassian organizations have objected to these developments stating it is a desecration of these graves. However their protests were dismissed and the Olympic Games in Sochi are currently taking place on these historic areas. Circassian’s demand the Circassian genocide be acknowledged and apologized for by the Russian government. The winter Games also happen to coincide with the 150th anniversary of the genocide. A particular area in concern is Krasnaya Polyana or ‘Red Hill’. It is the site where a group of Circassians returning home were massacred in battle. The hill derives its name from the Circassian blood spilt there. Ivad Yoghar of the International Circassian Council stated, ‘we want the athletes to know that if they compete here they will be skiing on the bones of our relatives.’” For more information visit: http://www.cnn.com/2014/02/18/world/russia-sochi-circassians/, http://news.yahoo.com/olympics-divide-sochi-39-indigenous-circassians-17...

"Campaign Update– Cameroon: Urgent Action Needed!," Cultural Survival, May 30, 2014, http://www.culturalsurvival.org/news/campaign-update-cameroon-urgent-action-needed, reported on its campaign, "Herakles Farms, a US company, has been chopping down miles of dense forest without the full authority to do so -- and in the face of desperate pleas and resistance from local communities. The palm oil project will also destroy precious chimpanzee and forest elephant habitat if it goes ahead. In February, Herakles began clear-cutting trees with an illegal permit in hand. The permit also allows the illicit timber to be sold on international markets. And this is all happening with the complicity of the Cameroonian Ministry of Forests and the full knowledge of the European Union (EU). We must act fast. The illegal timber is now in port, leaving for markets in China any day now -- our window to stop the trade is closing. - See more at: http://www.culturalsurvival.org/news/campaign-update-cameroon-urgent-action-needed#sthash.GEeCg6TV.dpuf.” For more on Herakes in Cameroon, see International Developments. below.

"New York and Berlin travelers urged to join Botswana boycott," Survival International, March, 10, 2014, http://www.survivalinternational.org/news/10048, reported, "Supporters of the Bushman tribe in Botswana have targeted travel fairs in New York and Berlin to highlight the persecution of Africa’s last hunting Bushmen by the Botswana government, following protests in London, Madrid and Milan. Hundreds of flyers were handed to visitors and industry representatives at the New York Times Travel Show and the Internationale Tourismusbörse in Berlin, calling for a boycott of tourism to Botswana until the Bushmen are allowed to live in peace on their land in the Central Kalahari Game Reserve. Botswana is using glossy images of the Bushmen to attract visitors to the country, meanwhile driving the Bushmen off their ancestral land by restricting the tribe’s access to the
reserve and arresting and torturing them for hunting – the Bushmen’s main means of survival. Botswana’s treatment of the Bushmen violates a landmark 2006 High Court ruling which upheld the Bushmen’s right to live and hunt in their reserve after they were brutally evicted by the government. Requirements to carry a permit on their land have been likened to the hated pass laws under apartheid South Africa, and Botswana’s treatment of the Bushmen has been denounced by renowned journalists such as the BBC’s John Simpson. Survival’s travel boycott of Botswana has so far received the support of several tour companies and over 7,000 travelers from around the world. Survival’s Director Stephen Corry said today, ‘These protests follow hot on the heels of President Khama’s announcement that Survival is blacklisted in Botswana. Yet another own goal for the Botswana government. Many Survival staff – including myself – have been banned from the country for years already, so Khama has only succeeded in drawing attention to his government’s readiness to silence all opposition. Blacklisting all those who criticize your regime begs the question, what does Botswana have to hide?’

United to End Genocide was engaged, in June 2014, in a campaign to stop the ethnic cleansing of the Rohingya in Burma, saying, "Recent ethnic and religiously motivated violence, burning of homes and hateful rhetoric are ominous warning signs of genocide in Burma. While Burma’s government has sat by — or even worse, participated in the fighting — over 125,000 innocent civilians have been displaced. Yet, the United States has continued to reward Burma for limited political and economic reforms by scaling back sanctions. Urgent action is needed to prevent a genocide from being unleashed on Burma’s ethnic minorities. Contact President Obama now and demand that the United States take immediate action to stop the violence." For more information visit: http://endgenocide.org/actions/protect-the-rohingya/.

"Protestors call for the release of Papuan political prisoners in Indonesia," Survival International, April 3, 2014, http://www.survivalinternational.org/news/10131, reported, "The two Papuan students who were arrested yesterday have now been released. Both were severely beaten and remain in pain; one required stitches for his injuries. Around 100 protestors demonstrated today outside the Indonesian embassy in London to call for the unconditional and immediate release of all Papuan political prisoners. 76 of the protestors were handcuffed and had their mouths taped shut to represent the 76 political prisoners currently being held in Indonesian prisons. The protest was organized by Tapol, Survival International, Amnesty International and the Free West Papua Campaign. According to data from Papuans Behind Bars, the number of political arrests more than doubled in 2013 compared to the previous year, and reports of torture and ill treatment of political detainees have increased. West Papua’s tribal people continue to be arrested for peaceful activities and are often charged with treason or incitement, which can carry lengthy prison sentences." A demo the previous day in West Papua about political prisoners was dispersed by the police who fired warning shots. Two students were arrested. Wiki Meaga was arrested in November 2010 while he was on the way to the funeral of a relative who had become ill after being tortured by the police. Meaga and eight other Papuans were accused of raising the banned Morning Star flag before they left their village in the Papuan highlands. It is believed that they were tortured after their arrest. Six of the men were found guilty of ‘treason’ and sentenced to eight years imprisonment. The fate of the other three men is unknown. Dominikus Surabut, a Papuan activist, writer and documentary film maker who was arrested in 2011 sent a message to the protestors in London, saying ‘I can’t be with you in person today because I am in jail, but my soul and my spirit are with you. United and strong we will overcome.’ Nixiwaka Yawanawá, a Yawanawá Indian from the Brazilian Amazon, who joined Survival International to speak out for indigenous rights also participated in the protest.
increasing demand, worldwide, for policymakers to act, but it is not clear that becomes technically impossible, unless sufficient action is taken quickly. The positive note is that there has been date, and it will continue to become more and more difficult and expensive to reduce greenhouse gas emissions, as they are purchasing more from developing nations, thereby subsidizing fossil fuels than to accelerate the shift to cleaner energy, thus encouraging continued investment in projects like coal-burning power plants that posed a long-term climate risk. Although the expansion of technologies such as solar power and wind farms might give the impression of progress, these developments are being overtaken by rising emissions from fossil fuels over the past decades, especially in fast-growing countries, such as China and India (Justin Gillis, "U.N. Says Lag in Confronting Climate Woes Will Be Costly," The New York Times, January 16, 2014, http://www.nytimes.com/2014/01/17/science/earth/un-says-lag-in-confronting-climate-woes-will-be-costly.html?ref=world).

Justin Gillis, "Climate Efforts Falling Short, U.N. Panel Says," The New York Times, April 13, 2014, http://www.nytimes.com/2014/04/14/science/earth/un-climate-panel-warns-speedier-action-is-needed-to-avert-disaster.html?_r=0, reported, "Delivering the latest stark news about climate change on Sunday, a United Nations panel warned that governments are not doing enough to avert profound risks in coming decades. But the experts found a silver lining: Not only is there still time to head off the worst, but the political will to do so seems to be rising around the world." The Intergovernmental Panel on Climate Change (IPCC), "Fifth Assessment Report (AR5)" (http://www.ipcc.ch/index.htm) found that decades of only limited action by political leaders around the world has brought the world to a critical juncture, in which greenhouse gas levels are rising at their fastest rate yet, already causing extensive harm to the environment, and thus to people, and that only a rapidly developed and followed through intensive effort over the next 15 years to reduce greenhouse gas emissions to a safe level can prevent the entire world from suffering absolutely catastrophic damage. The cost of taking the required action has been rising as a result of insufficient action to date, and it will continue to become more and more difficult and expensive until the cost is insurmountable, and it becomes technically impossible, unless sufficient action is taken quickly. The positive note is that there has been increasing demand, world wide, for policymakers to act, but it is not clear that, especially public, but also private,
decision makers will act quickly and sufficiently enough. Increasingly, it is becoming clear that tighter vehicle and appliance energy efficiency standards, along with energy saving building codes can be put in place with little impact on lifestyle, while wind and solar energy costs have been declining to the point that they are already practical on a large scale, while coal and oil prices have been rising. The report stated that for climate targets to be met, investment in fossil fuel powered electrical generating plants will need to drop by some 20% in the next 20 years while investment in low-carbon energy will need to expand to twice current levels. The report warns that if sufficient efforts to reduce greenhouse gas emissions are not implemented quickly, the Earth's average temperature will increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial level, resulting in catastrophic impacts including the collapse of ice sheets, a rapid rise in sea levels, difficulty growing sufficient food for the world's people, huge die-offs of forests, and mass extinctions of plant and animal species. The report found that for the world to take the necessary action now would carry large costs, coming to a few hundredths of a percentage point off global economic growth each year. If nothing further is undertaken by the end of the century, societies would most likely be far richer than today, but because climate change causes expensive damage, at a minimum, they would be almost 5% poorer than they would have been had they spent the money to protect the climate. In fact, the possible catastrophic damage that could occur could make the financial costs alone far higher, and in the longer run the costs would become catastrophic. On the other hand, not only is spending to limit climate change a good preventive, but it is also an investment producing an economic return.

The National Oceanic and Atmospheric Administration ranked 2013 as the fourth-warmest year since 1880, tied with 2003, while NASA, which uses slightly different methods to compile global temperatures, found 2013 to be the seventh-warmest year, tied with both 2006 and 2009. Both agencies agree that the 14 warmest years in the historical record have all occurred since 1998. In 2013, Australia suffered the warmest year on record in 104 years of keeping track, while the United States, which experienced its warmest year in 2012, had only its 37th warmest recorded year in 2013 (Justin Gillis, "2013 Listed as One of the Warmest Years on Record," The New York Times, January 21, 2014, http://www.nytimes.com/2014/01/22/science/earth/2013-listed-as-one-of-the-warmest-years-on-record.html?ref=world&_r=0).

A 40 year study by NASA of the West Antarctic Ice sheet by satellite, air plane and ship, made public May 12, 2014, in a paper in Science, finds that the ice sheet is melting considerably faster than previously predicted, and has crossed a critical threshold so that the long process of the ice sheets collapse has become unstoppable. This means that the oceans are rising faster than has been believed, and that is projected to accelerate, eventually raising sea level four to twelve feet. Reducing greenhouse gas emissions world wide would slow, but could not now stop the ice sheet’s collapse. Kenneth Chang, "The Big Melt Accelerates," The New York Times, May 20, 2014, details the accelerated melting of ice sheets and glaciers around the world, increasing the rate of ocean rise. The most significant is the increased melting and thinning of ice in West Antarctic, which is making the largest contribution to increased sea levels.

Arjen Y. Hoekstra and Thomas O. Wiedmann, "Humanity’s Unsustainable Environmental Footprint," Science, June 6, 2014, presented a detailed statistical analysis showing that in terms of resource use and waste products produced, "Since the latter part of the Eighteenth Century, humans have been altering the Earth at an unprecedented and unsustainable rate and scale by radically transforming the landscape, increasing natural resource use, and rapidly generating waste."

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"The National Climate Assessment," posted May 6, 2014, http://nca2014.globalchange.gov/highlights/overview/overview, which summarizes the impacts of climate change on the United States, now and in the future. A team of more than 300 experts guided by a 60-member Federal Advisory Committee produced the report, which was extensively reviewed by the public and experts, including federal agencies and a panel of the National Academy of Sciences." The overview is presented here without charts, photographs, footnotes or appendixes. The complete report is available at: http://nca2014.globalchange.gov.
Climate change, once considered an issue for a distant future, has moved firmly into the present. Corn producers in Iowa, oyster growers in Washington State, and maple syrup producers in Vermont are all observing climate-related changes that are outside of recent experience. So, too, are coastal planners in Florida, water managers in the arid Southwest, city dwellers from Phoenix to New York, and Native Peoples on tribal lands from Louisiana to Alaska. This National Climate Assessment concludes that the evidence of human-induced climate change continues to strengthen and that impacts are increasing across the country.

Americans are noticing changes all around them. Summers are longer and hotter, and extended periods of unusual heat last longer than any living American has ever experienced. Winters are generally shorter and warmer. Rain comes in heavier downpours. People are seeing changes in the length and severity of seasonal allergies, the plant varieties that thrive in their gardens, and the kinds of birds they see in any particular month in their neighborhoods.

Other changes are even more dramatic. Residents of some coastal cities see their streets flood more regularly during storms and high tides. Inland cities near large rivers also experience more flooding, especially in the Midwest and Northeast. Insurance rates are rising in some vulnerable locations, and insurance is no longer available in others. Hotter and drier weather and earlier snow melt mean that wildfires in the West start earlier in the spring, last later into the fall, and burn more acreage. In Arctic Alaska, the summer sea ice that once protected the coasts has receded, and autumn storms now cause more erosion, threatening many communities with relocation.

Scientists who study climate change confirm that these observations are consistent with significant changes in Earth’s climatic trends. Long-term, independent records from weather stations, satellites, ocean buoys, tide gauges, and many other data sources all confirm that our nation, like the rest of the world, is warming. Precipitation patterns are changing, sea level is rising, the oceans are becoming more acidic, and the frequency and intensity of some extreme weather events are increasing. Many lines of independent evidence demonstrate that the rapid warming of the past half-century is due primarily to human activities.

The observed warming and other climatic changes are triggering wide-ranging impacts in every region of our country and throughout our economy. Some of these changes can be beneficial over the short run, such as a longer growing season in some regions and a longer shipping season on the Great Lakes. But many more are detrimental, largely because our society and its infrastructure were designed for the climate that we have had, not the rapidly changing climate we now have and can expect in the future. In addition, climate change does not occur in isolation. Rather, it is superimposed on other stresses, which combine to create new challenges.

This National Climate Assessment collects, integrates, and assesses observations and research from around the country, helping us to see what is actually happening and understand what it means for our lives, our livelihoods, and our future. The report includes analyses of impacts on seven sectors – human health, water, energy, transportation, agriculture, forests, and ecosystems – and the interactions among sectors at the national level. The report also assesses key impacts on all U.S. regions: Northeast, Southeast and Caribbean, Midwest, Great Plains, Southwest, Northwest, Alaska, Hawai‘i and Pacific Islands, as well as the country’s coastal areas, oceans, and marine resources.

Over recent decades, climate science has advanced significantly. Increased scrutiny has led to increased certainty that we are now seeing impacts associated with human-induced climate change. With each passing year, the accumulating evidence further expands our understanding and extends the record of observed trends in temperature, precipitation, sea level, ice mass, and many other variables recorded by a variety of measuring
systems and analyzed by independent research groups from around the world. It is notable that as these data records have grown longer and climate models have become more comprehensive, earlier predictions have largely been confirmed. The only real surprises have been that some changes, such as sea level rise and Arctic sea ice decline, have outpaced earlier projections.

What is new over the last decade is that we know with increasing certainty that climate change is happening now. While scientists continue to refine projections of the future, observations unequivocally show that climate is changing and that the warming of the past 50 years is primarily due to human-induced emissions of heat-trapping gases. These emissions come mainly from burning coal, oil, and gas, with additional contributions from forest clearing and some agricultural practices.

Global climate is projected to continue to change over this century and beyond, but there is still time to act to limit the amount of change and the extent of damaging impacts.

This report documents the changes already observed and those projected for the future.

It is important that these findings and response options be shared broadly to inform citizens and communities across our nation. Climate change presents a major challenge for society. This report advances our understanding of that challenge and the need for the American people to prepare for and respond to its far-reaching implications.

Overview

Climate change is already affecting the American people in far-reaching ways. Certain types of extreme weather events with links to climate change have become more frequent and/or intense, including prolonged periods of heat, heavy downpours, and, in some regions, floods and droughts. In addition, warming is causing sea level to rise and glaciers and Arctic sea ice to melt, and oceans are becoming more acidic as they absorb carbon dioxide. These and other aspects of climate change are disrupting people’s lives and damaging some sectors of our economy.

Climate Change: Present and Future

Evidence for climate change abounds, from the top of the atmosphere to the depths of the oceans. Scientists and engineers from around the world have meticulously collected this evidence, using satellites and networks of weather balloons, thermometers, buoys, and other observing systems. Evidence of climate change is also visible in the observed and measured changes in location and behavior of species and functioning of ecosystems. Taken together, this evidence tells an unambiguous story: the planet is warming, and over the last half century, this warming has been driven primarily by human activity.

Multiple lines of independent evidence confirm that human activities are the primary cause of the global warming of the past 50 years. The burning of coal, oil, and gas, and clearing of forests have increased the concentration of carbon dioxide in the atmosphere by more than 40% since the Industrial Revolution, and it has been known for almost two centuries that this carbon dioxide traps heat. Methane and nitrous oxide emissions from agriculture and other human activities add to the atmospheric burden of heat-trapping gases. Data show that natural factors like the sun and volcanoes cannot have caused the warming observed over the past 50 years. Sensors on satellites have measured the sun’s output with great accuracy and found no overall increase during the
past half century. Large volcanic eruptions during this period, such as Mount Pinatubo in 1991, have exerted a short-term cooling influence. In fact, if not for human activities, global climate would actually have cooled slightly over the past 50 years. The pattern of temperature change through the layers of the atmosphere, with warming near the surface and cooling higher up in the stratosphere, further confirms that it is the buildup of heat-trapping gases (also known as “greenhouse gases”) that has caused most of the Earth’s warming over the past half century.

Projected Global Temperature Change

Because human-induced warming is superimposed on a background of natural variations in climate, warming is not uniform over time. Short-term fluctuations in the long-term upward trend are thus natural and expected. For example, a recent slowing in the rate of surface air temperature rise appears to be related to cyclic changes in the oceans and in the sun’s energy output, as well as a series of small volcanic eruptions and other factors. Nonetheless, global temperatures are still on the rise and are expected to rise further.

U.S. average temperature has increased by 1.3°F to 1.9°F since 1895, and most of this increase has occurred since 1970. The most recent decade was the nation’s and the world’s hottest on record, and 2012 was the hottest year on record in the continental United States. All U.S. regions have experienced warming in recent decades, but the extent of warming has not been uniform. In general, temperatures are rising more quickly in the north. Alaskans have experienced some of the largest increases in temperature between 1970 and the present. People living in the Southeast have experienced some of the smallest temperature increases over this period.

Temperatures are projected to rise another 2°F to 4°F in most areas of the United States over the next few decades. Reductions in some short-lived human-induced emissions that contribute to warming, such as black carbon (soot) and methane, could reduce some of the projected warming over the next couple of decades, because, unlike carbon dioxide, these gases and particles have relatively short atmospheric lifetimes. The amount of warming projected beyond the next few decades is directly linked to the cumulative global emissions of heat-trapping gases and particles. By the end of this century, a roughly 3°F to 5°F rise is projected under a lower emissions scenario, which would require substantial reductions in emissions (referred to as the “B1 scenario”), and a 5°F to 10°F rise for a higher emissions scenario assuming continued increases in emissions, predominantly from fossil fuel combustion (referred to as the “A2 scenario”). These projections are based on results from 16 climate models that used the two emissions scenarios in a formal inter-model comparison study. The range of model projections for each emissions scenario is the result of the differences in the ways the models represent key factors such as water vapor, ice and snow reflectivity, and clouds, which can either dampen or amplify the initial effect of human influences on temperature. The net effect of these feedbacks is expected to amplify warming. More information about the models and scenarios used in this report can be found in Appendix 5 of the full report.

Separating Human and Natural Influences on Climate

Prolonged periods of high temperatures and the persistence of high nighttime temperatures have increased in many locations (especially in urban areas) over the past half century. High nighttime temperatures have widespread impacts because people, livestock, and wildlife get no respite from the heat. In some regions, prolonged periods of high temperatures associated with droughts contribute to conditions that lead to larger wildfires and longer fire seasons. As expected in a warming climate, recent trends show that extreme heat is becoming more common, while extreme cold is becoming less common. Evidence indicates that the human influence on climate has already roughly doubled the probability of extreme heat events such as the record-breaking summer heat experienced in 2011 in Texas and Oklahoma. The
incidence of record-breaking high temperatures is projected to rise.

Human-induced climate change means much more than just hotter weather. Increases in ocean and freshwater temperatures, frost-free days, and heavy downpours have all been documented. Global sea level has risen, and there have been large reductions in snow-cover extent, glaciers, and sea ice. These changes and other climatic changes have affected and will continue to affect human health, water supply, agriculture, transportation, energy, coastal areas, and many other sectors of society, with increasingly adverse impacts on the American economy and quality of life.

Some of the changes discussed in this report are common to many regions. For example, large increases in heavy precipitation have occurred in the Northeast, Midwest, and Great Plains, where heavy downpours have frequently led to runoff that exceeded the capacity of storm drains and levees, and caused flooding events and accelerated erosion. Other impacts, such as those associated with the rapid thawing of permafrost in Alaska, are unique to a particular U.S. region. Permafrost thawing is causing extensive damage to infrastructure in our nation’s largest state.

Some impacts that occur in one region ripple beyond that region. For example, the dramatic decline of summer sea ice in the Arctic – a loss of ice cover roughly equal to half the area of the continental United States – exacerbates global warming by reducing the reflectivity of Earth’s surface and increasing the amount of heat absorbed. Similarly, smoke from wildfires in one location can contribute to poor air quality in faraway regions, and evidence suggests that particulate matter can affect atmospheric properties and therefore weather patterns. Major storms and the higher storm surges exacerbated by sea level rise that hit the Gulf Coast affect the entire country through their cascading effects on oil and gas production and distribution.

As Oceans Absorb CO2 They Become More Acidic

Water expands as it warms, causing global sea levels to rise; melting of land-based ice also raises sea level by adding water to the oceans. Over the past century, global average sea level has risen by about 8 inches. Since 1992, the rate of global sea level rise measured by satellites has been roughly twice the rate observed over the last century, providing evidence of acceleration. Sea level rise, combined with coastal storms, has increased the risk of erosion, storm surge damage, and flooding for coastal communities, especially along the Gulf Coast, the Atlantic seaboard, and in Alaska. Coastal infrastructure, including roads, rail lines, energy infrastructure, airports, port facilities, and military bases, are increasingly at risk from sea level rise and damaging storm surges. Sea level is projected to rise by another 1 to 4 feet in this century, although the rise in sea level in specific regions is expected to vary from this global average for a number of reasons. A wider range of scenarios, from 8 inches to more than 6 feet by 2100, has been used in risk-based analyses in this report. In general, higher emissions scenarios that lead to more warming would be expected to lead to higher amounts of sea level rise. The stakes are high, as nearly five million Americans and hundreds of billions of dollars of property are located in areas that are less than four feet above the local high-tide level.

In addition to causing changes in climate, increasing levels of carbon dioxide from the burning of fossil fuels and other human activities have a direct effect on the world’s oceans. Carbon dioxide interacts with ocean water to form carbonic acid, increasing the ocean’s acidity. Ocean surface waters have become 30% more acidic over the last 250 years as they have absorbed large amounts of carbon dioxide from the atmosphere. This ocean acidification makes water more corrosive, reducing the capacity of marine organisms with shells or skeletons made of calcium carbonate (such as corals, krill, oysters, clams, and crabs) to survive, grow, and reproduce, which in turn will affect the marine food chain.
Widespread Impacts

Impacts related to climate change are already evident in many regions and sectors and are expected to become increasingly disruptive across the nation throughout this century and beyond. Climate changes interact with other environmental and societal factors in ways that can either moderate or intensify these impacts.

Some climate changes currently have beneficial effects for specific sectors or regions. For example, current benefits of warming include longer growing seasons for agriculture and longer ice-free periods for shipping on the Great Lakes. At the same time, however, longer growing seasons, along with higher temperatures and carbon dioxide levels, can increase pollen production, intensifying and lengthening the allergy season. Longer ice-free periods on the Great Lakes can result in more lake-effect snowfalls.

Observed and projected climate change impacts vary across the regions of the United States. Selected impacts emphasized in the regional chapters are shown below, and many more are explored in detail in this report.

Region Impacts

Sectors affected by climate changes include agriculture, water, human health, energy, transportation, forests, and ecosystems. Climate change poses a major challenge to U.S. agriculture because of the critical dependence of agricultural systems on climate. Climate change has the potential to both positively and negatively affect the location, timing, and productivity of crop, livestock, and fishery systems at local, national, and global scales. The United States produces nearly $330 billion per year in agricultural commodities. This productivity is vulnerable to direct impacts on crops and livestock from changing climate conditions and extreme weather events and indirect impacts through increasing pressures from pests and pathogens. Climate change will also alter the stability of food supplies and create new food security challenges for the United States as the world seeks to feed nine billion people by 2050. While the agriculture sector has proven to be adaptable to a range of stresses, as evidenced by continued growth in production and efficiency across the United States, climate change poses a new set of challenges.

Water quality and quantity are being affected by climate change. Changes in precipitation and runoff, combined with changes in consumption and withdrawal, have reduced surface and groundwater supplies in many areas. These trends are expected to continue, increasing the likelihood of water shortages for many uses. Water quality is also diminishing in many areas, particularly due to sediment and contaminant concentrations after heavy downpours. Sea level rise, storms and storm surges, and changes in surface and groundwater use patterns are expected to compromise the sustainability of coastal freshwater aquifers and wetlands. In most U.S. regions, water resources managers and planners will encounter new risks, vulnerabilities, and opportunities that may not be properly managed with existing practices.

Climate change affects human health in many ways. For example, increasingly frequent and intense heat events lead to more heat-related illnesses and deaths and, over time, worsen drought and wildfire risks, and intensify air pollution. Increasingly frequent extreme precipitation and associated flooding can lead to injuries and increases in waterborne disease. Rising sea surface temperatures have been linked with increasing levels and ranges of diseases. Rising sea levels intensify coastal flooding and storm surge, and thus exacerbate threats to public safety during storms. Certain groups of people are more vulnerable to the range of climate change related health impacts, including the elderly, children, the poor, and the sick. Others are vulnerable because of where they live, including those in floodplains, coastal zones, and some urban areas. Improving and properly supporting the public health infrastructure will be critical to managing the
Potential health impacts of climate change.

Climate change also affects the living world, including people, through changes in ecosystems and biodiversity. Ecosystems provide a rich array of benefits and services to humanity, including habitat for fish and wildlife, drinking water storage and filtration, fertile soils for growing crops, buffering against a range of stressors including climate change impacts, and aesthetic and cultural values. These benefits are not always easy to quantify, but they support jobs, economic growth, health, and human well-being. Climate change-driven disruptions to ecosystems have direct and indirect human impacts, including reduced water supply and quality, the loss of iconic species and landscapes, effects on food chains and the timing and success of species migrations, and the potential for extreme weather and climate events to destroy or degrade the ability of ecosystems to provide societal benefits.

Human modifications of ecosystems and landscapes often increase their vulnerability to damage from extreme weather events, while simultaneously reducing their natural capacity to moderate the impacts of such events. For example, salt marshes, reefs, mangrove forests, and barrier islands defend coastal ecosystems and infrastructure, such as roads and buildings, against storm surges. The loss of these natural buffers due to coastal development, erosion, and sea level rise increases the risk of catastrophic damage during or after extreme weather events. Although floodplain wetlands are greatly reduced from their historical extent, those that remain still absorb floodwaters and reduce the effects of high flows on river-margin lands. Extreme weather events that produce sudden increases in water flow, often carrying debris and pollutants, can decrease the natural capacity of ecosystems to cleanse contaminants.

The climate change impacts being felt in the regions and sectors of the United States are affected by global trends and economic decisions. In an increasingly interconnected world, U.S. vulnerability is linked to impacts in other nations. It is thus difficult to fully evaluate the impacts of climate change on the United States without considering consequences of climate change elsewhere.

Response Options

As the impacts of climate change are becoming more prevalent, Americans face choices. Especially because of past emissions of long-lived heat-trapping gases, some additional climate change and related impacts are now unavoidable. This is due to the long-lived nature of many of these gases, as well as the amount of heat absorbed and retained by the oceans and other responses within the climate system. The amount of future climate change, however, will still largely be determined by choices society makes about emissions. Lower emissions of heat-trapping gases and particles mean less future warming and less-severe impacts; higher emissions mean more warming and more severe impacts. Efforts to limit emissions or increase carbon uptake fall into a category of response options known as “mitigation,” which refers to reducing the amount and speed of future climate change by reducing emissions of heat-trapping gases or removing carbon dioxide from the atmosphere.

The other major category of response options is known as “adaptation,” and refers to actions to prepare for and adjust to new conditions, thereby reducing harm or taking advantage of new opportunities. Mitigation and adaptation actions are linked in multiple ways, including that effective mitigation reduces the need for adaptation in the future. Both are essential parts of a comprehensive climate change response strategy. The threat of irreversible impacts makes the timing of mitigation efforts particularly critical. This report includes chapters on Mitigation, Adaptation, and Decision Support that offer an overview of the options and activities being planned or implemented around the country as local, state, federal, and tribal governments, as well as businesses, organizations, and individuals begin to respond to climate change. These chapters conclude that while response actions are under development, current implementation efforts are insufficient to avoid increasingly negative social, environmental,
and economic consequences.

Large reductions in global emissions of heat-trapping gases, similar to the lower emissions scenario (B1) analyzed in this assessment, would reduce the risks of some of the damaging impacts of climate change. Some targets called for in international climate negotiations to date would require even larger reductions than those outlined in the B1 scenario. Meanwhile, global emissions are still rising and are on a path to be even higher than the high emissions scenario (A2) analyzed in this report. The recent U.S. contribution to annual global emissions is about 18%, but the U.S. contribution to cumulative global emissions over the last century is much higher. Carbon dioxide lasts for a long time in the atmosphere, and it is the cumulative carbon emissions that determine the amount of global climate change. After decades of increases, U.S. CO2 emissions from energy use (which account for 97% of total U.S. emissions) declined by around 9% between 2008 and 2012, largely due to a shift from coal to less CO2-intensive natural gas for electricity production. Governmental actions in city, state, regional, and federal programs to promote energy efficiency have also contributed to reducing U.S. carbon emissions. Many, if not most of these programs are motivated by other policy objectives, but some are directed specifically at greenhouse gas emissions. These U.S. actions and others that might be undertaken in the future are described in the Mitigation chapter of this report. Over the remainder of this century, aggressive and sustained greenhouse gas emission reductions by the United States and by other nations would be needed to reduce global emissions to a level consistent with the lower scenario (B1) analyzed in this assessment.

With regard to adaptation, the pace and magnitude of observed and projected changes emphasize the need to be prepared for a wide variety and intensity of impacts. Because of the growing influence of human activities, the climate of the past is not a good basis for future planning. For example, building codes and landscaping ordinances could be updated to improve energy efficiency, conserve water supplies, protect against insects that spread disease (such as dengue fever), reduce susceptibility to heat stress, and improve protection against extreme events. The fact that climate change impacts are increasing points to the urgent need to develop and refine approaches that enable decision-making and increase flexibility and resilience in the face of ongoing and future impacts. Reducing non-climate-related stresses that contribute to existing vulnerabilities can also be an effective approach to climate change adaptation.

Adaptation can involve considering local, state, regional, national, and international jurisdictional objectives. For example, in managing water supplies to adapt to a changing climate, the implications of international treaties should be considered in the context of managing the Great Lakes, the Columbia River, and the Colorado River to deal with increased drought risk. Both “bottom up” community planning and “top down” national strategies may help regions deal with impacts such as increases in electrical brownouts, heat stress, floods, and wildfires.

Proactively preparing for climate change can reduce impacts while also facilitating a more rapid and efficient response to changes as they happen. Such efforts are beginning at the federal, regional, state, tribal, and local levels, and in the corporate and non-governmental sectors, to build adaptive capacity and resilience to climate change impacts. Using scientific information to prepare for climate changes in advance can provide economic opportunities, and proactively managing the risks can reduce impacts and costs over time.

There are a number of areas where improved scientific information or understanding would enhance the capacity to estimate future climate change impacts. For example, knowledge of the mechanisms controlling the rate of ice loss in Greenland and Antarctica is limited, making it difficult for scientists to narrow the range of expected future sea level rise. Improved understanding of ecological and social responses to climate change is needed, as is understanding of how ecological and social responses will interact.
A sustained climate assessment process could more efficiently collect and synthesize the rapidly evolving science and help supply timely and relevant information to decision-makers. Results from all of these efforts could continue to deepen our understanding of the interactions of human and natural systems in the context of a changing climate, enabling society to effectively respond and prepare for our future.

The cumulative weight of the scientific evidence contained in this report confirms that climate change is affecting the American people now, and that choices we make will affect our future and that of future generations.


Global climate is changing and this change is apparent across a wide range of observations. The global warming of the past 50 years is primarily due to human activities. Global climate is projected to continue to change over this century and beyond. The magnitude of climate change beyond the next few decades depends primarily on the amount of heat-trapping gases emitted globally, and how sensitive the Earth's climate is to those emissions.

Climate Trends: Introduction

"This page presents the Key Messages from the “Our Changing Climate” chapter of the full report."

"Key Message: Observed Climate Change

Global climate is changing and this change is apparent across a wide range of observations. The global warming of the past 50 years is primarily due to human activities.

Global climate is projected to continue to change over this century and beyond. The magnitude of climate change beyond the next few decades depends primarily on the amount of heat-trapping gases emitted globally, and how sensitive the Earth’s climate is to those emissions.

Key Message: Recent U.S. Temperature Trends

U.S. average temperature has increased by 1.3°F to 1.9°F since record keeping began in 1895; most of this increase has occurred since about 1970. The most recent decade was the nation’s warmest on record. Temperatures in the United States are expected to continue to rise. Because human-induced warming is superimposed on a naturally varying climate, the temperature rise has not been, and will not be, uniform or smooth across the country or over time.

Key Message: Lengthening Frost-free Season

The length of the frost-free season (and the corresponding growing season) has been increasing nationally since the 1980s, with the largest increases occurring in the western United States, affecting ecosystems and agriculture. Across the United States, the growing season is projected to continue to lengthen.
Key Message: U.S. Precipitation Change

Average U.S. precipitation has increased since 1900, but some areas have had increases greater than the national average, and some areas have had decreases. More winter and spring precipitation is projected for the northern United States, and less for the Southwest, over this century.

Key Message: Heavy Downpours Increasing

Heavy downpours are increasing nationally, especially over the last three to five decades. Largest increases are in the Midwest and Northeast. Increases in the frequency and intensity of extreme precipitation events are projected for all U.S. regions.

Key Message: Extreme Weather

There have been changes in some types of extreme weather events over the last several decades. Heat waves have become more frequent and intense, especially in the West. Cold waves have become less frequent and intense across the nation. There have been regional trends in floods and droughts. Droughts in the Southwest and heat waves everywhere are projected to become more intense, and cold waves less intense everywhere.

Key Message: Changes in Hurricanes

The intensity, frequency, and duration of North Atlantic hurricanes, as well as the frequency of the strongest (Category 4 and 5) hurricanes, have all increased since the early 1980s. The relative contributions of human and natural causes to these increases are still uncertain. Hurricane-associated storm intensity and rainfall rates are projected to increase as the climate continues to warm.

Key Message: Changes in Storms

Winter storms have increased in frequency and intensity since the 1950s, and their tracks have shifted northward over the United States. Other trends in severe storms, including the intensity and frequency of tornadoes, hail, and damaging thunderstorm winds, are uncertain and are being studied intensively.

Key Message: Sea Level Rise

Global sea level has risen by about 8 inches since reliable record keeping began in 1880. It is projected to rise another 1 to 4 feet by 2100.

Key Message: Melting Ice

Rising temperatures are reducing ice volume and surface extent on land, lakes, and sea. This loss of ice is expected to continue. The Arctic Ocean is expected to become essentially ice free in summer before mid-century.
Key Message: Ocean Acidification

The oceans are currently absorbing about a quarter of the carbon dioxide emitted to the atmosphere annually and are becoming more acidic as a result, leading to concerns about intensifying impacts on marine ecosystems.


The 12 Report Findings distill important results from the National Climate Assessment. Not a full summary of all the chapters’ findings, these findings provide a synthesis of particularly noteworthy conclusions.” Of these only one area is presented here:

Indigenous Peoples

Climate change poses particular threats to Indigenous Peoples’ health, well-being, and ways of life.

Introduction

The peoples, lands, and resources of indigenous communities in the United States, including Alaska and the Pacific Rim, face an array of climate change impacts and vulnerabilities. The consequences of observed and projected climate change have and will undermine indigenous ways of life that have persisted for thousands of years. Native cultures are directly tied to Native places and homelands, and many indigenous peoples regard all people, plants, and animals that share our world as relatives rather than resources. Language, ceremonies, cultures, practices, and food sources evolved in concert with the inhabitants, human and non-human, of specific homelands.

Key Message: Forests, Fires, and Food

Observed and future impacts from climate change threaten Native Peoples’ access to traditional foods such as fish, game, and wild and cultivated crops, which have provided sustenance as well as cultural, economic, medicinal, and community health for generations.

Key Message: Water Quality and Quantity

A significant decrease in water quality and quantity due to a variety of factors, including climate change, is affecting drinking water, food, and cultures. Native communities’ vulnerabilities and limited capacity to adapt to water-related challenges are exacerbated by historical and contemporary government policies and poor socioeconomic conditions.

Key Message: Declining Sea Ice

Declining sea ice in Alaska is causing significant impacts to Native communities, including increasingly risky travel and hunting conditions, damage and loss to settlements, food insecurity, and socioeconomic and health impacts from loss of cultures, traditional knowledge, and homelands.
Key Message: Permafrost Thaw

Alaska Native communities are increasingly exposed to health and livelihood hazards from increasing temperatures and thawing permafrost, which are damaging critical infrastructure, adding to other stressors on traditional lifestyles.

Key Message: Relocation

Climate change related impacts are forcing relocation of tribal and indigenous communities, especially in coastal locations. These relocations, and the lack of governance mechanisms or funding to support them, are causing loss of community and culture, health impacts, and economic decline, further exacerbating tribal impoverishment.

Indigenous Peoples

Climate change impacts on many of the 566 federally recognized tribes and other tribal and indigenous groups are projected to be especially severe, since these impacts are compounded by a number of persistent social and economic problems. Key vulnerabilities include the loss of traditional knowledge in the face of rapidly changing ecological conditions, increased food insecurity due to reduced availability of traditional foods, changing water availability, Arctic sea ice loss, permafrost thaw, and relocation from historic homelands.

We humbly ask permission from all our relatives; our elders, our families, our children, the winged and the insects, the four-legged, the swimmers, and all the plant and animal nations, to speak. Our Mother has cried out to us. She is in pain. We are called to answer her cries. Msit No’Kmaq – All my relations! — Indigenous Prayer

Indigenous communities in various parts of the U.S. have observed climatic changes that result in impacts such as the loss of traditional foods, medicines, and water supplies. The Southwest’s 182 federally recognized tribes and communities in its U.S.-Mexico border region share particularly high vulnerabilities to climate changes such as high temperatures, drought, and severe storms. Changes in long-term average temperature, precipitation, and declining snowpack have altered the physical and hydrologic environment on the Colorado Plateau, making the Navajo Nation more susceptible to drought impacts. Southwest tribes have observed damage to agriculture and livestock, the loss of springs and medicinal and culturally important plants and animals, and impacts on drinking water supplies. In the Northwest, tribal treaty rights are being affected by the reduction of rainfall and snowmelt in the mountains, melting glaciers, rising temperatures, and shifts in ocean currents. Tribal communities in coastal Louisiana are experiencing climate change induced rising sea levels, along with saltwater intrusion, subsidence, and intense erosion and land loss due to oil and gas extraction, levees, dams, and other river management techniques, forcing them to either relocate or try to find ways to save their land. In Hawai‘i, Native peoples have observed a shortening of the rainy season, increasing intensity of storms and flooding, and unpredictable rainfall patterns.

Alaska Natives Face Multiple Climate Impacts

Alaska is home to 40% (229 of 566) of the federally recognized tribes in the United States. The small number of jobs, high cost of living, and rapid social change make rural, predominantly Native, communities highly vulnerable to climate change through impacts on traditional hunting and fishing practices. In Alaska,
water availability, quality, and quantity are threatened by the consequences of permafrost thaw, which has damaged community water infrastructure, as well as by the northward extension of diseases such as those caused by the *Giardia* parasite.

Arctic regional temperatures have risen at twice the global rate over the past few decades. This temperature increase – which is expected to continue with future climate change – is accompanied by significant reductions in sea ice thickness and extent, increased permafrost thaw, more extreme weather and severe storms, and changes in seasonal ice melt/freeze of lakes and rivers, water temperature, sea level, flooding patterns, erosion, and snowfall timing and type,.... These changes increase the number of serious problems for Alaska Native populations, which include: injury from extreme or unpredictable weather and thinning sea ice; changing snow and ice conditions that limit safe hunting, fishing, or herding practices; malnutrition and food insecurity from lack of access to subsistence food; contamination of food and water; increasing economic, mental, and social problems from loss of culture and traditional livelihood; increases in infectious diseases; and loss of buildings and infrastructure from permafrost erosion and thawing, resulting in the relocation of entire communities,.... For more, see Alaska."


Evidence of climate change appears in every region and impacts are visible in every state." To see the summary of impacts on each region go to the regions page of the report on line to find the page for each region.

* * *

A University of Colorado-Boulder report, "Considerations for Climate Change and Variability Adaptation on the Navajo Reservation," found that Navajo Nation is particularly vulnerable to the impacts of climate change, especially to the threat of desertification, with the likelihood of increased heat waves, drought and fire. A major problem is that the land is likely to have a difficult time recovering form severe drought, so that it may be wise to provide incentives to reduce grazing, a major traditional Dine activity and source of livelihood (Andrew Carley, "Report, Climate change could have drastic effects on Navajo," Navajo Times, May 15, 2014).

Kevin Cowtan, whose scientific specialty is in protein crystallography, rather than climate, reported to a meeting of researchers at the Potsdam Institute for Climate Impact Research, in Germany, in April 2014, that a recalculation of climate data he undertook with his graduate student's by adding missing data by adding in temperature readings from stations near those with no reports, found that the two main international climate data sets by a British research collaboration and by NASA underestimated the pace of global warming from 1997 to 2012 by 158% and 49% respectively. While the resulting finding of temperature difference over the short period is small, it shows that the previously reported slowdown in warming is significantly less than it had been reported (Eli Kintisch, “Climate Outsider Finds Missing Global Warming, Science, April 25, 2014).

Anne B. Hallowed and Svein Suindby, "Change Is Coming To Northern Oceans," Science, June 6, 2014, found that global warming is impacting cod and pollock abundance and distribution, with shifts in living and spawning areas for both species, and cod biomass increasing, while the impact on pollock abundance is less clear, amid a complex of impacting factors.

Richard G. Newell, William A. Pizer, and Daniel Raimi, “Carbon Market Lessons and Global Policy Outlook,” Science, March 21, 2014, presents a detailed analysis with findings of a number of important issues related to the best use of carbon markets, which go beyond what can be reported here. A few points in the findings are: A single world wide carbon market is desirable, but does not yet exist, as the same amount of carbon dioxide released into the atmosphere anywhere has the same impact on global warming. Moreover, the existence of carbon markets in only some places in the world provides an economic incentive for carbon
emitters able to do so to move to areas where they do not have to purchase permits to emit CO₂, though to date this has yet to happen on a significant scale. As of the beginning of 2014, despite their shortcomings and limitations, existing carbon markets have reduced the amount of CO₂ being emitted world wide (and in the zones where they operate), but not nearly to the extent that is necessary to prevent disastrous warming of the Earth’s atmosphere. The European Union, which provided too many carbon permits in its program in 2007, reduced the number of permits as of 2008 (and permits issued in and before 2007, could not be used after the end of that year, as they could not be banked – though the report finds that appropriate banking of carbon permits is desirable). As of early 2014, regional and national carbon trading programs existed in the European Union, California, Quebec (with some linking of the California and Quebec programs), the U.S. Northeast Regional Greenhouse Gas Initiative (RGGI), and New Zealand, while the Australian government had announced that it would replace its carbon trading program with a carbon tax, and five regional pilot carbon trading programs had been recently started in China, along with a new pilot program in Kazakhstan, with new trading programs planned in Mexico and South Korea.

Coral Davenport, "Obama to Take Action to Slash Coal Pollution," The New York Times, June 1, http://www.nytimes.com/2014/06/02/us/politics/epa-to-seek-30-percent-cut-in-carbon-emissions.html?ref=todayspaper&_r=0, reported, "The Obama administration on Monday will announce one of the strongest actions ever taken by the United States government to fight climate change, a proposed Environmental Protection Agency regulation to cut carbon pollution from the nation’s power plants 30 percent from 2005 levels by 2030, according to people briefed on the plan who spoke anonymously because they had been asked not to reveal details. The regulation takes aim at the largest source of carbon pollution in the United States, the nation’s more than 600 coal-fired power plants. If it withstands an expected onslaught of legal and legislative attacks, experts say that it could close hundreds of the plants and also lead, over the course of decades, to systemic changes in the American electricity industry, including transformations in how power is generated and used." "Under the rule, states will be given a wide menu of policy options to achieve the pollution cuts. Rather than immediately shutting down coal plants, states would be allowed to reduce emissions by making changes across their electricity systems — by installing new wind and solar generation or energy-efficiency technology, and by starting or joining state and regional “cap and trade” programs, in which states agree to cap carbon pollution and buy and sell permits to pollute. E.P.A. officials have said they hope the flexible approach will allow states to comply with the regulation more easily and cost-effectively, by adopting policies best tailored to regional economies and energy mixes. But industry groups planning to sue to block or delay the rule have said that approach makes the rule more legally vulnerable." "Experts said that the new regulation would set the United States on track to meet its target set forth in a United Nations accord in 2009, when Mr. Obama pledged that the United States would cut its greenhouse gas pollution 17 percent from 2005 levels by 2020, and 83 percent by 2050."

Henry Fountain, "Study Finds Less Green in the Congo Rain Forest," The New York Times, April 23, 2014, http://www.nytimes.com/2014/04/24/science/earth/study-finds-less-green-in-the-congo-rain-forest.html?ref=todayspaper&_r=0, reported, "Years of drier conditions in the Congo River basin in central Africa appear to be affecting trees in the region’s vast rain forests, scientists reported on line Wednesday. Writing in the journal Nature, the researchers said the capacity of the trees to photosynthesize had declined. If this trend continues, they suggested, a long-term result could be changes in the structure and composition of the region’s forests, the largest expanse of rain forest in the world after the Amazon. Those potential changes — which could eventually mean a shift from a classic rain forest with a closed canopy of trees to a more open, savanna-like environment — could affect the region’s biodiversity and its capacity to fix and store carbon dioxide from the atmosphere." This also indicates an increase in global warming from reduced pulling of CO₂ out of the air.

Numerous studies are showing that, at least in areas outside the tropics, on average spring is coming earlier and earlier, in one of the most striking impacts of global warming and the increase of carbon dioxide in the air. In Concord, MA, for example, spring in the 2010s arrives three weeks earlier than it did in 1850. The situation is complex, as it affects different plants, insects, animals and birds differently. For farmers and
The Norwegian government canceled the Mongstad demonstration project for developing methods to capture and store carbon dioxide on a massive scale at the nation’s oil refinery, in September 2013, because the project was 50% over budget. This is a setback in developing the not yet existing technology that new rules from the U.S. Environmental Protection Agency would require new coal-fired plants in the U.S. to install to greatly reduce their greenhouse gas emissions (Leigh Dayton, “U.S. Carbon Plan Relies on Uncertain Capture Technology,” Science, September 27, 2013).

Jacob Chamberlain, "Study: Fracking Emissions Up To 1000x Higher Than EPA Estimates: New report suggests highly potent greenhouse gas far more prevalent in gas production than previously thought," April 15, 2014, http://www.commondreams.org/headline/2014/04/15-4, http://www.commondreams.org/headline/2014/04/15-4, reports, "Natural gas drilling is emitting far higher levels of methane into the atmosphere than federal regulators at the Environmental Protection Agency have said, according to the findings of a new study released Monday. 'We identified a significant regional flux of methane over a large area of shale gas wells in southwestern Pennsylvania in the Marcellus formation and further identified several pads with high methane emissions,' said the report, conducted by a team of scientists led by Purdue University and published in the Proceedings of the National Academy of Sciences. While past EPA studies have said gas well sites emit as little as between 0.04 and 0.30 grams of methane per second, this new study found numbers between 100 to 1,000 times higher than what the EPA has calculated, with levels closer to 34 grams of methane per second at some of the Pennsylvania sites. Methane is up to 30 times stronger than carbon dioxide as a greenhouse gas. Of particular curiosity for the research team was the fact that the highest levels of methane were coming from well sites that were being preliminarily drilled for production, but had not yet gone through the controversial gas production process known as fracking." "Methane plumes might be the result of drilling through coal beds," said the study, "which are known to release large amounts of methane when mined. Fracking sites in the Marcellus Shale formation are commonly located over coal beds."

A report published in the journal Science, February 14, concludes that switching buses and trucks from traditional diesel fuel to natural gas actually causes more global warming induced climate change than it prevents, because while natural gas burns more cleanly, with less pollutants including 30% less greenhouse gases than diesel, the extraction, processing, storage and shipping of natural gas currently involves huge releases of natural gas - methane - which is many times more atmosphere heating than is carbon dioxide. This writer has heard reports that for the same quantity of gas, methane is anywhere from 12 to 100 times more warming then CO₂ (The Times article reporting on the Science article says it is 30 times more warming). As reported previously in these pages, much of the leaking of natural gas from drilling, well heads, storage tanks and pipelines is preventable, and gas companies that are investing in greatly reducing leaks are making money from doing so. But many are in too much of a rush to just drill, that they do not act to prevent leaks, and indeed there are numerous cases of companies extracting more gas than they can ship or store, ending up burning it off, which is a waste as well as contributing to global warming, though less so than if they just released the gas. Indeed air pollution is a serious problem in some rural areas of the U.S. Midwest where almost all of the reduction to air quality come from the extraction of gas and oil. The study, conducted by scientists at Stanford University, the Massachusetts Institute of Technology and the Department of Energy’s National Renewable Energy Laboratory, finds that there is already about 50 percent more methane in the atmosphere than previously estimated by the Environmental Protection Agency, an indication that more methane is leaking from the natural gas production chain than previously estimated. The study does conclude that switching from coal-fired power plants — the nation’s largest source of carbon pollution — to natural gas-fired power plants will still lower planet-warming emissions over all as natural gas emits half the carbon pollution of coal, and even factoring in the increased pollution from methane leaks, natural gas-fired plants lead to less emissions than coal over 100 year period. The report finds that the leaks can be reined in if oil and gas companies invest in technology to prevent methane from escaping into the atmosphere from gas wells.

The Koch brothers and their allies have been proposing a tax on solar energy ("The Koch Attack on Solar Energy," The New York Times, April 27, 2014.

Jacob Chamberlain, "Third Report in Three Days Shows Scale of Fracking Perils," Common Dreams, April 17, 2014, http://www.commondreams.org/headline/2014/04/17-3, reported that three recent reports found dangers from fracking greater than previously indicated. The first set of findings, Jacob Chamberlain, "Study: Fracking Emissions Up To 1000x Higher Than EPA Estimates: New report suggests highly potent greenhouse gas far more prevalent in gas production than previously thought," reported that a study, conducted by a team of scientists led by Purdue University and published in the Proceedings of the National Academy of Sciences stated, "We identified a significant regional flux of methane over a large area of shale gas wells in southwestern Pennsylvania in the Marcellus formation and further identified several pads with high methane emissions." The Purdue team noted that while past EPA studies stated that gas well sites emit as little as between 0.04 and 0.30 grams of methane per second, this new study found numbers between 100 to 1,000 times higher than what the EPA has calculated, with levels closer to 34 grams of methane per second at some of the Pennsylvania sites. Since methane is up to 30 times more atmospheric heat inducing than carbon dioxide, the figures are alarming for global warming, especially if they are relevant to other locations where fracking is in progress. The findings may be limited to the many areas where drilling passes through coal seams, as the highest levels of methane were coming from well sites that were being preliminarily drilled for production, that had not yet undergone fracking. The study stated, "Methane plumes might be the result of drilling through coal beds, which are known to release large amounts of methane when mined. Fracking sites in the Marcellus Shale formation are commonly located over coal beds." Combining this report with others, the Los Angeles Times stated "a growing body of research that suggests the EPA is gravelly underestimating methane emissions from oil and gas operations." The Perdue researchers used a plane equipped with technology to measure greenhouse gas levels in the air above the sites., in contrast to EPA's research, which has been on site when and where the gas and oil drillers provide the agency teams access. The second set of findings, Jacob Chamberlain, "US Fracking Boom Creating Crisis of Illegal Toxic Dumping: Toxic materials from gas drilling industry creating 'legacy of radioactivity'," Common Dreams, April 16, 2014, http://www.commondreams.org/headline/2014/04/16-9, stated that according to a new report in Bloomberg, "Industrial waste from fracking sites is leaving a 'legacy of radioactivity' across the country as the drilling boom churns out more and more toxic byproducts with little to no oversight of the disposal process, critics warn," "'spinning off thousands of tons of low-level radioactive trash,' which has spawned a surge in illegal dumping at hundreds of sites in the U.S. 'We have many more wells, producing at an accelerating rate, and for each of them there’s a higher volume of waste,' Avner Vengosh, a professor of geochemistry at Duke University in Durham, North Carolina, told Bloomberg. Without proper handling, 'we are actually building up a legacy of radioactivity in hundreds of points where people have had leaks or spills around the country.'" "Those radioactive elements often mix with wastewater and a list of undisclosed chemicals used in the process. Past reports have shown that water treatment does little to clean this toxic water. In one recent case, wastewater from a hydraulic fracturing site in Pennsylvania, which is treated and released into local streams, was found to have elevated levels of radioactivity in the public water supply. When radioactive fracking waste is not dumped illegally or buried on site, it is brought with other waste to landfills, but the skyrocketing amounts of fracking waste are pushing those sites to their limits." The third assessment in as many days, focusing on the pollution created by the booming industry, a group of researchers of the Physicians, Scientists and Engineers for Healthy Energy, compiled "the first systematic literature review" of peer-reviewed studies on the effects of fracking on public health and reported, April 16, 2014, that the majority of research points to dangerous risks to public health, with many opportunities for toxic exposure.
The report found that fracking likely produces public health risks from "elevated levels of toxic compounds in the environment" in nearly all stages of the process, with lead author Seth Shonkoff, from the University of California-Berkeley saying, “It’s clear that the closer you are [to a fracking site], the more elevated your risk. We can conclude that this process has not been shown to be safe.” The "near exhaustive review" of fracking research found that environmental pollution is found "in a number of places and through multiple processes in the lifecycle of shale gas development. These sources include the shale gas production and processing activities (i.e., drilling, hydraulic fracturing, hydrocarbon processing and production, wastewater disposal phases of development); the transmission and distribution of the gas to market (i.e., in transmission lines and distribution pipes); and the transportation of water, sand, chemicals, and wastewater before, during, and after hydraulic fracturing." The reported pointed out that shale gas development uses organic and inorganic chemicals known to be health damaging in fracturing fluids (Aminto and Olson 2012; US HOR 2011). These fluids can move through the environment and come into contact with humans in a number of ways, including surface leaks, spills, releases from holding tanks, poor well construction, leaks and accidents during transportation of fluids, flowback and produced water to and from the well pad, and in the form of run-off during blowouts, storms, and flooding events (Rozell and Reaven 2012). Further, the mixing of these compounds under conditions of high pressure, and often, high heat, may synergistically create additional, potentially toxic compounds (Kortenkamp et al. 2007; Teuschler and Hertzberg 1995; Wilkinson 2000). Compounds found in these mixtures may pose risks to the environment and to public health through numerous environmental pathways, including water, air, and soil (Leenheer et al. 1982). [...] At certain concentrations or doses, more than 75% of the chemicals identified are known to negatively impact the skin, eyes, and other sensory organs, the respiratory system, the gastrointestinal system, and the liver; 52% have the potential to negatively affect the nervous system; and 37% of the chemicals are candidate endocrine disrupting chemicals. The study warns that while numerous studies have proven the dangerous and destructive character of fracking, there is still only limited research on the issues, especially on the long-term effects of fracking on public health, including future cancer rates. The authors stress, "Most importantly, there is a need for more epidemiological studies to assess associations between risk factors, such as air and water pollution and health outcomes among populations living in close proximity to shale gas operations."

The Obama administration, in late March 2014, announced plans to reduce emissions of the greenhouse gas methane, which is at least 9% by volume of U.S. greenhouse gas pollution, but is at least 20 times more atmospheric warming than the most emitted greenhouse gas, carbon dioxide. EPA will propose rules requiring capture of methane, which, as it is natural gas, can be sold as a fuel, from landfills and coal mines, while the U.S. Department of Agriculture will do the same for dairy farms, seeking to reduce methane pollution from cattle by 25% by 2020 (Coral Davenport, "White House Unveils Plans To Cut Methane Emissions, The New York Times, March 29, 2014).

Lauren McCauley, "Victory for Millions as High Court Rules Against Cross-State Pollution: The EPA safeguards follow the simple principle that giant utility companies shouldn't be allowed to dump their dirty emissions onto residents of downwind states'," Common Dreams, April 29, 2014, http://www.commondreams.org/headline/2014/04/29-6, reported, "In what is being hailed as a major victory for public health, the U.S. Supreme Court on Tuesday affirmed the Environmental Protection Agency's authority to regulate cross-state air emissions from polluting factories and power plants. In a 6-2 decision, the Court upheld the Cross-State Air Pollution Rule, commonly known as the Transport Rule, which required 28 eastern states to reduce power-plant emissions of sulfur dioxide (SO₂) and nitrogen oxides (NOx), which often form smog and worsens air quality across state lines."

A study of centuries of the shrinking and expanding of the Quelccaya Ice cap in Peru, the largest in the tropics, reported in Geography, February 26, 2014, finds that the primary cause of shrinking and growth of the ice cap is change in temperature, indicating that the rapid shrinking of the glacier over the last decades is a worrisome sign of global warming (Justin Gillis, "Study Links Temperature to a Peruvian Glacier's Growth and Retreat," The New York Times, February 26, 2014).
The European Union, via the European Commission, proposed, January 22, 2014, replacing binding national targets for renewable energy production with targets aimed at an overall reduction of 40% in Europe’s carbon emissions by 2030, following a reduction of 20% by 2020, relative to 1990 levels. The change was made in reaction to the difficult economic situation continuing in Europe. The plan sets a target of increasing renewable energy to 27% of all energy by 2030. Under the proposal, European nations would continue to formulate national plans for individual targets for CO₂ emission cuts, but they would not be required to reach specific objectives for renewable energy production, leaving them flexibility to decide on their own path toward a lower carbon economy. In addition, the Commission also decided against proposing laws concerning environmental damage and safety in the extraction of shale gas by fracking, opting instead for a series of minimum principles that it said it would monitor (Stephen Castle, "European Union Lowers Its Ambitions on Renewable Energy," The New York Times, January 22, 2014, http://www.nytimes.com/2014/01/23/business/international/european-union-lowers-ambitions-on-renewable-energy.html?ref=world).

A number of major businesses have begun to be concerned about global warming, seeing it as a threat to their bottom lines, and disrupting their operations. Coca-Cola, for example, has experienced problems obtaining water for producing Coke in some drought areas, and has come to seek action to reduce global warming. Similarly, Nike has become concerned, as extreme weather has interrupted its supply chain. While many extracting companies continue to oppose action on climate change that would reduce their production of coal and oil, and many businesses remain neutral on the climate issue, an increasing number of large businesses are seeking action to stem global warming. Similarly, a growing number of leading economists have been expressing alarm at climate change and its economic impact, while the World Bank has placed meeting global warming at the top of its list of priorities, saying that the climate change it is causing is the major cause of expanding poverty in the world. In fall 2013, the governments of seven countries, Colombia, Ethiopia, Indonesia, South Korea, Norway, Sweden and Britain, established the Global Commission on the Economy and Climate and jointly began another study on how governments and businesses can address climate risks to better achieve economic growth. (Coral Davenport, "Industry Awakens to Threat of Climate Change," The New York Times, January 23, 2014, http://www.nytimes.com/2014/01/24/science/earth/threat-to-bottom-line-spurs-action-on-climate.html?ref=world).

Global warming induced climate change is continuing to cause human and animal health problems as tropical and sub tropical areas expand. The tiger mosquito which carries viral diseases, including dengue and chikungunya has moved north into Europe as far as the Netherlands, with seven findings of the mosquito around tire factories (the mosquito sometimes hitchs a ride on used tires). While the authorities acted quickly against the tigers in these cases, there is a danger of them becoming established in the Netherlands ("Tiger Mosquito Moves North in Europe," Science, August 23, 2013). In the U.S., Florida has also had problems with Dengue Fever, once thought to have been eradicated, with an outbreak in Martin county (Lizette Alverez, "In Florida, the Front Lines Of a High-Pitch, Bite Size War," The New York Times, September 29, 2013). Frances Robels, "Virus Advances Through East Caribbean," The New York Times, February 8, 2014, http://www.nytimes.com/2014/02/09/world/america/virus-advances-through-east-caribbean.html?src=me, reported, "A painful mosquito-borne virus common in Africa and Asia has advanced quickly throughout the eastern Caribbean in the past two months, raising the prospect that a once-distant illness will become entrenched throughout the region. public health experts say. Chikungunya fever, a viral disease similar to dengue, was first spotted in December on the French side of St. Martin and has now spread to seven other countries, the authorities said. About 3,700 people are confirmed or suspected of having contracted it. It was the first time the malady was locally acquired in the Western Hemisphere. Experts say conditions are ripe for the illness to spread to Central and South America, but they say it is unlikely to affect the United States," at least in the relatively immediate future. An acetated warming would likely bring that about in time. The warming of many waters has been found to be promoting the growth, and increasing the range of some aquatic microbes that can threaten human health as well as marine life. Pathogenic Viibrio species and cyanobacteria have increased and moved further with warming, disrupting local eco systems and putting humans and other species at risk (Shannon Welman, "By Boosting Particular Microbes, Climate Change
A new method for killing insects and pathogens is being developed by biotech companies through genetic engineering, which may prove useful, but may also have extremely damaging unintended other effects (Andrew Pollack, "Genetic Weapon Against Insects Raises Hopes an Fear in Farming," The New York Times, January 28, 2013).

The East Cost of the United States, containing large concentrations of population and a significant portion of U.S. economic activity, is especially threatened as oceans rise, as from Southern Maine to northern Florida the coastal land is sinking, with the fastest sinking in Chesapeake Bay where several islands, once populated, have already disappeared. The sinking is a continuation of the effects of the retreat of the huge glaciers of the last ice age, whose weight sank the land under them, and pushed up the land further south, which is continuing to sink, and the land to the north rise, millennia after the glacier's retreat. Meanwhile, the oceans are rising increasingly with warming increasing. From 1880 - 2009, the rise was just over eight inches. Recently it has been about a foot a century, but at currently projected rates of escalating warming, a rise of a catastrophic three feet is anticipated, but which could become five feet or more if warming continues to escalate, as it might under some more extreme scenarios (Justin Gillis, "The flood Next Time," The New York Times, January 14, 2014).

In the aftermath of Hurricane Sandy, the U.S. Department of Urban Development has set up a taskforce to look beyond rebuilding after disastrous storms and too find ways of living safely in a world of rising oceans. The Dutch have done so successfully for centuries, and with Dutch water planner Henk Ovink on the U.S. task force, may offer a model that the U.S. may apply. The Dutch apply local regional boards, whose boundaries are defined by the geography of water issues, dating back to the Middle Ages, that plan area infrastructure development and maintenance, where in the U.S. each municipality has jurisdiction over its local infrastructure, making regional cooperation difficult. The other feature is making places for water to go when it is too high to keep out, so that it does not flood vital areas. This has involved both digging ditches for excess water to flow in, or, as in Rotterdam, digging craters, normally used for playing basketball, that can catch excess water until it can be pumped out, while placing some buildings on barges that will float above flooding. The key thought is that just trying to keep water out is not enough. Places have to be found for excess water to go at flood times (Russell Shorto, "Water Works," The New York Times Magazine, April 13, 2014).

Elisabeth Malkin, "Lawlessness Is Undoing Effort to Save Honduran Forests," The New York Times, February 12, 2014, http://www.nytimes.com/2014/02/13/world/americas/lawlessness-undoing-effort-to-save-honduran-forests.html?ref=world, reported, that in remote parts of Honduras, lack of law enforcement is undoing officially supported efforts to protect rain forest, and leaving cooperatives unprotected that attempt to carry out management of the forest scientifically.

Heather Youngs and Chris Sommerville, "Best Practices for Biofuel," Science, June 6, 2014, presented an analysis arguing that data based standards should guide decisions about bio-fuel production. The authors point out that growing plants for fuel reduces competing agricultural production of food, noting that an ongoing switch to using crop residues avoids that problem, but for best results must be undertaken carefully taking into account the amounts of crop residues needed to be left in fields to protect against erosion and to provide nutrients for the soil.

International Institute for Indigenous Resource Management, Indigenous Peoples Climate Change Working Group, and Haskell Environmental Research Studies Center put on a Workshop on the Intersection of Climate Change and the National Environmental Policy Act (NEPA) in Indian Country designed for tribal council members, attorneys, planners, natural and cultural resource specialists and environmental protection professionals and Federal Agency Personnel and contractors working in Indian Country, June 24-25, 2014, at Haskell Indian Nations University in Lawrence, KS. For information go to www.iiirm.org.
Michael Wines, “Groups Pool Funds to Protect More of Amazon Rain Forest,” *The New York Times*, May 21, 2014, [http://www.nytimes.com/2014/05/22/world/americas/groups-pool-funds-to-protect-more-of-amazon-rain-forest.html?ref=todayspaper](http://www.nytimes.com/2014/05/22/world/americas/groups-pool-funds-to-protect-more-of-amazon-rain-forest.html?ref=todayspaper), reported, “Brazil and a host of governmental and private partners agreed to create a $215 million fund to expand protected areas of the Amazon rain forest by more than 34,000 square miles and to help pay for its management for the next 25 years, the partners announced Wednesday. The accord continued a 12-year-old program that has already designated 15 percent of the rain forest — 200,000 square miles, or an area four times the size of New York State — as conservation acreage. The agreement would protect additional land in an area about the size of Indiana. The money, provided by the World Wildlife Fund, the German government, the Inter-American Development Bank, philanthropies and others, is intended to help finance conservation efforts until Brazil’s government shoulders the entire cost by about 2040. Brazil created the conservation effort, called the Amazon Region Protected Areas Program, in 2002.”

Thomas Erdbrink, "Its Great Lake Shriveled, Iran Confronts Crisis of Water Supply," *The New York Times*, January 30, 2014, [http://www.nytimes.com/2014/01/31/world/middleeast/its-great-lake-shriveled-iran-confronts-crisis-of-water-supply.html?ref=world&_r=0](http://www.nytimes.com/2014/01/31/world/middleeast/its-great-lake-shriveled-iran-confronts-crisis-of-water-supply.html?ref=world&_r=0), reported that Lake Urmia, once Iran’s largest lake, 90 miles long and 35 miles wide, with cruise ships traveling on it, has dried up, losing 95% of its water as a result of climate change, wasteful irrigation practices and the depletion of groundwater supplies, along with the building of a series of dams diverting significant amounts of water that once went to the lake. The drought and misuse of water extend well beyond the lake. Wells for example, have gone dry and have been dug deeper. Salt may now make agricultural lands near the lake untillable. In addition, "major rivers near Isfahan, in central Iran, and Ahvaz, near the Persian Gulf, have gone dry, as has Hamoun Lake, in the Afghanistan border region. Dust from the dry riverbeds has added to already dangerously high air pollution levels in Iran, home to four of the 10 most polluted cities in the world, the United Nations says". "Iran is facing a water shortage potentially so serious that officials are making contingency plans for rationing in the greater Tehran area, home to 22 million, and other major cities around the country. President Hassan Rouhani has identified water as a national security issue.” Meanwhile, with the drying, a strong storm smothered Tehran in dust, and tore down trees, killing five people, in early June ("Iran: Dust Storm Smothers the Capital," *The New York Times*, June 5, 2014).

The Tonle Sap, Cambodia's largest lake, that has been supplying some 300,000 tons of fish for people to eat every year, is in trouble from over fishing, cutting of mangrove forests, hydroelectric dam construction up stream, and longer hotter dry seasons associated with climate change. Scientists are digitally tracking the connection between human activity and the lake's eco system (Chris Berdik, "Of Fish, Monsoons and the Future," *The New York Times*, June 10, 2014).

"APNewsBreak: NC Dumps Coal Ash Deal With Duke," *The New York Times*, February 10, 2014, [http://www.nytimes.com/aponline/2014/02/10/us/ap-us-coal-ash-spill-north-carolina.html?ref=us](http://www.nytimes.com/aponline/2014/02/10/us/ap-us-coal-ash-spill-north-carolina.html?ref=us), reported, North Carolina's environmental agency sought late Monday to delay its own settlement with Duke Energy a week after a busted pipe at one of the company's coal ash dumps spewed enough toxic sludge into the Dan River to fill 73 Olympic-sized pools. Lawyers for the state Department of Environment and Natural Resources asked a judge to disregard their proposed settlement with the nation's largest electricity provider. Under the deal, Duke would have paid fines of $99,111 over groundwater pollution leaking from two coal dumps like the one that ruptured Feb. 2. The state's letter came one day after a story by The Associated Press in which environmentalists criticized the arrangement as a sweetheart deal aimed at shielding Duke from far more expensive penalties the $50 billion company might face under the federal Clean Water Act. The settlement would have required Duke to study how to stop the contamination, but included no requirement for the company to actually clean up its dumps near Asheville and Charlotte." In May and June 2014, Duke Energy signed agreements with the Environmental Protection Agency and the Virginia Department of Environment and Natural Resources to take responsibility for all reasonable costs related to the cleanup ("Duke Energy Agrees to Find River Cleanup," *The New York Times*, June 10, 2014).
The coming of winter, the turn to the New Year, in North America, brought the third straight year of a new pattern of Arctic air pouring down in large storms and cold fronts (as warmer air, more than used to occur, goes to the arctic), so that in early January a series of huge snow storms followed by unusual cold swept across the Midwest into the East from Northern New England to Delaware, interrupting thousands of flights, impeding ground transportation, bringing accidents, some deadly, knocking out power - in some places in Maine not fully restored from the previous storm (James Barron, "Storm Slams East Coast, Leaving a Trail of Havoc," The New York Times, January 3, 2014, http://www.nytimes.com/2014/01/04/nyregion/ashowstorm-brings-school-closings-and-delays.html?ref=todayspaper&_r=0). The flow of arctic air bringing in cold and much snow continued along the East Coast, as of January 21, snow driven by wind interrupted roads and air transportation from the mid-Atlantic across New England (Marc Santora, "City Defends Response After Snowstorm Causes Gridlock Woes," The New York Times, January 22, 2014, http://www.nytimes.com/2014/01/23/nyregion/east-coast-storm-brings-snow-and-disruptions-to-the-new-york-region.html?ref=nyregion; and "Annie Correal and Andy Newman, "New York Today: A Foot of Snow, a Tough Commute," The New York Times, January 22, 2014, http://cityroom.blogs.nytimes.com/2014/01/22/new-york-today-a-foot-of-snow-a-tough-commute/?ref=nyregion). Yet another round of arctic air flowing unusually far south caused havoc on U.S. East coast toward the end of January, Kim Svereson and Alan Blinderjan, "Ice Storm Ambushes South, Stranding Thousands," The New York Times, January 29, 2014, http://www.nytimes.com/2014/01/30/us/ice-storm-southern-united-states.html?hp&_r=0, reported, "Thousands of commuters were trapped in cars overnight on highways in the greater Atlanta area, hundreds of students remained inside dozens of schools Wednesday morning and at least 50 children spent the night on school buses because of an ice storm that is still gripping the deepest parts of the South." Only two to three inches of snow fell, but combined with the ice, a region unused to cold weather precipitation was paralyzed. A report from a contact in Seymour, Indiana, indicates that in that region south of Indianapolis, more used to cold winter, the winter continues to be difficult there also, with quantities of snow accompanied by wind and cold keeping children out of school more days than they were there in each of the last three weeks in January. Yet another in the series of major storms was on its way in early February. Kim Severson, "New Storm Has South Bracing for the Worst," The New York Times, February 10, 2014, http://www.nytimes.com/2014/02/11/us/new-storm-has-south-bracing-for-worst.html?ref=us, reported, "This time no one is taking any chances. After being widely mocked for their slow response in a region that was paralyzed by two inches of snow and ice in late January, officials in Georgia are trying to take the opposite approach with a new storm that is predicted to be more severe. Meteorologists say it is likely to paralyze Atlanta again and bring up to eight inches of snow to mountainous regions to the north and as much as an inch of ice to heavily populated parts of Georgia and South Carolina. The height of the storm is not expected until early Wednesday. But much of the region is already shutting down as politicians and public works crews vow there will not be a repeat of a Jan. 28 storm, popularly called Snow Jam 2." The rounds of extreme winter storms across the Mid-west and East Coast into early March, and were quite costly in lost business, significantly higher heating bills, medical and lost wages for many with injuries, while many had weather related car repairs and towing bills, as well as other related costs (Winnie Hu and Nate Schwaber, “Costs Have Piled Up Along With the Snow of a Difficult Winter,” The New York Times, March 7, 2014, http://www.nytimes.com/2014/03/08/nyregion/costs-have-piled-up-along-with-the-snow-of-a-difficult-winter.html?ref=todayspaper). Winter storms, dumping snow and bringing unusual cold continued into April in the U.S. Midwest and Northeast. The extreme cold this winter in the Midwest was bringing the ice covering of the Great Lakes to 90.5%, in early March and approaching a record as the icing over was continuing (Doyle Rice, "Great Lakes nearing ice cover record," USA Today, March 5, 2014).

The "unusually harsh 2013-14 winter," by previous standards (now changed with the climate), combined with a propane shortage - itself exacerbated by the long extreme cold - created serious problems in the center of the U.S., especially for Indian nations. "Standing Rock Sioux Woman Dies During Propane Shortage in Sub-Zero Temperatures," ICTMN, February 6, 2014, http://indiancountrytodaymedianetwork.com/2014/02/06/standing-rock-sioux-woman-dies-during-propane-shortage-sub-zero-temperatures-153450, reported, "Standing Rock Sioux member died from hypothermia, authorities believe, due to lack of heat during a propane shortage that recently prompted the tribe to
declare a state of emergency. Nearly 90 percent of the Standing Rock Sioux Reservation’s residents use propane to heat their homes." "Lack of propane and frigid temperatures have significantly impacted the Midwest, and the problem is exacerbated on the Standing Rock Reservation plagued by poverty and housing issues. Many tribal members can’t afford propane, which has nearly doubled in price per gallon." "The Standing Rock Sioux Tribe has opened shelters in Wapkala, South Dakota and Fort Yates, North Dakota, for those without heat. The American Red Cross is supplying hot meals to the shelters and providing cots and blankets."


Spring continued, in Mid-May, to bring more of the storms that pounded the U.S. Midwest and East in winter and early Spring, as a storm over the weekend of May 11 brought up to three feet of snow in the Rocky Mountains as far south as Colorado – shutting down I80 in Wyoming for 24 hours, and bringing unusual snow for such a late date to Denver – while a new round of tornadoes and sometimes damaging thunderstorms swept across Nebraska ("Storm delivers deep snow, twisters," San Francisco Chronicle, May 13, 2014). Over the final weekend of May, parched New Mexico received heavy rains - in some places at record rates - bringing some flooding. ("Colorado: Three Men Disappear After Mudslide," The New York Times, May 27, 2014, http://www.nytimes.com/2014/05/27/us/colorado-three-men-disappear-after-mudslide.html?ref=todayspaper). As storms continued to hit the Midwest late May to late June, they brought flooding along a number of northern Midwest rivers, with "significant flooding along the Mississippi River from Minnesota to Illinois," with the river expected to crest seven feet above flood level in Saint Paul, MN on June 27 ("Weather Report," The New York Times, June 27, 2014).

As the long Texas drought continued, in mid-May 2014, on May 12, at least 131 homes and other structures were destroyed by a wild fire in the Texas Panhandle, as 2100 residents were evacuated until the blaze, which scorched two square miles northeast of Amarillo, was contained ("Drought-fed fire destroys many homes," San Francisco Chronicle, May 13, 2014). Fire season was in full force in Southern California, in mid-May, with nine fires burning around San Diego, causing thousands of people to evacuate ("Fires cause thousands of evacuations", San Francisco Chronicle, May 15, 2014). The Southwest began a long hot fire season, as the 21,000 acre Slide Fire in tourist country between Sedona and Flagstaff, AZ began May 20, and was 90% controlled, June 2, greatly reduced sales of Navajo and other Indian art, particularly along highway 89A (Kristin Butler, "Burned Out: Huge AZ Wildfire Slows Navajo Jewelry, Pottery Sales in Sedona, ICTMN, June 2, 2014, http://indiancountrytodaymedianetwork.com/gallery/photo/burned-out-huge-az-wildfire-slows-navajo-jewelry-pottery-sales-sedona-155114).

The increasing drought in Arizona and New Mexico is causing difficulties on the Navajo reservation, including water shortages for people and animals, and a loss of topsoil from wind and rain, as the sun hardened ground does not absorb rainwater, allowing it to run off with some of the topsoil. In very late January 2014, snowfall for the year was only 35% of average (Andrew Curley, "As Drought persists, Navajo must secure its water future," Navajo Times, February 27, 2014).

Alaska, in earlier times, rarely had major forest fires in the spring. But climate change is more severe there, and across the Arctic, than elsewhere, and this spring has been unusually dry. "Alaska: Rain May Help Quell Huge Fire," The New York Times, May 27, 2014, http://www.nytimes.com/2014/05/27/us/alaska-rain-may-help-quell-
hike-fire.html?ref=todayspaper, reported that as of May 27, officials were hoping that rain forecast for the coming week would help fire fighters contain the Funny River Fire in the Kenai Peninsula that had already consumed 248 square miles, was 30% contained. Dozens of people had had to flee homes in the sparsely populated area to shelters. No injuries or damage to structures had been reported.

Michael Wines, "Colorado River Drought Forces a Painful Reckoning for States," *The New York Times*, January 5, 2014, http://www.nytimes.com/2014/01/06/us/colorado-river-drought-forces-a-painful-reckoning-for-states.html?ref=todayspaper, reported, "The sinuous Colorado River and its slew of man-made reservoirs from the Rockies to southern Arizona are being sapped by 14 years of drought nearly unrivaled in 1,250 years. The once broad and blue river has in many places dwindled to a murky brown trickle. Reservoirs have shrunk to less than half their capacities, the canyon walls around them ringed with white mineral deposits where water once lapped. Seeking to stretch their allotments of the river, regional water agencies are recycling sewage effluent, offering rebates to tear up grass lawns and subsidizing less thirsty appliances from dishwashers to shower heads. But many experts believe the current drought is only the harbinger of a new, drier era in which the Colorado’s flow will be substantially and permanently diminished." Continued drought will create serious problems for some of the most productive agriculture in the U.S., providing 15% of U.S. farm out put, and for people generally, even while the population is continuing to grow. If current trends continue, Arizona's two largest cities, Phoenix and Tucson, might face significant cutbacks in water by 2019 (Michael Wines, "Arizona Cities Could Face Cutbacks in Water From Colorado River, Officials Say," *The New York Times*, June 18, 2014).

The drought in the U.S. west has been especially severe in California, continuing into January 2014, and including a major out of season, rapidly expanding in the ultra dry conditions, wildfire near Los Angeles. Lakes have dried up and farmers, among others, have been hard hit, as many ranchers have reduced herds, and water rationing is in place in many communities, and there was no ski season yet, with out the snow pack also needed to supply water later in the year. "Signs of drought are everywhere, affecting vast sectors of the economy. A sense of dread is building among farmers, many whom have already let fields go fallow. Without more water, an estimated 200,000 acres of prime agriculture land will go unplanted in Fresno County, according to Westlands Water District officials. Cattle ranchers accustomed to letting cows graze on rain-fed grass have had to rely on bought hay or reduce their herds." (Norimitsu Onishi and Malia Wollanjan, "Severe Drought Grows Worse In California," *The New York Times*, January 17, 2014, http://www.nytimes.com/2014/01/18/us/as-californias-drought-deepens-a-sense-of-dread-grows.html?ref=us). Some heavy rains in California, causing some flooding and threats of mud slides, have made a start at easing the long draught. But unless much more precipitation follows, the situation remains serious. The town of Lake of the Woods, for example, had three of its five wells dry up by early March, and unless there is significant rain fall, the other two are expected to dry up by summer. As a result of the drought, the State of California stopped supplying water to various governmental entities in the state. However, by April 18, there had been enough rain and snow for the state to provide 5% of the water requested. The federal Bureau of Reclamation said, April 18, it would supply 75 percent of the water requested by water agencies in California. (Adam Nagouney, “In Parched California, Town Taps Run Nearly Dry,” *The New York Times*, March 7, 2014, http://www.nytimes.com/2014/03/08/us/a-dry-california-town-struggles-to-save-its-water-supply.html?ref=todayspaper; and "California: A Little More Water Will Flow," The New York Times, April 18, 2014, http://www.nytimes.com/2014/04/19/us/california-a-little-more-water-will-flow.html?ref=todayspaper).

The long and extreme drought in California has directly impacted its Indian nations. For example, the Hoopa Valley Tribe declared a drought emergency, in February 2014, in what tribal elders considered the worst drought in perhaps half a millennium. With The Trinity River, which flows through the heart of Hoopa territory, lower than any time during in the past 50 years of recordkeeping, and Trinity Lake only half full as well, authorities were concerned that temperature increases, that could promote bacteria growth, hurting migrating fish and posing problems for both drinking and recreational use. The Hoopa were formulating a drought mitigation plan for water use over the next three to five years, including such measures as storing water from the mountains that is currently not being tapped, strengthening fire prevention

Jacob Chamberlain, "Wildfires in the Face of Climate Change: Increasing and Intensifying: Past three decades have seen steady increase in fires, drought in Western US due to climate change," Common Dreams, April 18, 2014, http://www.commondreams.org/headline/2014/04/18-3, reported, "Over the past 30 years wildfires have consistently become larger and more frequent in the Western U.S.—increasing by a rate of seven fires each year, a problem that shows no sign of stopping any time soon, according to research conducted by the University of Utah. Using satellite images, the researchers found the total breadth of these fires has grown by a rate of nearly 90,000 acres per year—roughly equivalent to the size of Nevada. This increasing problem is most likely tied to rising temperatures and extreme drought related to climate change, according to the report, which will be published in Geophysical Research Letters by the American Geophysical Union."

While the continental U.S. middle and east were unusually cold with ice and snow this winter and start of spring, the world as a whole continued to warm, as seen in another warmer winter in the arctic, where there was virtually no snow for the Iditarod sled race in Alaska, while the Winter Olympics in Sochi, Russia, experienced unusually warm weather, and insufficient snow, with only snow making machines at night saving the day for some events (Mat Furber, "A Race Defined by Snow Finds Itself with Little," The New York Times, April 2, 2014; and John Branch and Sam Dolnick, "Slush and Short Sleeves," The New York Times, February 17, 2014.).


Unusually heavy rains brought a huge landslide in Afghanistan, at the beginning of May 2014, **that killed more than 2000 people** (Azam Ahmed, "More Than 2,000 Feared Dead in Landslides," The New York Times, May 4, 2014). "Surveying Flood Damage in Afghanistan," The New York Times, June 9, 2014, reported that **more than 80 people were killed, and thousands left homeless, June 6, 2014, in devastating flash floods in Afghanistan’s mountainous and remote north."

56

In the first report we have seen on the Fukushima nuclear plant since Japan passed new secrecy legislation, highly radioactive water was found inside the one of the destroyed reactor buildings indicating that containment was breached and that the accident was worse than previously thought ("Japan: Leak Spotted at Crippled Reactor," The New York Times, January 21, 2014). While current reports are few, Fukushima continues to experience major problems, radioactive leaks, and threats of more serious events.

Financed by 31 nations at a cost of $1.5 billion, a huge steel arched structure is being built over the Chernobyl nuclear reactor's concrete tomb to insure that if the tomb collapses, further radiation from the worst nuclear accident, 28 years earlier, will not leak out. On completion, clean up of the surrounding area will begin (Henry Fountain, "Chernobyl: Capping a Catastrophe," The New York Times, April 27, 2014, http://www.nytimes.com/interactive/2014/04/27/science/chernobyl-capping-a-catastrophe.html).

"Court Denies Offshore Oil Lease Sale in America's Arctic," Earth Justice, January 24, 2014, http://action.earthjustice.org/site/R?i=VdyVPc7eqBS5gNEbpK5JA, reported, that the Court of Appeals for the Ninth Circuit ruled, January 22, 2014, that the Department of the Interior violated the law when it sold offshore oil and gas leases in the Chukchi Sea off the coast of Alaska. The decision stems from a lawsuit filed by a coalition of Alaska Native and conservation groups represented by Earthjustice. "The Obama administration now has the chance to do right by the Arctic and the planet by keeping oil drilling out of the Chukchi Sea. It makes no sense to open up the fragile, irreplaceable, and already melting Arctic Ocean to risky drilling for dirty oil that will only exacerbate climate change already wreaking havoc on the Arctic and elsewhere," said Erik Grafe, an attorney at Earthjustice, which represents the groups. In response to the decision, the organizations issued the following joint statement: "Today's ruling is a victory for the Arctic Ocean. The government has no business offering oil companies leases in the Chukchi Sea. The area is home to iconic species such as polar bear, bowhead whales, and walrus and to a vibrant indigenous subsistence culture. Drilling for oil puts at risk the region's wildlife and people, and it takes us off the path toward a clean energy future. "For the second time, a court has found that the government ignored basic legal protections for our ocean resources in deciding to open the Chukchi Sea to offshore oil leasing. The Obama administration must now take seriously its obligation to re-think whether to allow risky industrial activities in the Chukchi Sea. As Shell's problems have clearly demonstrated, companies are not ready to drill in the Arctic Ocean."


President Obama, April 18, 2014, postponed making a decision on whether or not to approve the Keystone XL Pipeline, likely until well after the 2014 Congressional elections, on the grounds that building it along its proposed route is blocked in Nebraska by land owners unwilling to allow a right of way, and until that either changes, or a new route is proposed, it is premature to consider the issue ("Obama Decision on Keystone XL Delayed Again," Common Dreams, April 18, 2014, http://www.commondreams.org/headline/2014/04/18-7).

A Canadian government environmental and economic review panel, in late December, approved plans for the Northern Gateway Pipeline and port development to carry tar sands oil from Alberta to the pacific coast, that BC First Nations and the BC government have opposed (Ian Austen, "Canadian Review Panel
In North Dakota, where natural gas extraction via fracking is taking place faster than the extractors can store or ship it, large amounts of natural gas have been burned off, increasing global warming and some other pollution. A process of liquefying natural gas and shipping it by truck, may help, but as the end of 2013, the waste of neural gas appears will be a continuing problem, and in many instances is legal under North Dakota law. [It would seem proper to make most such burn off illegal, and to provide the person power necessary to enforce it, which in the long term would be economically beneficial to extracting companies] (Clifford Kraus, "Savaging Wasted Gas," The New York Times, December 18, 2013).

With the Wyoming Gas boom over, land owners concerned that thousands of abandoned wells may contaminate ground water, are asking the state to plug them, and Governor Mead proposed allocating $3 million for that purpose (Dan Frosch, "State May Act to Plug Abandoned Wyoming Wells as Natural Gas Boom Ends," The New York Times, December 26, 2013).

After half a century of pumping natural gas from the Goningen Gas Field in northeastern Netherlands, the land has been subsiding with increasingly frequent earth quakes, 120 in 2013 and 40 in the first five months of 2014, damaging buildings and the dikes that hold back the North Sea (Stanley Reed, "A Gas Catch, Now Under Shaky Ground," The New York Times, June 5, 2014).

China, in its quest for more energy, has begun a major effort to frack oil and gas, potentially adding further to its tremendous pollution problems (Keith Bradsher, "China Takes on Bit Risks In Its Push for Shale Gas," The New York Times, April 12, 2014).

With insufficient pipelines available, crude oil producers have begun shipping increasing amounts of oil by rail, including especially polluting tar sand oil. This has led to an increasing number of large scale derailments and damaging oil spills, the most spectacular of which occurred in July 2013 in Quebec, killing 47 people as it destroyed a town.

Canadian and U.S. officials have taken several actions, over time, in reaction. First the U.S. National Transportation Safety Board and the Canadian Transportation Board jointly issued rail crude oil shipping recommendations to have such shipments avoid populated areas, in late January 2014 (Jad Mouawad, "U.S. and Canada Urge New Safety Rules for Crude Oil Rail Shipments, The New York Times, January 24, 2014). In February, the U.S. Department of Transportation arranged with railroads for eight voluntary safety measures, and later to a tightening of shipping regulations. The voluntary measures include trains carrying oil traveling at lower speeds, limiting the number of oil carrying cars in some cities, increasing track inspection, adding additional breaking mechanisms on freight trains, and improving training of emergency medical workers. The new shipping regulations require shippers to test and classify oil before shipping. In April, following further Canadian actions, the U.S. Department of Transportation was developing standards for tank cars (Jad Mouawad, "To Make Shipping Safer, Railroads Agree to 8 Measure," The New York Times, February 22, 2014; and Jad Mouawad, "U.S. Orders Tests on Oil Shipments," The New York Times, February 26, 2014; and Jad Mouawad, "Trailing Canada, U.S. Starts a Push for Safer Oil shipping," The New York Times, April 25, 2014). On the most recent oil train wreck: Andrea Germanos, "Black Smoke, Flames Spew From Train Derailment: Fiery derailment in Virginia latest crude by rail disaster to strike," Common Dreams, April 30, 2014, http://www.commondreams.org/headline/2014/04/30-5, reported, "A train carrying crude oil derailed in
Lynchburg, Virginia Wednesday afternoon, city officials said, the latest in a series of fiery accidents involving the transportation of the dirty fuel by rail. The City of Lynchburg reported 'extensive flames and smoke' at the downtown scene involving as many as 14 CSX tanker cars."

An EPA science report found and proposed that short lived bodies of water, such as intermittent streams and ponds, require as much protection under the Clean Water Act as permanent water bodies ("EPA Science Report Signals Start of Wetlands Battle," Science, January 3, 2014).

The growing long term water problems in the Middle East were pointed out in the course of his commentary, in Thomas L. Friedman, "The Real War of Ideas," The New York Times, June 10, 2014, http://www.nytimes.com/2014/06/11/opinion/friedman-the-real-war-of-ideas.html?ref=todayspaper, "The real problem, though, said [Azzam] Alwash, is water, which is becoming so prized that it now costs about twice as much per liter as the leaded gasoline Iraqis use in their cars. "The primary headwaters of the Tigris and Euphrates Rivers are, indeed, in the largely Kurdish-populated mountains of eastern Turkey and Iraq. However, more droughts, diesel pumping, water needs for farms and a growing population in Turkey, plus rising demands for water by the oil industry in Iraq, have all combined to slow the flow of both great rivers across Syria and Iraq. Turkey has built some 20 large dams and hundreds of small and medium dams to control the flow of the rivers for electricity and irrigation. Turkey also isn’t keen on sharing water with anti-Turkish Kurdish militants in Iraq and Syria, and Turkey now has hostile relations with Syria’s regime. The net result is that 'agriculture is dying in the land where it was born,' Alwash said of the Iraqi river basin." "The environmentalists think of this region without borders because only by managing it as an integrated river system and water basin — from Turkey, through Syria and Kurdistan and down to the marshes of southern Iraq — can you sustainably manage its resources for the good of all. The extremists want to erase the borders because only by linking up with their compatriots in Lebanon, Syria, Iraq, Kurdistan and Turkey can each sect or ethnic group hope to escape being ruled by the other. The environmentalists start with the “commons” and try to get everyone to think about what they share. The extremists start with “exclusion” and try get everyone to think about whom they fear. The Eastern Mediterranean will have a future only if the “ism” it opts for is environmentalism — not pan-Shiism, Sunnism, Turkism, Kurdism or Islamism."

Mary Annette Pember, "Gogebic Taconite and the Penokee Hills: The Battle Rages On," ICTMN, January 28, 2014, http://indiancountrytodaymedianetwork.com/2014/01/28/gogebic-taconite-and-penokee-hills-battle-rages-153235, reported, "The battle over building a huge open pit iron ore mine in the Penokee Hills in Northern Wisconsin is heating up on a number of fronts. Florida based Gogebic Taconite, GTAC, is locked in a battle with tribes and other opponents to build the mine that would be located next to the Bad River Ojibwe reservation. Reservation residents and others maintain that pollution from the mine would have a devastating environmental impact on the huge Bad River watershed that runs through the region and drains into Lake Superior and traditional wild rice sloughs. GTAC is engaged in a fiery public dispute with the Wisconsin Department of Natural Resources (WDNR) over how much authority the agency can wield in the permitting process. GTAC lobbyists helped draft new state mining legislation that passed in early 2013 allowing greater leeway in environmental restrictions and making iron ore mining easier."

Andrea Germanos, "Experts Warn: US 'on Course to Repeat' BP Gulf Disaster," Common Dreams, April 18, 2914, http://www.commondreams.org/headline/2014/04/18-4, reported, "The U.S. is "on a course to repeat our mistakes’ and face another oil disaster like BP’s Macondo well blowout in the Gulf of Mexico, said former offshore drilling regulator Elizabeth Birnbaum and Jacqueline Savitz, vice president for U.S. Oceans at conservation organization Oceana, in op-ed published in the New York Times days ahead of the fourth anniversary of the epic oil catastrophe. "Birnbaum and Savitz write that the Obama administration has yet to act on recommendations which could make offshore drilling safer." "We would never have imagined so little action would be taken to prevent something like this from happening again. But, four years later, the Obama administration still has not taken key steps recommended by its experts and experts it commissioned to increase drilling safety. As a result, we are on a course to repeat our mistakes." Birnbaum and Savitz's
concerns include blowout preventers, "a point outlined in a 'detailed and damning' December 2011 report of the National Academy of Engineering. The report found fault with the Deepwater Horizon’s blowout preventer, and indicated that that same equipment 'may be present' at other drilling operations. Yet new standards for blowout preventers have yet to be enforced, deep-water drilling continues, and new drilling leases in the Gulf are issued each year." "Rather than scale back drilling, oceans face another assault with the administration's proposal to allow the use of seismic air guns for oil exploration along the Atlantic coast, which Oceana has warned could amount to a 'death sentence' for marine mammals. 'We have seen this pattern before. The expansion of drilling into deeper water and farther from shore was not coupled with advances in spill prevention and response,' Birnbaum and Savitz write in their op-ed." A discussion with Greg Palantz on the Thom Hartmann radio program, April 17, 2014, charged that another major problem is that the cement used in the wells cannot stand the pressure of deep water drilling and is highly likely to blow out, as occurred in both the BP Deep-water Horizon disaster and in an earlier blow out in a BP well in the Caspian Sea (which BP executives failed to admit when denying in a hearing that there had been a similar earlier blow out).

Mary Annette Pember, "Gogebic Taconite and the Penokee Hills: The Battle Rages On," ICTMN, January 28, 2014, http://indiancountrytodaymedianetwork.com/2014/01/28/gogebic-taconite-and-penokee-hills-battle-rages-153235, reported, "The battle over building a huge open pit iron ore mine in the Penokee Hills in Northern Wisconsin is heating up on a number of fronts. Florida based Gogebic Taconite, GTAC, is locked in a battle with tribes and other opponents to build the mine that would be located next to the Bad River Ojibwe reservation. Reservation residents and others maintain that pollution from the mine would have a devastating environmental impact on the huge Bad River watershed that runs through the region and drains into Lake Superior and traditional wild rice sloughs. GTAC is engaged in a fiery public dispute with the Wisconsin Department of Natural Resources (WDNR) over how much authority the agency can wield in the permitting process. GTAC lobbyists helped draft new state mining legislation that passed in early 2013 allowing greater leeway in environmental restrictions and making iron ore mining easier."

A Chilean government commission, including the ministers of agriculture, energy, mining, economy and health, June 19, 2014, unanimously rejected an $8 billion proposal to dam Patagonian rivers to meet growing energy demands, a victory to environmentalists who praised the decision. The HidroAysén plan, if accepted, would have tamed two of the world’s wildest rivers, the Baker and Pascua, and built more than 1,000 miles of power lines to supply energy to central Chile ("Chile: Patagonia Dams Rejected," The New York Times, June 10, 2014, http://www.nytimes.com/2014/06/11/world/americas/chile-patagonia-dams-rejected.html?ref=todayspaper).


A study by 17 scientists from the U.S. and Australia, published in the Proceedings of the National Academy of Sciences, in April 2014, found that embryos of Tuna and amberjack exposed to oil from the BP Deep Water Horizon Gulf of Mexico oil spill suffered heart damage and other defects that would likely kill some and shorten the lives of others (Michael Wines, "Fish Embryos Exposed to Oil From BP Spill Develop Deformities, a Study Finds," The New York Times, March 25, 2014).

The Audubon Society reported, March 26, 2014, "That thousands of migrating shore birds could be in
grave danger because of a new oil spill in the Gulf of Mexico. A barge containing a million gallons of heavy, toxic fuel collided with another vessel in Galveston Bay Saturday. As much as 168,000 gallons of oil has already been released into the water. Coming at the height of spring migration, the timing could not be worse."


"NC Dumps Coal Ash Deal With Duke," The New York Times, February 10, 2014, http://www.nytimes.com/aponline/2014/02/10/us/ap-us-coal-ash-spill-north-carolina.html?ref=us, reported, "North Carolina's environmental agency sought late Monday to delay its own settlement with Duke Energy a week after a busted pipe at one of the company's coal ash dumps spewed enough toxic sludge into the Dan River to fill 73 Olympic-sized pools. Lawyers for the state Department of Environment and Natural Resources asked a judge to disregard their proposed settlement with the nation's largest electricity provider. Under the deal, Duke would have paid fines of $99,111 over groundwater pollution leaking from two coal dumps like the one that ruptured Feb. 2. The state's letter came one day after a story by The Associated Press in which environmentalists criticized the arrangement as a sweetheart deal aimed at shielding Duke from far more expensive penalties the $50 billion company might face under the federal Clean Water Act. The settlement would have required Duke to study how to stop the contamination, but included no requirement for the company to actually clean up its dumps near Asheville and Charlotte."


Alpha Natural Resource, one of the largest U.S. coal companies, and 66 of its subsidiaries, settled with the U.S. Environmental Protection Agency, in early March 2014, to pay a record $37.5 million in civil penalties, and spend about $200 million to reduce water pollution in coal mines in Kentucky, Pennsylvania, Tennessee, West Virginia and Virginia (John Schwartz, "Coal Firm to Pay Record Penalty and Spend Millions on Water Cleanup in 5 States," The New York Times, March 6, 2014).

As cleanup of uranium from cold war mining continues on the Navajo reservation, residents of Church Rock, NM, have been told by environmental officials that they need to move from their homes of seven generations because the radiation remains too great for long-term exposure (Dan Frosch, "Nestled Amid Toxic Waste, A Navajo Village Faces Losing Its Land Forever," The New York Times, February 20, 2014).

The Florida legislature, in mid-April, was seriously considering legislation that would clean up pollution at 38 springs in the state, and continue to protect them by requiring more waste water treatment, limiting additional water use permits, and prohibiting additional septic tanks - all of which are controversial (Lizette Alvarez, "Florida Lawmakers Proposing a Salve For Ailing Springs," The New York Times, April 15, 2014).

Even as the government of Japan announced a draft plan to reopen some of its nuclear electric generating plants, in late February, 2014, it was reported that the worst radioactive water spill in six months, about 100 tons of highly radioactive water, had leaked from storage tanks at the deactivated Fukushima atomic power plant (Hiroko Tabucchi, "Reversing Course, Japan Makes Push to Restart Dormant Nuclear Plants," The New York Times, February 26, 2014; and Martin Fackler, "Worst Spill in 6 Months Is Reported at Fukushima," The New York Times, February 27, 2014).

The International Joint Commission of the U.S. and Canada, in late February 2014, called for rapid
and wide spread limits on the use of fertilizer around Lake Erie to reduce the amount of phosphorus from farm and lawn water runoff entering the lake and causing extensive toxic algy blooms. It was recommended that crop insurance be tied to practices by farms that limit fertilizer run off, that sales be banned of lawn fertilizer containing phosphorus, and that Michigan and Ohio invoke the Clean Water Act to limit fertilizer runoff from farm land (Michael Wines, "Fertilizer Limits Sought Near Lake Erie," The New York Times, February 27, 2014).

A New York biologist, Daniel P. Molloy, has developed a bacterium that kills invasive zebra and quagga mussels that have been destructive, particularly in the U.S. great lakes, but does not harm other mollusks. A commercial application was in development in February, 2014 ("A Scientist Takes on a Silent Invader," The New York Times, February 25, 2014).


"Beijing Air Pollution at Dangerously High Levels," The New York Times, January 15, 2014, http://www.nytimes.com/aponline/2014/01/15/world/asia/ap-as-china-air-pollution.html?ref=world, reported that air pollution in Beijing, as in other Chinese Cities, continues to be extremely high, especially in winter. "Beijing’s skyscrapers receded into a dense gray smog Thursday as the capital saw the season's first wave of extremely dangerous pollution, with the concentration of toxic small particles registering more than two dozen times the level considered safe."

Elliot Setzer, Intercontinental Cry "Campaign Update– Canada: Taseko Files for Review on Twice-rejected New Prosperity Mine, Tsilhqot’in say “Enough is enough,”" April 10, 2014, http://www.culturalsurvival.org/news/campaign-update-canada-taseko-files-review-twice-rejected-new-prosperity-mine-tsilhqotin-say, reported, "Taseko Mines Ltd. applied to the Federal Government for a second judicial review on March 26, 2014 after their proposal for the New Prosperity gold and copper mine in Tsilhqot’in territory was yet again rejected. In late February, The proposed billion-dollar open pit mine, 125 kilometers south of Williams Lake, was rejected by the Ministry of Environment due to ‘adverse environmental effects’. This included negative impacts on water quality, fish, habitats in Fish Lake, land and resource use, and the cultural heritage of the Tsilhqot’in First Nation— problems that were described by the Federal Government as “scathing” and “damning”. Since the environmental assessment process began in 2006, the Tsilhqot’in First Nation has been vehemently opposing the mine proposal, a struggle that has been strongly supported by First Nations and environmental groups across the country and, to a notable extent, both the British Colombia and Federal government. In the original proposal, Taseko Mines Ltd. proposed using Fish Lake—a sacred place for the Tsilhqot’in, who call it Teztan Biny—as a tailings impoundment area for an estimated 700,000,000 tons of mine waste, including arsenic, mercury, lead, cadmium and other toxic metals. Though this was changed in Taseko’s second proposal, the independent review panel again found that the mine would cause irreversible damage to the water supply of Fish Lake, a consequence that was unacceptable to both the federal government and the Tsilhqot’in nation."

Alianza Arkana, "Campaign Update: Peru--Indigenous Leaders Announce Peaceful Mobilization in Pastaza, Cultural Survival, May 13, 2014, http://www.culturalsurvival.org/news/campaign-update-peru-indigenous-leaders-announce-peaceful-mobilization-pastaza, reported, "Last year the Peruvian government declared three environmental states of emergency in the northern Peruvian Amazon – the Pastaza, Corrientes, and Tigre river basins. Ever since, they have been forced to confront the huge environmental problems affecting people's health and well-being there, especially in oil block 1AB. Situated in the Loreto region and exploited by Pluspetrol Norte, the block was found to have life threatening levels of heavy metals and hydrocarbons present in the soil and water, in some cases exceeding water quality standards by 352 times the allowable levels. In response to this, a Multi Sectorial Commission was established to implement environmental and social solutions. Yet, since then nothing has changed, and the men, women, and children
of the affected indigenous communities are still consuming heavily contaminated water. In the beginning of April 2014, the Multi Sectorial Commission was replaced by a new mediating body charged with facilitating dialogue among the different stakeholders in the region, now called Multi Sectorial Commission for the Development of the Pastaza, Tigre, Corrientes, and Marañon rivers in the Loreto Department (Resolución Suprema N° 119-2014-PCM). However, indigenous organizations FEDIQUEP, ACODECOSPAT, and FECONAT all stated on April 28th in a letter sent to the Presidency of the Ministries that they will not participate in said dialogue as long as their demands calling for immediate action toward solutions are not met. Two days later, during a session of the Parliamentary Commission for Indigenous People in Lima, the President of FEDIQUEP, Aurelio Chino Dahua, announced a peaceful mobilization of the Quechua people in Pastaza. The Peruvian government, in an attempt to turn the tide of dissatisfaction arising from the affected communities and their leaders, declared all four river basins as being in a state of sanitary emergency. This should make it possible to quickly invest about 160 million PNS (more than $57 million USD) in measures that will provide clean water filtration systems to sixty-five indigenous communities in the affected regions. While this news comes as a relief for the sixty-five communities that will benefit from this aid, it will only affect a fraction of the people who are suffering daily as a result of this widespread environmental contamination in the region. Until these promises are transformed into action, the Quechua people have no choice but to keep on consuming the contaminated water. Until there is a viable alternative, the peaceful mobilization announced by FEDIQUEP President, Aurelio Chino, will continue."

Edward Wong, "China Exports Pollution to U.S., Study Finds," The New York Times, January 20, 2014, http://www.nytimes.com/2014/01/21/world/asia/china-also-exports-pollution-to-western-us-study-finds.html?ref=world, reported, "Filthy emissions from China’s export industries are carried across the Pacific Ocean and contribute to air pollution in the Western United States, according to a paper published Monday by a prominent American science journal. The research is the first to quantify how air pollution in the United States is affected by China’s production of goods for export and by global consumer demand for those goods, the study’s authors say. It was written by nine scholars based in three nations and was published by Proceedings of the National Academy of Sciences, which last year published a paper by other researchers that found a drop in life spans in northern China because of air pollution."

China is planning to build its largest coal gasification plant in the western region of Xinjiang. It will take in 90 million tons of coal annually, producing 18,000 jobs, but if it is not adequately controlled, it can also discharge very large amounts of toxic pollution (China, Big Energy Project Planned," The New York Times, October 8, 2013).

Villages in China that produce food are increasingly neighbored by polluting factories dumping heavy metals into irrigation water raising fear that staple foods are becoming dangerously contaminated (Edward Wong, "Pollution Rising, Chinese Fear for Soil and Food," The New York Times, December 31, 2013).

Edward Wong, "One-Fifth of China’s Farmland Is Polluted, State Study Finds," The New York Times, April 17, 2014, http://www.nytimes.com/2014/04/18/world/asia/one-fifth-of-chinas-farmland-is-polluted-state-report-finds.html?ref=todayspaper, reported, "The Chinese government released a report on Thursday that said nearly one-fifth of its arable land was polluted, a finding certain to raise questions about the toxic results of China’s rapid industrialization, its lack of regulations over commercial interests and the consequences for the national food chain. The report, issued by the Ministry of Environmental Protection and the Ministry of Land Resources, said 16.1 percent of the country’s soil was polluted, including 19.4 percent of farmland. The report was based on a study done from April 2005 to last December on more than 2.4 million square miles of land across mainland China, according to Xinhua, the state news agency. The report said that “the main pollution source is human industrial and agricultural activities,” according to Xinhua. More specifically, factory waste products, irrigation of land by polluted water, the improper use of fertilizers and pesticides, and livestock breeding have all resulted in tainted farmland, the report said. The study found that 82.8 percent of the polluted land was contaminated by inorganic material. The most common pollutants were cadmium, nickel and arsenic, and the levels of these materials in the soil had risen sharply since land studies in 1986 and 1990. The level of cadmium
had risen by 50 percent in the southwest and in coastal areas and by 10 percent to 40 percent in other regions, Xinhua reported. The soil in southern China is more polluted than in the north.

Edward Wong, "China: Legislature Toughens Environmental Law," *The New York Times*, April 24, 2014, [http://www.nytimes.com/2014/04/25/world/asia/china-legislature-toughens-environmental-law.html?ref=todayspaper](http://www.nytimes.com/2014/04/25/world/asia/china-legislature-toughens-environmental-law.html?ref=todayspaper), reported, that **China had taken another step in its long slow trend to increase environmental regulation and effectiveness**, in late April, as the National People's Congress, passed a law, April 24, 2014, **providing for stricter punishments against individuals and companies found polluting the environment.** The act, expected to go into effect in 2015, calls for fines against companies to be increased, while company executives found responsible for pollution could be detained for up to 15 days. Local officials who cover up for polluting companies can be demoted or fired. Companies that have been ordered by officials to stop polluting but avoid doing so can be penalized with fines that accumulate daily, instead of only once. Earlier, the Chinese government put up $1.65 billion to reward cities and region that reduce air pollution (Edward Wong, "China to Reward Cities and Regions Makin Progress on Air Pollution," *New York Times*, February 14, 2014).

Gold mining and processing in Indonesia uses large amounts of mercury in the processing, that may be a major pollution problem putting near by villagers at risk (Joe Cochrane, "A mercury Poisoning Risk in Indonesian Villages," *The New York Times*, January 3, 2014).

As dangerous and health damaging as the air pollution is in Beijing, it is generally even worse in New Delhi, with much less complaint about it than in China (Gardiner Harris, "On Bad Air Days in India, Staying Inside Doesn’t Help," *The New York Times*, January 27, 2014, [http://india.blogs.nytimes.com/2014/01/27/on-bad-air-days-in-india-staying-inside-doesnt-help/?ref=world](http://india.blogs.nytimes.com/2014/01/27/on-bad-air-days-in-india-staying-inside-doesnt-help/?ref=world)).

A new study by scientists in the U.S. Department of Agriculture links the massive deaths of bees to a **virus** that apparently jumped from tobacco plants, to soy plants to bees (Michael Wines, "Bee Deaths May Stem From Virus, Study Says," *The New York Times*, January 22, 3014). However, other reports indicate the major cause of bee deaths are nicotine related pesticides that both injure and kill directly, and weaken bees to be more vulnerable to disease.

A corn disease, Goss's wilt, that spreads rapidly with monoculture farming, has cut corn yields in **half in places in the U.S. Midwest from Texas to Minnesota**, and has been spreading widely (Stephanie Strom, "A Disease Cuts Corn Yield," *The New York Times*, October 1, 2013).

Citrus greening disease, following other diseases, urban spread, and hurricanes, have cut Florida's signature grapefruit crop to less than half of its previous production, and the effects of the disease are increasing (Lizette Alvarez, "For Florida Grapefruit, One Blow After Another," *The New York Times*, May 4, 2014).

With warming, and a reduction in winter freeze, Florida’s mangrove trees are expanding north, turning salt marshes into forests, with as yet undetermined impacts (Justin Giles, "Spared Winter Freeze, Florida’s Mangroves are Marching North, ," *The New York Times*, December 31, 2013).

Henry Fountain, "For Already Vulnerable Penguins, Study Finds Climate Change Is Another Danger," *The New York Times*, January 29, 2014, [http://www.nytimes.com/2014/01/30/science/earth/climate-change-taking-toll-on-penguins-study-finds.html?ref=world](http://www.nytimes.com/2014/01/30/science/earth/climate-change-taking-toll-on-penguins-study-finds.html?ref=world), reported, "Life has never been easy for just-hatched Magellanic penguins, but climate change is making it worse, according to a decades-long study of the largest breeding colony of the birds. The chicks are already vulnerable to predation and starvation. Now, the study at Punta Tombo, Argentina, found that intense storms and warmer temperatures are increasingly taking a toll."

The **International Court of Justice in the Hague**, at the end of March 2014, **ordered Japan to stop whaling off Antarctica. Japan said it would comply**, but later asked the international whaling commission to

Steroid hormones used to fatten cattle at feedlots in the U.S. have been found to disrupt endocrine systems of aquatic life, which can occur when these metabolites leach from urine and manure into water. Industry scientists have pointed out that sunlight breaks down these compounds, limiting their impact. New research, however, shows that the degradation products of the widely used synthetic androgen, trenbolone acetate, can revert back into the disruptive product, zombie like, when it becomes sufficiently dark (Erik Stokstad, "Zombie Endocrine Disruptors May Threaten Aquatic Life," *Science*, September 27, 2013).

The Great Lakes are under a number of threats. A long term one has been has been invasive species. The newest is tiny plastic beads used in hundreds of toiletries, toothpastes and facial scrubs that are turning up in the Great Lakes by the tens of millions that fish and other aquatic life ingest, and scientists fear they may be working their way up the food chain along with other pollutants to humans. Several major cosmetic companies have recently pledged to phase out using the beads (John Schwarts, "Scientists Turn Their Gaze Towards Tiny Threats to Great Lakes," *The New York Times*, December 15, 2013). Another threat, particularly to Lake Superior, is a multinational mining Company that wants to dig the world's largest open pit mine, 4.5 miles by 22 miles in the Penokee Mountains near the lake in Northern Wisconsin, which would not only destroy beautiful mountains, but would threaten massive water pollution, including in important fish breeding grounds, as well as to huge amounts of drinking water. Opposition to the project is being led by Ojibwe Indians living in the area (John Collins, "Saving Lake Superior," *In These Times*, February 2014).

Wind farms are an excellent and rapidly expending form of generating electricity cleanly, but birds, including hawks and eagles, often end up getting killed by them, raising some important issues. Since 2009, federal rules have allowed wind farms to obtain permits allowing them to operate, killing a certain number of eagles, providing the farms take sufficient steps to try to prevent eagle kills. Under new rules, the permits can extend for 30 years, with every five year reviews of the adequacy of the eagle death prevention (Dan Frosch, "A Struggle to Balance Wind Energy With Wildlife," *The New York Times*, December 17, 2013).


SGB has developed a way to produce low carbon diesel or jet fuel from the seeds of the southern California desert plant *jatropha* (Todd Woody, "Jet Fuel by the Acre," *The New York Times*, December 25, 2013).

The municipality of Boulder Colorado voted in 2002 to end buying electric power, more than 60% produced from burning coal, and develop its own green munici ple power (Muni) aimed at lowering greenhouse gas emissions to 7% below 1990 levels. There are some 2000 MUNIs in the U.S. This is the first started solely for environmentla reasons (Nat Stein, "Bourlder Electrified," *In These Times*, November 2013).

Applying new technology, several large aquifers have been found beneath the ground in Kenya, that if properly managed [an important issue, in many locations where pumping water is emptying aquifers, not only requiring deeper wells, but if the drop is sufficient, leading to the possible collapse, in places of the aquifer, essentially destroying it] could lessen Kenya's drought problems. The new technology is beginning to be used widely for finding underground water. How (and how much) the water is extracted is a critical question (*Kenyan Find Heralds New Era in Water Prospecting,* *Science*, September 20, 2013).

Since increasing population is a source of both environmental degradation and resource scarcity, it is good news that birthrates have been falling in virtually all of the world, except in some places in Sub-Saharan Africa. Most everywhere, birth rates are now lower than the 2.1 births per women, the rate currently necessary to replace both parents (Michael S. Teitelbaum and Jay M. Winter),
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


President Obama, in early January, announced designation of the first five Promise Zones, where federal agencies will cut through red tape to improve residents lives, who are mostly poor, one of which is the Choctaw Nation of Oklahoma (Michael D. Shear, "Obama Announces 'Promise Zones' in 5 Poor Areas," The New York Times, February 10, 2014).


Congressional Developments

In this Memorandum Hobbs-Straus reports on the status of Workforce Investment Act (WIA) reauthorization legislation in light of the potential for Congress to take up this legislation, either as a standalone bill or added to a bill that would extend unemployment insurance. We report on some provisions that are of particular interest to tribes and tribal organizations, including the House bill’s proposed repeal of the WIA Section 166 Native American Program, replacing its provisions with a one percent allocation of funds to be administered by the Secretary of Labor. Pending WIA bills also include reauthorization of the Adult Education and Family Literacy Education Act and the Vocational Rehabilitation Act. The Workforce Investment Act is designed to increase coordination among federal workforce development programs through a One-Stop delivery system. Activities may include services such as: basic education; classroom and on-the-job training; counseling; job search assistance; and vocational rehabilitation services. There are 3,000 One-Stop centers nationwide. The WIA authorization expired in 2003 but Congress has continued to appropriate funding for it. Status of Bills. On March 15, 2013, the House of Representatives passed WIA legislation, HR 803, the Supporting Knowledge and Investing in Skills Act (SKILLS Act), on nearly a party line vote of 215-202. The preceding vote in the House Education and Workforce Committee markup saw 23 Republicans voting yes and 18 Democrats not voting but instead walking out of the markup stating that they had been left out of the process of drafting the bill. The Senate WIA bill, S 1356, the Workforce Investment Act of 2013, has bipartisan support and
was reported out of the Health, Education, Labor and Pensions (HELP) Committee on July 31, 2013, by a vote of 18 to 3. The full Senate has not voted on the bill. HR 803. The differences between the House and Senate bills are wide. The House bill, citing a 2011 General Accountability Office report regarding numerous and sometimes overlapping federal job training programs, would eliminate or consolidate 35 programs into a state block grant to be distributed by formula called the Workforce Investment Fund (WIF). It would increase the role of the states and, in an effort to more closely align job training with the job market, the State and Local Investment Boards would include more representation from the business community (66 percent, up from 51 percent). Workforce Investment Boards would be required to indicate how they will serve the employment/training needs of various groups, including: Native Americans; veteran; at-risk youth; ex-offenders; disabled workers; migrant and seasonal farmworkers; and refugees. States would be able to include, upon secretarial approval, programs in the WIF which are not part of the block grant as set forth in the bill (i.e., the employment and training portion of the Temporary Assistance for Needy Families (TANF) program, vocational rehabilitation, adult education, and vocational education). The bill would require that the affected federal programs reduce their administrative jobs in light of the workforce program consolidations and the increased role of the states. Section 166 Native American Program Authorization would be Repealed. Among the repealed program authorizations would be the Section 166 Native American Program and the Supplemental Youth Activities Program. At the same time, the bill would reserve 1 percent of the WIF for a Native American Program to be administered through the Secretary of Labor. The bill, as it was approved by the House Education and Workforce Committee, would have provided up to one percent for tribes, but an amendment offered by Representative Young (R-AK) was approved on a voice vote that changed it to a required one percent. If Congress would fully fund the WIF at the bill’s authorized level ($6.25 billion), the tribal program would receive $62.5 million, about the same amount as is available now to tribes through the Section 166 and Supplemental Youth Services programs combined. Gone, however, would be: the current law’s provisions regarding funding being distributed in a manner that is consistent with the Indian Self-Determination Act; the specific authorization for tribes to consolidate their WIA funding through Public Law 102-477 consolidated programs; and the requirement for a Native American Employment and Training Council. HR 803 provides simply that the Secretary of Labor shall: "reserve 1 percent of the total amount appropriated under section 137 for a fiscal year to make grants to, and enter into contracts or cooperative agreements with Indian tribes, tribal organizations, Alaska-Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out employment and training activities". Program Authorizations Repealed. Additional program authorizations would be repealed but their funding would be included in the WIF program. Within the total WIF funding, a certain amount is allocated for the Secretary to administer for specific purposes, including: 1 percent for Native American employment and training activities ($62.5 million as mentioned above); 0.5 percent for technical assistance and evaluations ($31.2 million); 25 percent for Job Corps ($1.56 billion); 3.5 percent for national emergency grant activities ($218.5 million); and following these, reserves 0.0025 percent for outlying areas ($11 million). Other programs whose funding would be rolled into the WIF, but for which there are not specific allocations include: WIA Adult Activities; WIA Youth Activities; WIA Migrant and Seasonal Farmworker programs; YouthBuild; and Veterans Workforce Investment Program. These programs would lose current statutory provisions which are specific to them. Democratic opposition to HR 803 centers on the dismantling of the current youth workforce system, the change in membership of the Workforce Investment Boards (feeling that non-employer stakeholders will be marginalized) and the possibility that various groups now served by the repealed program authorizations would not receive sufficient services. The Administration opposes HR 803. S 1356. While the Senate WIA bill would make many changes to WIA programs, it does not propose the consolidation of programs as does the House bill. It would largely retain the current Section 166 Native American program language. The main change is that the tribal programs would need to comply with the primary performance indicators set out in section 131(b)(2)(A) of the bill which requires tracking of program participants regarding employment and earnings and subsequent education and training. Consistent with current law, the Secretary would, in consultation with the Native American Employment and Training Council, develop an additional set of performance indicators and standards that are specifically geared toward Indians, Alaska Natives, and Native Hawaiians, including taking into account economic and geographic considerations. Another change from current law would be that the grants would be for 4-year periods as opposed to the current system of 2-year grants with the possibility of a 2-year extension for programs that have performed satisfactorily. Finally, under the
current Native American WIA program, the Secretary is authorized to provide assistance to American Samoans in Hawaii; the Senate bill would authorize the Secretary instead to provide assistance to the Cook Inlet Tribal Council, Inc., and the University of Hawaii at Maui for the "unique populations who reside in Alaska or Hawaii, respectively, to improve job training and workforce investment activities," Vocational Rehabilitation Act. With regard to the Vocational Rehabilitation Act, neither bill would change the current tribal funding allocation of 1 to 1.5 percent of the state vocational rehabilitation grant amount. In FY 2014, tribes received $37.2 million in vocational rehabilitation funding (one percent of the state grant amount). Discussions were underway, in late April 2014, between House and Senate committees regarding a possible resolution to the differing bills ("Status of Workforce Investment Act Reauthorization Legislation," Hobbs Straus general-memorandum-14-032, April 25, 2014, http://www.hobbsstrauss.com/general-memorandum-14-032).

The Senate approved legislation (S 1086, S. Rpt. 113-138), March 13, 2014, reauthorizing the Child Care and Development Block Grant (CCDBG) for FYs 2014 through 2019. The bill, entitled the Child Care and Development Block Grant Act of 2014, would make significant changes to the program and would provide an avenue by which tribes may receive an increased allocation and also utilize some funds for construction purposes. The bill was approved on a 96-2 vote. CCDBG funding is discretionary but it is combined with mandatory funding authorized in Section 418 of the Social Security Act into the Child Care Development Fund (CCDF). Currently tribes receive an allocation of one to two percent – the Secretary of Health and Human Services has always allocated the full two percent to tribes. For FY 2014 the discretionary funding was $2.36 billion and the mandatory funding was $2.91 billion. Tribes received approximately $100 million from the FY 2014 combined amount. The last CCDBG reauthorization was in 1996 (it extended through 2002), and the Senate-approved version places new focus on state development of educational, health, and safety standards; child abuse prevention and reporting; criminal background checks; coordination with the Head Start, foster care and other programs; provision of increased supply and quality of care for children in underserved areas, infants and toddlers, children with disabilities, and children who receive care during non-traditional hours. States will be required to have at least one on-site inspection annually of CCDBG providers and also undertake pre-licensure inspection of child care providers. At the option of the tribe, states will coordinate with tribes in the development of its three-year CCDBG plan. Three tribal-specific provisions of note are: Funding Allocation. The tribal funding allocation would be changed from its current one to two percent to a minimum of two percent with the allocation being able to be increased if there is an increase from the previous year's CCDBG discretionary appropriation. Senators Murkowski (R-AK) and Franken (D-MN) offered this amendment on the Senate floor; it was adopted by a vote of 93 to 6. The Administration has proposed a FY 2015 increase in the CCDBG discretionary funding. Licensing and Standards. The bill would modify the current law's provision regarding the development by the Secretary in consultation with tribes of licensing and regulatory requirements. In 2000, the Department of Health and Human Services issued voluntary minimum child care standards for tribes/tribal organizations receiving CCDF funds; those standards were updated and reissued in 2005. The provision in S1086 is:"(D) LICENSING AND STANDARDS.--In lieu of any licensing and regulatory requirements applicable under State or local law, the Secretary, in consultation with Indian tribes and tribal organizations, shall develop minimum child care standards that shall be applicable to Indian tribes and tribal organizations receiving assistance under this subchapter. Such standards shall appropriately reflect Indian tribe and tribal organization needs and available resources, and shall include standards requiring a publicly available application, health and safety standards, and standards requiring a reservation of funds for activities to improve the quality of child care provided to Indian children." Construction Waiver. Senators Tester (D-MT) and Murkowski (R-AK) offered a floor amendment to allow tribes to apply to the Secretary to waive the prohibition on using funds for construction. It was approved by unanimous consent. The amendment is: (B) in paragraph (6), by striking subparagraph (C) and inserting the following:"(C) LIMITATION.— "(i) IN GENERAL.--Except as provided in clause (ii), the Secretary may not permit an Indian tribe or tribal organization to use amounts provided under this subsection for construction or renovation if the use will result in a decrease in the level of child care services provided by the Indian tribe or tribal organization as compared to the level of child care services provided by the Indian tribe or tribal organization in the fiscal year preceding the year for which the determination under subparagraph (B) is being made. "(ii) WAIVER.--The Secretary shall waive the limitation described in clause (i) if— "(I) the Secretary determines that the decrease in the level of child care services provided by the Indian tribe
or tribal organization is temporary; and "(II) the Indian tribe or tribal organization submits to the Secretary a plan that demonstrates that after the date on which the construction or renovation is completed—"(aa) the level of child care services will increase; or "(bb) the quality of child care services will improve." The overwhelming support in the Senate may have improved the chances for enactment of the reauthorization of the CCDBG, although it is uncertain, as of late April, what action the House will take ("Child Care Development Block Grant Reauthorization Bill Approved by the Senate; Tribal Child Care Allocation could Increase," General Memorandum 14-023, April 21, 2014, http://www.hobbstraus.com/general-memorandum-14-023).

The consolidated Appropriations Bill, passed by Congress on January 16, 2014, contains a provision placing various restrictions on funding to the Guatemalan military until reparations are made by the Guatemalan government to the Indigenous communities impacted by the Guatemalan army's genocidal violence during the civil war in the 1980s ("U.S. Pressures Guatemala for Indigenous Reparations," Cultural Survival, June 2014).

Senator Barrasso (R-WY), Vice Chairman of the Senate Committee on Indian Affairs, introduced the Indian Tribal Energy Development and Self-Determination Act Amendments of 2014," S 2312, March 13, 2014. Co-sponsors are Senators Hoeven (R-ND), McCain (R-AZ), Thune (R-SD), and Enzi (R-WY). S 2132 is similar to a bill with the same title introduced in 2011. See HobbsStraus General Memorandum 11-121 (Oct. 25, 2011). In introducing the bill, Senator Barrasso explained that in 2005, Congress had authorized a "new, alternative process for Indian tribes to take control of developing their energy resources on their own lands, without the burdens of administrative review, approval, and oversight" by entering into tribal energy resource agreements (TERAs) with the Secretary of the Interior. That new process has not been used. S 2312 would make some changes intended to streamline the process for approval of such agreements. Other issues addressed in the bill include technical assistance to tribes from the Department of Energy, a biomass energy demonstration program, and preferences for tribes when applying for permits for hydroelectric projects. Amendments to the 2005 Act. Title I of S 2132 would amend the Indian Tribal Energy Development and Self-Determination Act ("the 2005 Act"), which was enacted as Title V of the Energy Policy Act of 2005, Pub. L. No. 109-58, most of which is codified at 25 U.S.C. §§ 3501-3506. As noted above, a tribe that enters into a TERA with the Secretary of the Interior can eliminate the requirement to have the Secretary approve leases, rights-of-way, and business agreements. Under S 2132, if the Secretary does not disapprove a TERA in 270 days, it would be deemed approved. If a tribe has carried out a Self-Determination contract or Self-Governance compact that includes programs for management of tribal land for three consecutive years without material audit exceptions, such a record would be sufficient to demonstrate capacity to regulate energy resources pursuant to a TERA. Other changes relating to TERAs include: limiting challenges to environmental review under a TERA to "interested parties"; directing the Secretary to make available to TERA tribes their "shares" of federal funding; explicitly preserving tribal sovereign immunity; and clarifying the limitations on the potential liability of the United States under an agreement entered into pursuant to a TERA. In addition to TERAs, S 2132 includes a new option for eliminating the requirement for Secretarial approval of leases, rights-of-way, and business agreements on tribal trust or restricted land. Such transactions between a tribe and a certified "Tribal Energy Development Organization" (TEDO) would not require Secretarial approval. Other amendments to the 2005 Act include adding to the technical assistance program administered by the Department of the Interior by directing DOI to provide technical assistance to tribes to develop energy plans, which could include a wide range of activities. In the competitive grant program administered by the Department of Energy, the bill would add tribal capacity building for managing energy development and energy efficiency as an authorized activity. The bill would also mandate DOE to promulgate regulations to implement the guaranteed loan program for tribes and TEDOs. Section 104 of S 2132 is a provision that was not in the 2011 version of the bill – a mandate for DOE to collaborate with the National Laboratories and make the full array of DOE technical and scientific resources available for tribal energy activities. Hydropower Licensing. Section 201 would amend the Federal Power Act (16 U.S.C. § 800(a)) to include Indian tribes in the preference that states and municipalities have for hydroelectric project licenses from the Federal Energy Regulatory Commission. Biomass Demonstration Project. Section 202 would amend the Tribal Forest Protection Act of 2004 (PL 108-278, codified at 25 U.S.C. § 3115a) to establish a Tribal Biomass Demonstration Project "to promote biomass energy production (including
biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land." The bill would authorize the Forest Service and Bureau of Land Management to enter into agreements with tribes to carry out demonstration projects, in accordance with selection criteria set out in the bill. A provision that was not in the 2011 version of the bill would specifically authorize inclusion of Alaska Native corporations in the Biomass Demonstration Project. Weatherization Assistance Program. Section 203 of the bill would amend the Energy Conservation and Production Act of 1976 (42 U.S.C. § 6863(d)) to change the process through which tribes can seek direct funding from the DOE Weatherization Assistance Program. Under current law, this funding is allocated to states, and weatherization services are typically provided by nonprofit organizations that receive funding from state energy offices. Tribes can receive direct funding on behalf of their low income members if DOE makes a determination that "the low-income members of an Indian tribe are not receiving benefits under this part that are equivalent to the assistance provided to other low-income persons in such State" (emphasis added). Section 203 would allow a tribal organization serving low-income tribal members to apply to DOE for a direct grant, and DOE would only have to determine that the services to be provided through the tribe would be equal to or better than services through the state. Two of the sections in Title II of S 2132 were not in the 2011 version of the bill. Section 204 concerns appraisals for transactions that require Secretarial approval and involve mineral or energy resources held in trust or restricted status for a tribe. Section 205 would allow the Navajo Nation to lease its restricted lands for the exploration, development, or extraction of mineral resources without Secretarial approval ("Tribal Energy Development Bill Introduced by Senator Barrasso; Hobbs-Straus General Memorandum 14-024, March 21, 2014, http://www.hobbsstraus.com/general-memorandum-14-024). 

A hearing of the House Natural Resources Committee on Indian and Alaska Native Affairs, in April 2014, heard complaints from a number of tribal leaders that the Cobel settlement $1.9 billion program to buy back small fractional parcels of land, which must be completed in 10 years, is moving too slowly and without adequate tribal consultation by the U.S. Department of the Interior (Mat Volz, "Tribal leaders from several states criticizing Cobel land-buyback program," News From Indian Country, April 2014). Following up on discussions in a hearing of the House Subcommittee on Indian and Alaska Native Affairs, April 3, 2014, 10 Republican Congressman wrote a letter, in May 22, to Secretary of Interior Sally Jewell, asserting a need for the administration of the buyback portion of the $3.4 billion Cobell settlement between the Obama administration and the lead Indian plaintiffs to feature more control by the tribes. The Congressmen stated, "As was aired during an April 3, 2014 Subcommittee on Indian and Alaska Native Affairs hearing, a major criticism of the roll-out of the program is the Department’s insistence that it is without authority to permit the tribes to carry out what are in reality the most important functions relative to the program. These functions include making final offers to willing sellers, rendering payment for interests sold, and others.” “Given the 10-year authority for the program is running, we urge the Department to immediately take whatever steps are necessary to permit Indian tribes – at their request – to assume as many of the functions of the land acquisition program that they have the ability to administer ” (Rob Capriccioso, "Members of Congress Want More Native Control of Cobell Buyback Program," ICTMN, June 4, 2014, http://indiancountrysidedaymedianetwork.com/2014/06/04/congress-members-question-interiors-control-cobell-buyback-program-15514). 

purpose of the bill is to put into law landmark agreements that were hammered out by Klamath Basin stakeholders, in order to build a cooperative water management plan that will protect fish and wildlife and provide more predictable water supplies for farmers and ranchers. One aspect of the bill is the permanent protection and enhancement of riparian areas, restoring hundreds of miles of fish habitat and getting additional water to the National Wildlife Refuges. The bill authorizes (but does not budget) $900 million in federal appropriations. The Hoopa hold that the bill unnecessarily links tribal water rights in the Klamath River to decommissioning of four obsolete hydroelectric dams owned by PacifiCorp ("New Klamath Water Bill Has One Opponent in Hoopa Valley Tribe," ICTMN, June 1, 2014, http://indiancountrytodaymedianetwork.com/2014/06/01/new-klamath-water-bill-has-one-opponent-hoopa-valley-tribe-155108).

Senator Begich (D-AK) introduced the Native Voting Rights Act of 2014 (S 2399), May 22, 2014. The bill's purpose is to ensure that Native Americans have equal access to the polls. The bill is cosponsored by Senators: Heitkamp (D-ND); Hirono (D-HI); Johnson (D-SD); Schatz (D-HI); Tester (D-MT); and Walsh (D-MT). Native American voters living on Indian reservations have historically participated at much lower rates in elections due to barriers based on registration procedures, distance, language, and discrimination. Senator Begich, when introducing the bill, clarified that the Native Voting Rights Act is intended to supplement, not compete with, a broader voting rights act bill, S 1945, introduced earlier in the year by Senate Judiciary Committee Chairman Leahy (D-VT). The Begich bill has been referred to the Senate Judiciary Committee. The major provisions of the Native Voting Rights Act bill: Section 2 would require all states to recognize tribal identification cards for voter registration and voting purposes. It would also authorize the Justice Department to bring cases against states or political subdivisions of a state under Section 2 of the Voting Rights Act of 1965. Section 2 prohibits voting practices or procedures that discriminate on the basis of race, color, or language. The bill would give the Justice Department the authority to act in cases where it finds that Indians have less opportunity to vote in person than do non-Indians. A court could order a state or subdivision to increase the number of polling stations in order to remedy the disparity. The bill would allow private individuals to also bring disparate voting access claims. Section 3 is intended to address the effects of the Supreme Court's 2013 decision in Shelby County v. Holder which held that Section 4(b) of the Voting Rights Act was unconstitutional. Section 4(b) established a formula to determine which states and subdivisions fell under the coverage of Section 5 which requires them to get preclearance before changing their voting laws. See our General Memorandum 13-061 (June 28, 2013) for further coverage of the Shelby County decision. S 2399 would create new criteria that would trigger Section 5 preclearance requirements for states and subdivisions seeking to change voting procedures in Indian Country. The new criteria would be: 1. eliminating the only polling place or voter registration site in a village or reservation2. moving or consolidating a polling place or voter registration site one mile or further away from its existing location3. moving or consolidating a polling place across a river, lake, mountain, or other natural boundary that makes travel difficult for a voter, regardless of distance4. eliminating in-person voting by designating a village or reservation as a permanent absentee voting location5. removing an early voting location or otherwise diminishing early voting opportunities, and6. reducing the dates or hours that an in-person or early voting location is open. The criteria in the Begich bill would supplement the new standards in the Leahy bill (the Voting Rights Amendment Act of 2014) that would replace the old Section 4 standards struck down by the Supreme Court. Section 4 would give the Justice Department the authority to assign federal election observers at the request of a tribe when there is a polling location located on tribal lands and where the tribe has alleged that the state or subdivision has tried to restrict the right of its members to vote. Section 5 would provide that, if assigned, federal election observers may stay until the following Presidential election is concluded. Section 6 would define "Indian tribe," "Tribal organization" and "Member of an Indian tribe" as in Section 4 of the Indian Self-Determination Act and includes members of Native Corporations as defined in Section 6 of the Alaska Native Claims Settlement Act. Section 7 would provide protections for Native American voters who have trouble understanding voting materials written in English. Section 203 of the Voting Rights Act is intended to eliminate voting discrimination against voters who do not speak or write in English. It applies in jurisdictions where there are high concentrations of non-English speaking voters and in certain areas of Indian Country. Section 203 defines Indian reservations broadly and in 2011 the Census Bureau published a
list of covered Section 203 jurisdictions, over 100 of which include Indian reservations, Oklahoma Tribal Statistical Areas, State-Designated American Indian Statistical Areas, and Alaska Native Village Statistical Areas. Section 203 requires states and subdivisions to provide translated materials to voters in covered jurisdictions but does not require them to translate for languages which are "historically unwritten." The Begich bill would clarify that if a Native American language is presently written (even if it was historically unwritten) then a state or subdivision in a Section 203 jurisdiction would have to provide translated voting materials. Section 8 would require public disclosure of these federal election observer reports no later than 6 months following their finalization. Section 9 would encourage the Justice Department to consult with tribes on a yearly basis regarding Native American voting rights. Justice Department Consultation on Native Voting Rights. On June 9, 2014, Attorney General Holder, in his weekly video message, brought forth the suggestion of requiring election administrators whose territory includes tribal lands to place at least one polling place in a location chosen by the tribe. He said that the Justice Department will begin consultation with tribes on this matter. On the same day, Associate Attorney General Tony West addressed the National Congress of American Indians conference in Anchorage on the idea of tribally-designated polling places. The Attorney General's video message is available at http://www.justice.gov/agwa.php and Associate Attorney General West's address at the NCAI conference is available at:http://www.justice.gov/iso/opa/asg/speeches/2014/asg-speech-140609.html ("Native Voting Rights Legislation Introduced; Justice Department Initiates Consultation on Improving Native Voting Access," Hobbs-Straus General Memorandum 14-041, June 13, 2014, http://www.hobbsstraus.com/general-memorandum-14-041).

Congresswoman Betty McCollum (D-MN) and Congressman Tom Cole (R-OK) introduced HR 4843, the Native Contract and Rate Expenditure Act of 2014 (the Native CARE Act), June 11, 2014, that would expand the Medicare-Like Rate cap to all non-hospital Medicare-participating providers and suppliers. It would result in the IHS Purchased/Referral Care programs being able to make hundreds of thousands of additional referrals per year, all at no additional cost to the government. Currently, the "Medicare-Like Rate" cap allows IHS Contract Health Service (CHS) programs (now referred to as Purchased/Referred Care) to pay hospital providers (in-patient and out-patient) no more than what Medicare would pay for the same service, rather than full billed charges. This rate cap has not been interpreted to include physicians or other non-hospital providers, however. On April 11, 2013, the Government Accountability Office issued a report recommending that Congress enact legislation that would expand the Medicare-Like Rate cap to all Medicare participating providers, and the Department of Health and Human Services agreed with that recommendation. Our firm has been working with a number of tribes and tribal organizations including the United South and Eastern Tribes, Inc. (USET) and the National Indian Health Board (NIHB) to enact this legislation. The bill was introduced with broad bi-partisan support. Joining Representatives McCollum and Cole as original co-sponsors were Representatives Ben Ray Lujan (D-NM), Darrel Issa (R-CA), Raul Grijalva (D-AZ), John Kline (R-MN), Frank Pallone (D-NJ), Don Young (R-AK), and Jared Huffman (D-CA). In the attached statement accompanying the bill, Representative McCollum remarked that "By paying health care providers the Medicare-rate, rather than the provider billed rates, IHS will be able to double the number of physician services provided to Native Americans – that means hundreds of thousands of additional patient visits. The common sense, bi-partisan legislation I have introduced will ensure that federal tax dollars already being spent on Indian health care go further." NCAI, NIHB, USET and others have adopted resolutions in support of this legislation. A companion bill is currently being considered in the Senate, and may be introduced in the near term ("Medicare-Like Rates Legislation Introduced in the House of Representatives," Hobbs-Straus General Memorandum 14-043, June 13, 2014, http://www.hobbsstraus.com/general-memorandum-14-043).

Representative Steve Daines (R-Montana) introduced the Northern Cheyenne Lands Act (H.R. 4350) that would allow the Northern Cheyenne tribe more control over their lands, minerals and trust funds, while strengthening tribal sovereignty for the tribe. The act focuses on 5,000 subsurface acres within the reservation that the tribe does not currently own due to an error by the United States in 1900. This Act is the result of a 2002 settlement by the tribe to dismiss its lawsuit against the U.S. in return for assistance in securing tribal ownership of those subsurface rights. ("Northern Cheyenne Lands Act Looks to Right a Century..."

Senators Martin Heinrich (D-NM) and Tom Udall (D-NM) introduced the Native American Seed Protection Act, in late March 2014, that would that would help protect Native American seeds used for cultural, religious, agricultural, medicinal and ceremonial purposes, protecting the purity of seeds used for generations and insuring their future availability. The bill permits Indian tribes to collaborate with public research institutions and encourages training and education programs aimed at protecting the security of Native American Seeds, while including helping to secure funding for the construction of seed storage facilities. A companion measure was introduced in the House by representatives Michelle Lujan Grisham (D-NM-1) and Ben Ray Lujan (D-NM-3) ("Seed protection act introduced in Congress," Navajo Times, March 20, 2014).

Federal Agency Developments

The two tribal leaders on the President’s Climate Preparedness and Resilience Task Force were seeking input to help them in developing recommendations on how the federal government can respond to the needs of communities dealing with the impacts of climate change. The creation of the Task Force was announced on November 1, 2013. See Hobbs-Stras General Memorandum 13-103 (Nov. 8, 2013). The two tribal leaders on the Task Force are Karen Diver, Chairwoman of the Fond du Lac Band of Lake Superior Chippewa, and Reggie Joule, Mayor of Alaska’s Northwest Arctic Borough. Earlier this month, they distributed a "Survey for Recommendations" (copy attached). The Survey asks for responses by April 15, 2014, but on that date, the White House sent an email extending the deadline to May 2. Responses were to be submitted by email to IndianCountry@who.eop.gov. The Survey asks respondents to identify a challenge or opportunity relating to climate change preparedness planning and efforts to build resilience. The challenge or opportunity should relate to one of the four topic areas: Disaster Recovery and Resilience; Built Systems: Transportation, Water, Energy, and Other Infrastructure; Natural Resources and Agriculture; and Communities: Human Health and Community Development. Respondents were asked to present their comments in two parts. First, they are asked to "describe the challenge or opportunity as it pertains to the needs of tribal governments." Second, they are asked to suggest "specific actions [that] can be taken at the federal level to encourage and support tribal governments in these efforts." The Survey asks that responses be limited to no more than 1000 words. In conjunction with the Survey, the Department of Energy was sponsoring a webinar series on the four topic areas identified in the Survey. While the webinars on the first two topics have already taken place, interested persons can still participate in the webinars on the latter two topics: Natural Resources and Agriculture, on April 24, and Communities: Human Health and Community Development, on May 1. For further information see: http://energy.gov/indianenergy/articles/new-webinar-series-address-clima.... Coincidentally, the Intergovernmental Panel on Climate Change (IPCC) recently released two of its Working Group Reports as part of its Fifth Assessment Report (AR5). See http://www.ipcc.ch/. The IPCC Assessment Report is compiled by three working groups. Working Group I (WGI) deals with the Physical Science Basis of climate change. The WGI contribution to AR5 was released in September 2013. The mission of Working Group II is "Impacts, Adaptation, and Vulnerability." The WGII contribution to AR5 was released on March 31, 2014. The mission of Working Group III is "Mitigation of Climate Change," and the WGIII contribution to AR5 was released on April 13, 2014. A "Synthesis" Report is scheduled for release in September 2014. The IPCC documents contain a wealth of information, which interested persons may want to draw upon in formulating recommendations for the President’s Task Force ("President’s Task Force on Climate Preparedness and Resilience: Tribal Leaders’ Request for Recommendations – Deadline Extended," Hobbs-Straus GENERAL MEMORANDUM 14-031, April 18, 2014, http://www.hobbsstraus.com/general-memorandum-14-031).

The Office of Management and Budget (OMB) published a Final Rule for Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, December 26, 2013. This Final Rule supersedes and streamlines requirements from OMB Circulars A-21, A-87, A-110, and A-122 (which have been placed in OMB guidances); Circulars A-89, A-102, and A-133; and the guidance in Circular A-50 on Single Audit Act follow-up. The Final Rule can be found at:
The Bureau of Indian Affairs published in the Federal Register Proposed Rule 25 CFR 83.05-29-14, Revisions to Regulations of Federal Acknowledgement of Indian Tribes, that seek to make the process criteria more transparent, promote consistent implementation and increase timeliness and efficiency while maintaining the integrity of the process, which has been criticized as broken or in need of reform. The notice with the proposed rule is at: http://www.bia.gov/cs/groups/public/documents/text/idc1-026830.pdf. The deadline for providing comments on the Proposed Rule is July 31, 2914.


The Department of the Interior (DOI) published a Proposed Rule in the Federal Register. May 1,
2014, that would eliminate the "Alaska Exception" from the land-into-trust regulations found at 25 C.F.R. Part 151. The so-called "Alaska Exception" was added to these regulations in 1980, following a 1978 Associate Solicitor for Indian Affairs opinion that concluded, in part, that the enactment of Alaska Native Claims Settlement Act (ANCSA) operated in a manner to "remove all Native lands in Alaska from trust status." Comments were due by June 30, 2014. As the Proposed Rule discusses at some length, recent events have led the Department of the Interior to conclude that the Indian Reorganization Act, which authorizes land being taken into trust for tribes, did not include an Alaska Exception, nor has the enactment of subsequent law (including ANCSA) created an Alaska Exception. What the DOI discusses in the Proposed Rule is the discretionary aspect of the land-into-trust approval process, noting that while there would be no categorical exclusion for land-into-trust in Alaska, it would still be governed by the broad discretion the DOI has to approve or deny those applications. Recent events have led up to this Proposed Rule, including the District Court decision in the Akiachak case, affirming the DOI's right to take land into trust in Alaska. Akiachak Native Cnty. v. Salazar, 935 F. Supp. 2d 195, 197 (D.D.C. 2013). The November 2013 Report by the Indian Law and Order Commission similarly concluded that having trust land in Alaska was important, focusing in on the link between tribal trust land and tribal capacity to provide for community public safety. A Roadmap for Making Native America Safer: Report to the President and Congress of the United States, at 45, 52 (Nov. 2013). The Proposed Rule lays out several options for submitting comments—by the federal rulemaking portal, by email, by mail, and by hand delivery. We expect substantial interest from various groups on this Proposed Rule. Please let us know if we may provide additional information or assistance in preparing comments ("DOI Proposes Rule to Eliminate the "Alaska Exception" to Taking Land into Trust," Hobbs-Straus General Memorandum 14-036, May 9, 2014, http://www.hobbsstrauss.com/general-memorandum-14-036).

Interior Solicitor Hilary Tompkins announced, March 12, 2014, details of the process the department has been applying to decide whether tribes were “now under federal recognition” in 1934, which is a necessity under the 2009 Supreme Court decision in Carcieri v. Salazar, for an Indian nation to have lands taken into trust. Tompkins explained the two-part process Interior has been using for decision-making on this issue. “Two parts: One, the tribe must show that it was under federal jurisdiction before and up to 1934…. The second prong is simple: Was that jurisdiction approved in the first prong—did it remain intact in 1934? We just have to show that it still existed from pre-1934 to 1934, and it never terminated.” Tompkins said that treaty negotiations with the federal government, voting to ratify or not to ratify the IRA, negotiation of contracts, enforcement of trade acts, and health or social services are all actions that can be used to show that a tribe was under federal jurisdiction prior to and up to 1934. “Silence on the issue is okay,” Tompkins added. “Because you need something affirmative saying that the jurisdiction went away.” As of March 14, no tribe requesting having land taken into trust has been found by Interior not to be eligible, using this two prong test (Rob Capriccioso, "Interior Issues Tribal Land-Into Trust Legal Opinion," March 14 and 16, 2014, http://indiancountrytodaymedianetwork.com/2014/03/14/interior-issues-tribal-land-trust-legal-opinion-154002).

Gale Courey Toensing, "Interior Approves Mechoopda’s Trust Land for Gaming," ICTMN, February 18, 2014, http://indiancountrytodaymedianetwork.com/2014/02/18/interior-approves-mechoopdas-trust-land-gaming-153461, reported, "On January 24, Assistant Secretary – Indian Affairs Kevin Washburn approved a request by the Mechoopda Indian Tribe of Chico Rancheria to acquire 626 acres in trust in Butte County, California, near the city of Chico for gaming purposes. The Mechoopda Tribe will construct and operate a modest gaming facility on 91 acres of the site. The project is estimated to create 214 full-time jobs." The Interior Department approved an application, in March, to take 21 acres of land into trust for gaming purposes for the Kaw Nation of Oklahoma (Gale Courey Toensing, "Kaw Nation Gets 21 Acres in Trust for Gaming." ICTMN, March 15, 2014, http://indiancountrytodaymedianetwork.com/2014/03/15/kaw-nation-gets-21-acres-trust-gaming-154021).

The Bureau of Indian Affairs–Office of Self-Governance (OSG) published a January 27, 2014, Federal Register notice, which sets March 1, 2014, as the deadline for tribes and tribal consortia to submit completed applications to begin participation in the tribal self-governance program for fiscal year or calendar year
2015. Under the "Purpose of Notice" heading, first paragraph, there is a typing error – it refers to fiscal year 2014 and calendar year 2014, when in both instances it should be 2015. Under the Tribal Self-Governance Act of 1994 (PL 103-413), as amended, the Director of the Office of Self-Governance may select up to 50 additional tribes/consortia per year to enter into self-governance agreements. If an applicant is located in a region and/or agency that has not been involved with self-governance agreements, the negotiations for such an agreement are expected to take two months. Application content and selection process requirements are codified at 25 C.F.R. Subparts 1000.10 to 1000.31. Applications are not required for tribes already negotiating for or having signed self-governance agreements ("Bureau of Indian Affairs Self-Governance Applications for 2015, Hobbs-Straus General Memorandum 14-008, January 27, 2014, http://www.hobbsstraus.com/general-memorandum-14-008)."

"Federal Government Owes $32M in Royalties to 30,000 Indians, Whereabouts Unknown," ICTMN, January 11, 2014, Read more at http://indiancountrytodaymedianetwork.com/2014/01/11/federal-government-owes-32m-royalties-30000-indians-whereabouts-unknown-153069, reported, The federal government has been unable to locate some 30,000 Indian beneficiaries who are collectively owed about $32 million of the $3.4 billion Cobell trust fund settlement, reported The New York Times. Despite public service announcements on TV and radio stations, noticed plastered at reservation postal offices, public meetings held on tribal lands, Interior information booths at pow wows, tribal governments searching membership rolls and more, people have proved impossible to locate." "All beneficiaries are owed at least $800, though some are entitled to significant sums of money. A Cheyenne and Arapaho tribal member is owed about $121,000, while a member of the Quechan Tribe is due more than $81,000."

In anticipation of the enactment of FY 2014 appropriations, the Department of Interior's Office of Indian Energy and Economic Development (IEED) was soliciting grant proposals from tribes and tribal resource development organizations under the Energy and Mineral Development Program (EMDP) and the Tribal Energy Development Capacity (TEDC) program. Applications for each funding opportunity were due by February 18, 2014. Energy and Mineral Development Program. Eligible projects are those on Indian land which: explore for energy and mineral resources, inventory or assess known resources, or perform feasibility or market studies that tend to promote the use and development of known energy and mineral resources. Energy resources may include conventional energy resources and renewable energy resources. Mineral resources may include industrial minerals, precious minerals, base minerals, and ferrous metal minerals. The term "Indian land" for the purpose of eligibility for the EMDP is defined as:a) any land located within the boundaries of an Indian reservation, Pueblo or Rancheria;b) any land not located within the boundaries of an Indian reservation, Pueblo or Rancheria, the title of which is held –i. In trust by the United States for the benefit of an Indian tribe or an individual Indianii. by an Indian tribe or individual Indian, subject to restriction against alienation under laws of the United Statesiii. by a dependent Indian communityc) land that is owned by an Indian tribe and was conveyed by the United States to a Native Corporation pursuant to the Alaska Native Claims Settlement Act, or that was conveyed by the United States to a Native Corporation in exchange for such land. Further information on the EMDP may be found at: https://www.federalregister.gov/articles/2013/12/20/2013-30282/grant-pro... Tribal Energy Development Capacity Program. The TEDC program helps tribes in assessing, developing, or obtaining the managerial and technical capacity needed to develop conventional and renewable energy resources on Indian land (same definition as above) and to properly account for the resulting energy production and revenues. The same federal law (the Energy Policy Act of 2005, PL 109-58) that authorizes this grant program also authorizes tribes to enter into Tribal Energy Resource Agreements (TERAs). A TERA is an agreement between a federally recognized tribe and the Secretary of the Interior that allows the tribe, at its discretion, to enter into leases, business agreements, and rights-of-way for energy resource development without further review and approval by the Secretary. Part of the requirement for a tribe achieving a TERA is a Secretarial determination that the tribe has the capacity to regulate the development of its energy resources. Hence, a TEDC grant may prove helpful to a tribe who is pursuing a TERA. Further information on the TEDC program may be found at: https://www.federalregister.gov/articles/2013/12/20/2013-30281/grant-pro... ("Tribal Energy and Mineral Development Grant Opportunities," Hobbs-Straus General Memorandum 14-005, January 17, 2015, http://www.hobbsstraus.com/general-memorandum-14-005).
The Department of the Interior will take into trust 13,004 acres of the Oneida Indian Nation’s vast historical territory.

The Indian Health Service (IHS) issued a Federal Register notice, April 8, 2014, of its Calendar Year (CY) 2014 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. 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 2013 and 2014 rates follows:

- **Inpatient Hospital Per Diem Rate (Excludes Physician Services) for MEDICAID**
  - Lower 48: $2,271 CY 2013, $2,276 CY 2014
  - Alaska: $2,591 CY 2013, $2,675 CY 2014
- **Outpatient Per Visit Rate (Excluding Medicare)**
  - Lower 48: $342 CY 2013, $348 CY 2014
  - Alaska: $541 CY 2013, $564 CY 2014
- **Outpatient Per Visit Rate for MEDICARE**
  - Lower 48: $297 CY 2013, $301 CY 2014
  - Alaska: $515 CY 2013, $576 CY 2014
- **MEDICARE Part B Inpatient Ancillary Per Diem Rate**
  - Lower 48: $483 CY 2013, $502 CY 2014
  - Alaska: $846 CY 2013, $862 CY 2014
- **Outpatient Surgery Rates for Medicare**
  - Lower 48: $2,271 CY 2013, $2,413 CY 2014
  - Alaska: $2,591 CY 2013, $2,675 CY 2014
  - **CY 2014**
    - Lower 48: $2,276
    - Alaska: $2,675

The Indian Health Service (IHS) is soliciting applications, via a February 25, 2014, 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 Federal Register notice may be found at: http://www.gpo.gov/fdsys/pkg/FR-2014-02-25/pdf/2014-04075.pdf. New loan repayment recipients may receive a maximum award of $20,000 per year for each year of contracted service, plus the IHS will provide an additional 20 to 39 percent of the participant's total loan repayments to the Internal Revenue Service for the increased tax liability. For those participants who have completed their two-year service, an extension may be granted at a maximum of $20,000 per year plus 20 percent for federal tax withholding. The IHS estimates that it will provide $19,090,023 in FY 2014 funds for the LRP, which will support "approximately 440 competing awards averaging $43,358 per award for a two-year contract." Applications for the FY 2014 Loan Repayment Program will be accepted beginning February 14, 2014, and will continue to be accepted each month thereafter until all funds are exhausted for FY 2014. Subsequent monthly deadline dates are scheduled for Friday of the second full week of each month until August 15, 2014. The IHS does not establish percentages of awards for specific professions. The IHS will give priority to applications made by American Indians/Alaska Natives and to those individuals recruited through the efforts of tribes or tribal organizations. Loan repayment awards will be made as stated in the notice, "only to those individuals serving at facilities which have a site score of 70 or above during the first quarter of 2014, if funding is available." Other 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. 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 $32 million when combined with the $19 million made available in the notice. Application materials may be obtained on line at http://www.ihs.gov/loanrepayment or by contacting: IHS Loan Repayment Program 801 Thompson Avenue, Suite...
The **Indian Health Service (IHS)** is soliciting applications, via a December 27, 2013, *Federal Register* notice for **FY 2014 full- and part-time scholarships**. American Indians and Alaska Natives are invited to apply under the three programs described below. The funding is $13.2 million for continuation and new awards combined. 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, 2014 and the deadline for applications for new awards was March 28, 2014. • Health Professions Preparatory Scholarships and Health Professions Pregraduate Scholarships. Up to $1.5 million will be allocated for approximately 45 awards. Eligible applicants are members of federally 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. Approximately $11.7 million will be allocated for an estimated 276 awards. This scholarship is available only to members of federally recognized tribes who are enrolled in an accredited school and pursuing a course of study in a health profession as defined by section 1603(13) of the Indian Health Care Improvement Act ("Indian Health Service FY 2014 Scholarships," Hobbs-Straus General Memorandum 14-001, January 10, 2014, http://www.hobbsstraus.com/general-memorandum-14-001).

The **Substance Abuse and Mental Health Administration (SAMHSA)** is soliciting applications for FY 2014 awards under its Planning and Developing Infrastructure to Improve the Mental Health and Wellness of Children, Youth and Families in American Indian/Alaska Native Communities program. It is alternatively referred to as the **Circles of Care program**. Eligible applicants are federally recognized tribes and tribal organizations, tribal colleges and universities, and Urban Indian Organizations (as identified through the Indian Health Service urban health program). The deadline for receipt of applications is March 7, 2014. Previous grantees are not eligible applicants. Under the Circles of Care program tribes and Indian organizations are to plan and design holistic mental health services for children and youth (through age 25) and their families. It is based on a delivery model called Systems of Care in which broad community partnerships and family involvement in the treatment are the foundation for helping seriously mentally ill youth. SAMHSA has titled the tribal-specific planning grants as Circles of Care, and has provided such grants since 1999. Pending Congress's action in finalizing FY 2014 appropriations for the Department of Health and Human Services, SAMHSA expects to have $2.381 million for up to eleven awards. The maximum annual amount is $400,000 and the project period may be up to three years. The summary of the grant announcement which contains links to the full application may be found at: http://beta.samhsa.gov/grants/grant-announcements/sm-14-003 "Circles of Care Mental Health Planning Grants for Native Communities," Hobbs-Straus General Memorandum 14-002, January 10, 2014, http://www.hobbsstraus.com/general-memorandum-14-002).

The **Secretary of the Department of Health and Human Services (HHS)** appointed National Congress of American Indians (NCAI) President Brian Cladoosby to serve on the Secretary’s Tribal Advisory Committee (STAC). As part of his duties as one of five Primary At Large Representatives, President Cladoosby provides tribal guidance for HHS priorities and budget items, as well as participating in forums and meetings to ensure the perspectives of tribal nations are fully included in policy discussions. The first gathering of STAC was February 12-13, 2014 in Washington, DC ("NCAI President Appointed the HHS Secretary's Tribal Advisory Committee," NCAI, February 4, 2014, http://www.ncai.org/news/articles/2014/02/04/ncai-president-appointed-to-hhs-secretary-s-tribal-advisory-committee).
The Department of Justice, following the recommendation of its national taskforce to determine how best the DOJ might implement its findings on Native American juvenile justice, instituted a new task force to hold hearings on specific measures that would be appropriate to tribal communities, which began public hearings in Bismarck, ND in December 2013. The Phoenix hearing was held, in early February, at the Talking Sticks Resort and Casino of the Salt River-Pima Maricopa Indian Community. Several Indian speakers supported the remarks of Navajo Nation Supreme Court Chief Justice Herb Yazzie, whose central point was, "The American criminal justice system is inappropriate to be applied to young people. You perpetuate something that does not work. I encourage you to seek ways to break the application of criminal law concepts to young people." "We are here talking about our young people. They are sacred. And their sacredness is not acknowledged, not recognized by the American legal system. It simply isn't, that is why we say that ancient laws, the ancient principles, ancient practices have to be acknowledged by governments." Judge William Thornton of the Utah Court of Appeals also observed that federal and state laws have negative impacts on Indigenous youth, especially relating to custody issues. "I think we need to reorient what we do about children exposed to violence. Safety is important. But even more important is their well being. And that resilience that children need comes with family and community culture" (Andrew Curley, "Tribe: Federal policies on violence not culturally appropriate for Native children," Navajo Times, February 13, 2014).

The Internal Revenue Service (IRS) recently published final rules on the coverage and reporting requirements of the Affordable Care Act’s Employer Mandate. The Employer Mandate requires that "applicable large employers," which are employers with 50 or more full-time employees, offer a certain level of coverage to full-time employees and their dependents beginning in 2015. The Final Rule announced two important delays in the rule. Employers with 50-99 employees that meet eligibility requirements may delay implementation of the Employer Mandate until 2016, and employers with 100 or more employees will not be assessed penalties in 2015 if they offer coverage to at least 70 percent of full-time employees. However, employers should start preparing now to implement the Employer Mandate. Once the Employer Mandate goes into effect, employers will be assessed hefty penalties for failing to offer coverage to at least 95 percent of all full time employees and their dependents, or for offering coverage that is not affordable or that does not provide a certain minimum value. Employers will have only three months to offer the required coverage to new employees, and beginning in 2014 group health plans (including self-insured plans) or health insurance issuers offering group health insurance may not impose waiting periods of more than 90 days. Tribal employers should also begin the process of determining which entities must offer coverage. Entities with fewer than 50 employees may be subject to the Employer Mandate if they are part of a commonly controlled group of entities that employs more than 50 full-time employees. Employers are treated as a single entity if they would be treated as such under the Employee Retirement Income Security Act (ERISA) controlled group rules. It remains unclear how these rules applies to tribes, and until the IRS issues further guidance, tribes are entitled to apply a reasonable, good faith interpretation of the applicable provisions. The Employer Mandate also imposes reporting requirements on insurers, including employers that have self-insured group plans, and on applicable large employers. The IRS's final rule on reporting requirements provides for simplified reporting for employers that meet coverage qualifications above and beyond those required to avoid Employer Mandate penalties ("Preparing for the Affordable Care Act's Employer Mandate," Hobbs-Straus General Memorandum 14-025, March 21, 2014, http://www.hobbsstraus.com/general-memorandum-14-025).

The U.S. Department of the Treasury and Internal Revenue Service (IRS) issued interim guidance, March 10, 2014, regarding per capita distributions made to members of Indian tribes from funds held in trust by the Secretary of the Interior. In response to feedback from tribal nations, the guidance clarifies that, generally, these per capita payments will not be subject to federal income tax. "Treasury and IRS are issuing this notice as interim guidance to allow Indian tribes time to review and provide feedback by September 17, 2014. Based on these comments, we will consider revisions before issuing a final notice." For the Per Capita Distributions notice go to: http://www.irs.gov/pub/irs-drop/n-14-17.pdf. For more information on Treasury’s consultation with Indian tribes, go to: http://www.treasury.gov/resource-center/economic-policy/tribal-
The U.S. Department of the Treasury and Internal Revenue Service (IRS) issued Revenue Procedure 2014-35, Application of the General Welfare Exclusion to Indian Tribal Government Programs That Provide Benefits to Tribal Members, June 3, 2014. This Revenue Procedure (Rev. Proc. 2014-35) supersedes the draft guidance set forth in IRS Notice 2012-75 and makes important clarifications concerning the application of the General Welfare Exclusion (GWE) to tribal government programs. The text of Rev. Proc. 2014-35 is available here: http://www.irs.gov/pub/irs-drop/rp-14-35.pdf. IRS final guidance on the GWE’s application to tribes has been highly anticipated. Tribes and tribal organizations have demanded that the IRS consistently and clearly establish that tribal government program benefits are not subject to income tax. In developing this new Revenue Procedure the IRS considered over 120 comments. Tribal engagement on this issue has also fostered a legislative effort that has built an important base of support in the House and Senate for the Tribal General Welfare Exclusion Act (HR 3043 and S 1507). Although several significant tribal concerns remain unaddressed by Rev. Proc. 2014-35, many of the provisions of the IRS’ final GWE guidance reflect tribal input on key issues of concern. Rev. Proc. 2014-35 affirms that the GWE applies to payments by tribal governments no less favorably than it applies to payments by federal, state, local, or foreign governments. Under the GWE, government payments are not taxable if they are (1) made pursuant to a government program; (2) for the promotion of the general welfare, based on individual or family need; and (3) are not compensation for services. In addition, Rev. Proc. 2014-35 acknowledges, in recognition of the unique legal status of tribes, that the general welfare exclusion applies differently to tribal government programs than to other governments. Rev. Proc. 2014-35 explains that "Indian tribal governments have developed a broad range of programs to address their unique social, cultural and economic needs," and that tribal government programs for the general welfare consider not only individual and family need but also "the needs of the entire community." Rev. Proc. 2014-35 also provides two "safe harbor" rules for tribal governments. Under the first, the IRS will conclusively presume that the "need" criterion under the GWE is met for certain tribal programs. To qualify for this first safe harbor, a tribal program must: (1) be structured to comply with six criteria, including having written guidelines; and (2) fall within the program areas of housing, education, culture and religion, elder and disabled assistance, or other specified assistance programs. Under the second safe harbor, the IRS will conclusively presume that certain payments related to cultural program services satisfy the "need" criterion of the GWE and are not taxable as compensation. This second safe harbor applies to benefits under a program that either (1) are items of cultural significance that are not lavish or extravagant under the facts and circumstances; or (2) are nominal cash honoraria provided to religious or spiritual officials or leaders to recognize their participation in ceremonies and cultural events. In order to effectively utilize the GWE, including the two safe harbor provisions, tribes will need to review the authority and procedures governing the administration of tribal general welfare programs and consider whether to update existing codes, ordinances, guidelines or procedures. Rev. Proc. 2014-35 requires that tribes maintain accurate records for an extended period of time in order to substantiate benefits provided. Thus, tribes will need to carefully review the administrative and recordkeeping procedures for their general welfare programs ("IRS Issues Revenue Procedure on the Application of the General Welfare Exclusion to Tribal Government Program Benefits," Hobbs-Straus General Memorandum 14-042, June 13, 2014, http://www.hobbsstraus.com/general-memorandum-14-042).

The Treasury Department's Federal Insurance Office, in early January 2014, was preparing to consult with tribal leaders to identify alternatives to improve the accessibility and affordability of insurance in Indian country, the department said in its recent and inaugural Insurance Modernization Report. The Federal Insurance Office was established under the Dodd-Frank Act to promote national coordination in the insurance sector, including life and health (L/H) and property and casualty (P/C), and to function within the U.S. Department of the Treasury. The Insurance Modernization Report concludes that "the power to develop insurance law and regulation...remains with Tribal governments," and the failure of many tribal governments to establish proper insurance regulatory frameworks has deterred external insurance providers, leaving a considerable number of tribal businesses and individuals uninsured. According to the

Sherry Salway Black, Director of the Partnership for Tribal Governance, at the National Congress of American Indians (NCAI) was appointed to the President’s Advisory Council on Financial Capability for Young Americans (“the Council”), in late February 2014. The first meeting of the Council was held Monday, March 10th where the appointees began to discuss their recommendations “on how to promote financial capability among young Americans and encourage building the financial capability of young people at an early stage in schools, families, communities, and the workplace and through use of technology.” Sherry Salway Black, Oglala Lakota Nation, has served as a member of the President’s Advisory Council on Financial Capability and is the former Senior Vice President of First Nations Development Institute, a Native-led nonprofit organization that works to improve the economic condition of Native Americans through promoting business development and financial education. Ms. Black is a member of the Honoring Nations Board of Governors and also serves on the boards of First Peoples Fund, the Hitachi Foundation, and the Johnson Scholarship Foundation. At NCAI Ms. Black leads the Partnership for Tribal Governance (PTG), a program which helps to organize, enhance, and distribute resources necessary to support tribes’ efforts to strengthen their governance. Ms. Black works to coordinate education, training, and technical assistance for tribes as they implement new policies while also helping to ensure smooth communication and cooperation among tribes, policymakers, and national organizations ("NCAI PTG Director Appointed To The President’s Advisory Council On Financial Capability For Young Americans," NCAI, February 28, 2014, http://www.ncai.org/news/articles/2014/02/28/ncai-ptg-director-appointed-to-the-president-s-advisory-council-on-financial-capability-for-young-americans).

The U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively, the "Services") published in the Federal Register, May 12, 2014, three interrelated notices regarding critical habitat under the Endangered Species Act (ESA) – two proposed rules and a draft policy statement. One proposed rule would revise the regulatory definition of "destruction or adverse modification" of critical habitat, which is codified at 50 C.F.R. § 402.02. The other proposed rule would make several changes in the procedures for designating and revising critical habitat, codified in 50 C.F.R. part 424. The draft policy explains how the Services will exercise discretion in deciding whether to exclude certain kinds of lands – such as tribal lands – from critical habitat designations. The draft policy cites Secretarial Order 3206, American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act (1997). The deadline for filing comments on either of the proposed rules or the draft policy statement was July 11, 2014. Hobbs-Straus believed that Tribes might want to treat the publication of these notices as an opportunity to raise other issues relating to the ESA. Under the ESA, each of the Services is responsible for carrying out various aspects of the law, including listing endangered and threatened species, designating critical habitat, and, pursuant to section 7(a)(2), consulting with federal agencies to ensure that "any action authorized, funded, or carried out by … an 'action agency' … is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of" critical habitat. 16 U.S.C. § 1536(a)(2). FWS has lead responsibility for terrestrial species, and NMFS has lead responsibility for marine and anadromous species. Relevant statutory provisions are discussed in the "Background" section of each of the Federal Register notices. As explained in the "Background" section of the proposed revision to the definition of "destruction or adverse modification" of critical habitat, this change is being proposed in response to decisions by two federal appeals courts, the Fifth Circuit in Sierra Club v. U.S. Fish and Wildlife Service, 245 F.3d 434 (5th Cir. 2001), and the Ninth Circuit in Gifford Pinchot Task Force v. U.S. Fish and Wildlife Service, 378 F.3d 1059 (9th Cir. 2004).
Cir. 2004). Both courts held that the regulatory definition was invalid on its face and inconsistent with the ESA in that it was too narrow by focusing on "survival" of the species and ignoring the legislative intent of the ESA to enable listed species to recover from their listed status, not merely to survive. The proposed revised definition is broader by including alterations that would "preclude or significantly delay the development" of environmental features that support needs for recovery of the species. The notice may be found at 79 Fed. Reg. 27060, www.federalregister.gov/articles/2014/05/12/2014-10503/interagency-coope.... The second proposed rule would revise three sections in the regulations for designating critical habitat, addressing several issues that have frequently arisen in litigation. The changes clarify that the term "geographical area occupied by the species" is not limited to areas in which a species may be found more or less continuously but may also include areas that are used periodically, such as breeding areas, foraging areas, and migratory corridors. Another change describes the factors the Services will consider in determining whether an area not currently occupied by a species should be included. The notice may be found at 79 Fed. Reg. 27066, www.federalregister.gov/articles/2014/05/12/2014-10504/listing-endangere.... The draft policy on discretionary exclusions from critical habitat designation acknowledges Secretarial Order 3206, from which it quotes: "In designating critical habitat, the Services shall evaluate and document the extent to which the conservation needs of the listed species can be achieved by limiting the designation to other lands." Under the draft policy, the Services will "always consider exclusion of Tribal lands" and will "give great weight to Tribal concerns," but Tribal lands will not be categorically excluded. Rather, the exclusion analysis will apply the same factors as for other kinds of lands. The draft policy may be found at 79 Fed. Reg. 27052, www.federalregister.gov/articles/2014/05/12/2014-10502/policy-regarding... In conjunction with these recent Federal Register documents, we note that, the Services have published other rulemaking documents on various aspects of the ESA in recent years. One such document is a final rule revising the regulations for textual descriptions of critical habitat boundaries. 77 Fed. Reg. 25611 (May 1, 2012). Another is a final rule on the release of economic analyses to accompany proposed critical habitat designations. 78 Fed. Reg. 53058 (Aug. 28, 2013). In addition, on May 4, 2009, the Services published a rule withdrawing certain changes in the regulations that had been adopted during the previous Administration. 74 Fed. Reg. 20422. In that rule, the Services requested input from the public on "potential ways to improve the section 7 regulations while retaining the purposes and policies of the ESA," including "methods to streamline both formal and informal consultation." In our experience, section 7 consultation in Indian Country sometimes takes longer than it should because of the diminished presence of the Bureau of Indian Affairs (BIA), which is due to tribes having assumed responsibility for BIA programs through self-determination contracts and self-governance compacts. One option for streamlining consultation would be for the Services to revise the regulations to provide a more prominent role for tribal governments that administer BIA programs ("Fish and Wildlife Service Publishes Two Proposed Rules and a Draft Policy Statement regarding Critical Habitat under the Endangered Species Act," Hobbs-Straus General Memorandum 14-038, May 16, 2014, http://www.hobbsstraus.com/general-memorandum-14-038),

The Department of Agriculture (USDA) was soliciting applications, via the May 2, 2014, Federal Register notice, for FY 2014 funding under its Rural Business Opportunity Grant Program (RBOG). Of the $2.25 million total, $1.33 million is reserved for projects benefitting federally recognized tribes in rural areas. This is $410,000 more than was available for tribes last year, even though the total program funding has been reduced. Electronic applications were due June 13, 2014, while paper applications had to be postmarked or hand-delivered by June 17, 2014. Among the eligible applicants are federally recognized Indian tribes, tribal organizations and institutions of higher education. Grants are capped at $100,000 each. The focus of the RBOG program is improving economic conditions in rural areas; funding is for activities including: • Rural business incubators• Technology-based economic development• Feasibility studies and business plans• Long-term business strategic planning• Leadership and entrepreneur training. The notice discusses conflict of interest with regard to the grantee having a financial or other interest in the outcome of the project, i.e., a grantee providing direct assistance to an organization in which it has an ownership interest. USDA states with regard to tribally-owned businesses:In cases of tribally-owned businesses, to avoid a conflict of interest, any business assisted by a tribe must be held through a separate entity, such as a tribal corporation. The separate entity may be owned by the tribe and distribute profits to the tribe. However, the entity’s governing board must be independent from the tribal government and be elected or appointed for a specific time period. These board members must not be subject to removal without cause
by the tribal government. The entity’s board members must not, now or in the future, make up the majority of members of the tribal council or be members of the tribal council or other governing board of the tribe. Application forms are available through your Rural Development State Office. Addresses for these offices can be found at: http://www.rurdev.usda.gov/StateOfficeAddresses.html ("Over Half of Rural Business Opportunity Grants Are Reserved for Tribal Areas," Hobbs Straus General Memorandum 14-034, May 2, 2014, http://www.hobbsstraus.com/general-memorandum-14-034).

The Department of Agriculture (USDA) published a notice in the Federal Register, March 31, 2014, announcing the re-establishment of the Council for Native American Farming and Ranching and soliciting nominations for membership on the Council. USDA seeks "a diverse group of members representing a broad spectrum of persons interested in providing suggestions and ideas on how USDA can tailor its farm programs to meet the needs of Native American farmers and ranchers." Nominations are to be submitted on or before May 15, 2014. Responsibilities. The Council is a discretionary advisory Council, established under the authority of the Secretary of Agriculture, in furtherance of the settlement agreement in Keepseagle v. Vilsack. The purpose of the Council is: 1) to advise the Secretary of Agriculture on issues related to the participation of Native American farmers and ranchers in USDA farm loan programs; 2) to transmit recommendations concerning any changes to Farm Service Agency regulations or internal guidance or other measures that would eliminate barriers to program participation for Native American farmers and ranchers; 3) to examine methods of maximizing the number of new farming and ranching opportunities created through the farm loan program through enhanced extension and financial literacy services; 4) to examine methods of encouraging intergovernmental cooperation to mitigate the effects of land tenure and probate issues on the delivery of USDA farm loan programs; 5) to evaluate other methods of creating new farming or ranching opportunities for Native American producers. Composition. The Council is to be composed of 15 members, 11 of whom will be chosen by the Secretary of Agriculture from among the nominees, the remaining four will be from USDA including: 1) the Director, Office of Tribal Relations; 2) the Farm Service Agency Administrator; 3) the Assistant Secretary for Civil Rights; and 4) the Deputy Administrator for Farm Loan Programs (or their designee) ("USDA Re-establishes Council for Native American Farming and Ranching; Solicits Nominations for Council," Hobbs-Straus General Memorandum 14-028, April 11, 2014, http://www.hobbsstraus.com/general-memorandum-14-028).

The National Park Service (NPS) published a notice in the Federal Register, April 8, 2014, soliciting nominations of "traditional Indian religious leaders" for membership on the Native American Graves Protection and Repatriation Review Committee. Federally recognized Indian tribes, Native Hawaiian organizations, and traditional Indian religious leaders may submit nominations. Nominations were due by July 7, 2014. Responsibilities. The Review Committee was established by the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA, PL 101-601) and is responsible for: a) monitoring the inventory and identification process conducted under sections 5 and 6 of NAGPRA (25 U.S.C. § 3003 and § 3004) reviewing and making findings related to the identity or cultural affiliation of cultural items, or the return of such items; c) facilitating the resolution of disputes; d) compiling an inventory of culturally unidentifiable human remains and developing a process for disposition of such remains; e) consulting with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the work of the Review Committee affecting such tribes or organizations; f) consulting with the Secretary of the Interior in the development of regulations to carry out NAGPRA; g) making recommendations regarding future care of repatriated cultural items. Composition. The Review Committee is composed of seven members, three of whom are appointed by the Secretary of the Interior from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Indian religious leaders; and three of whom are appointed by the Secretary from nominations submitted by national museum organizations and scientific organizations. The final member is appointed by the Secretary from a list of persons developed and consented to by the other six members. A membership term consists of four years and incumbent members may be reappointed for a two-year term. ("National Park Service Solicits Nominations for Membership on Native American Graves Protection and Repatriation Review Committee," Hobbs-Straus General Memorandum 14-027, April 11, 2014, http://www.hobbsstraus.com/general-memorandum-14-027).
The Department of Labor's Employment and Training Administration (ETA) published a notice in the Federal Register, March 31, 2014, soliciting applications for $58 million in grant funds authorized by the Workforce Investment Act (WIA) Section 166 –Native American Programs. Of that total, $46 million funds the Comprehensive Service Program (CSP) serving adult participants and $12 million funds the Supplemental Youth Service Program (SYSP) serving summer youth participants. Applications were to be received no later than April 23, 2014. Purpose. The WIA Section 166 program is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals in order to: 1) develop more fully the academic, occupational, and literacy skills of such individuals 2) make such individuals more competitive in the workforce 3) promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities. Funding. Funding is for a period of two years. Eligible applicants include: Federally-recognized Indian Tribes; Tribal organizations as defined in 25 U.S.C. § 450b; Alaskan Native-controlled organizations representing regional or village areas, as defined in the Alaska Native Claims Settlement Act; Native Hawaiian-controlled entities; Native American-controlled organizations serving Indians; and/or State-recognized tribal organizations serving individuals eligible to participate under section 401 of the Job Training Partnership Act. Applicants may apply individually or in a consortium. The ETA anticipates funding Comprehensive Service Program grants in amounts ranging from $13,000-$5 million and anticipates funding Supplemental Youth Service Program grants in amounts ranging from $1,000-$2.6 million. Further information about each program is found at: http://www.doleta.gov/grants/pdf/SGA-DFA-PY-13-02_native_employment.pdf ("Employment and Training Administration Solicits Applications for Workforce Investment Act Section 166 Native American Employment and Training Program Grants," General Memorandum 14-029, April 11, 2014, http://www.hobbsstraus.com/general-memorandum-14-029).

The Department of Labor was soliciting applications, via a February 24, 2014, Federal Register notice, under its YouthBuild program which is authorized under the Workforce Investment Act. YouthBuild grants are awarded to organizations, including tribes and other agencies primarily serving Indians, to provide education and training/employment services to disadvantaged youth ages 16-24. The deadline for the receipt of applications was April 22, 2014. The notice may be found at: http://www.gpo.gov/fdsys/pkg/FR-2014-02-24/pdf/2014-03850.pdf. The target population is high school dropouts who may also be adjudicated youth aging out of foster care; youth with an incarcerated parent; youth with disabilities; and other at-risk youth populations. Up to 25 percent of participants do not have to fall into the "at risk" category but would need to be considered lacking in basic skills and/or have been referred by a local secondary school. While the training under YouthBuild focuses on construction/rehabilitation of housing for low-income and homeless persons, grants may be used for a wide array of support services including remedial education; language instruction; tutoring; study skills training; counseling and assistance regarding post-secondary education; occupational skills training; drug abuse counseling; and community service and leadership activities. Guidelines issued in February 2012 expanded the allowable fields of training to include in-demand industries (i.e., health care and information technology) leading to attainment of industry-recognized credentials. New grantees must provide construction training and are not eligible to offer other vocational training as first-time YouthBuild grantees. The Department of Labor expects to have approximately $73 million in FY 2014 funds and anticipates making 75 grants of up to $1.1 million each. Grants are for three years and four months. The first four months are for planning, followed by two years for core program operations and the third year for follow-up support services and tracking participant outcomes. There is a 25 percent cash or in-kind match requirement, and up to 30 percent of funds are for grants to applicants that have not previously received a YouthBuild grant or who have not substantially completed performance on their initial grant award. The full YouthBuild application may be viewed here: http://doleta.gov/grants/pdf/YouthBuild_SGA-DFA-PY-13-04.pdf ("YouthBuild Grants," General Memorandum 14-019, February 28, 2014, http://www.hobbsstraus.com/general-memorandum-14-019).

The Administration for Children and Families (ACF) published the a notice, April 17, 2014, in the Federal Register regarding its June 16 consultation session with tribes concerning ACF programs and tribal priorities. Additionally, there was a conference for Native American ACF grantees on June 17-19. Pre-
consultation conference calls. There were three conference calls to plan for the consultation. They were at 3 p.m. Eastern Time on May 14, May 21, and May 28. The call-in number is: 866-769-9393; the passcode is: 4449449#. Consultation Session. The June 16 consultation session was held at the Doubletree Hotel in Crystal City, Virginia. Testimony is to be submitted by June 2, 2014, to Lillian Sparks Robinson, Commissioner, Administration for Native Americans. Native American Grantee Conference, June 17-19. Workshop tracks were: Accessing Educational Opportunities; Economic Opportunity; Promoting Health; Supporting Governance; Promoting Hopeful, Safe and Healthy Communities; Understanding Grants Management and Administration. An ACF Listening Session – Learning from You, Individual Tribal Meetings. On June 20 the following ACF agencies held meetings with individual tribes: Administration for Native Americans; Children’s Bureau; Family and Youth Services Bureau; Office of Child Care; Office of Child Support Enforcement. For information on the consultation or conference, go to https://www.regonline.com/acfgranteemeeting ("Administration for Children and Families Tribal Consultation and Grantees Conference," Hobbs-Straus GENERAL MEMORANDUM 14-030, April 18, 2014, http://www.hobbsstraus.com/general-memorandum-14-030).

Rob Capriccioso, "Accuracy Is Victory: NAIHC and Census Bureau to Improve Tribal Data," ICTMN, March 26, 2014, http://indiancountrytodaymedianetwork.com/2014/03/26/accuracy-victory-naihc-and-census-bureau-improve-tribal-data-154157, reported, "A memorandum of understanding was signed February 26 by National American Indian Housing Council (NAIHC) Chairwoman Cheryl Causley and Census Bureau Deputy Director Nancy Potok that is aimed at increasing response rates to the Tribal Boundary and Annexation Survey (BAS), an annual Census Bureau survey that collects and maintains information about legal boundaries as well as the names and official status of federally recognized American Indian reservations."

"Oglala Sioux Tribe to Hold Meetings on Proposed National Park," ICTMN, January 18, 2014, http://indiancountrytodaymedianetwork.com/2014/01/18/oglala-sioux-tribe-hold-meetings-proposed-national-park-153168, reported, "Members of the Oglala Sioux Tribe are meeting with the Badlands National Park to discuss the details of the United States’ first tribal national park. A proposal to locate the park recently sparked controversy on the reservation as Oglala tribal ranchers’ grassland leases were revoked to begin preparing the land to reintroduce bison onto the South Unit of the park. But, members of the OST’s core planning team say that federal legislation authorizing the park would create economic development opportunities." "Six informational meetings at district sites are set to begin on Sunday and continue throughout the week."

Federal Indian Budgets

Kimberly Kindy, "U.S. agrees to fully fund 2014 service contracts with Indian tribes, lawmakers say, Washington Post, February 13, 2014, http://www.washingtonpost.com/politics/us-agrees-to-fully-fund-2014-service-contracts-with-indian-tribes-lawmakers-say/2014/02/13/5f2f3cd6-94bc-11e3-b46a-5a3d0d2130da_story.html, reported, "For the first time in decades, the federal government this year will pay Native American Indian tribes what they’re owed under the terms of health and social service contracts that have previously been underfunded by millions of dollars annually, according to lawmakers and congressional staff members. The payments for 2014 are reflected in revised spending plans for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) that are to be delivered to the House and Senate appropriations committees within a week." This follows a reversal of the Obama administration's position on the issue. While new plan would fully fund contracts for 2014, it does not address the billions of dollars that the tribes assert they are owed for past claims."


This report covers the final FY 2014 funding levels for selected non-BIA, non-BIE, and non-IHS programs of
particular interest to tribes and Indian organizations in the Interior, Environment, and Related Agencies appropriations bill. It is included in the Consolidated Appropriations Act, 2014 (Act) (HR 3547, PL 113-76) which was signed into law on January 17, 2014. The Act provides funding for what would normally be all 12 separate appropriations bills. A Joint Explanatory Statement accompanies the Act, rather than a formal conference report. These documents may be accessed on Congress's website: Thomas.loc.gov

This report does not include the FY 2014 Bureau of Indian Affairs, Bureau of Indian Education, or Indian Health Service funding levels, as we reported those in our General Memorandum 14-006 of January 17, 2014.

DEPARTMENT OF INTERIOR NON-BIA/BIE PROGRAMS

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FY 2014 Request $139,677,000 FY 2014 Enacted $139,677,000

The appropriated amount reflects the Administration's request and is broken down as follows:

Program Operations, Support, and Improvements FY 2014 Request $137,651,000 FY 2014 Enacted $137,651,000** From this total, up to $23,045,000 is made available to the Office of Historical Accounting.

Executive Direction FY 2014 Request $2,026,000 FY 2014 Enacted $2,026,000 Availability of Funds: The bill language provides for the transfer and continued availability of funds. The provision reads:

Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs and Bureau of Indian Education, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Departmental Operations" account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2014, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee.

Statute of Limitations: The bill language continues language to extend the statute of limitations on filing tribal and individual Indian mismanagement claims. The provision reads:

Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected Indian tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

NATIONAL PARK SERVICE

Operation of the National Park System

FY 2014 Request $2,284,920,000 FY 2014 Enacted $2,236,753,000
Excerpts from the Joint Explanatory Statement:

Wild Bison. – The Service is directed to continue to consult with Native American Tribes to develop an updated conservation and management plan for Yellowstone bison that utilizes sound management practices.

Park Partnerships. – The Committees encourage the use of public–private partnerships as an important tool in the successful operation of land management agencies. These partnerships, which leverage Federal dollars with State, local, nonprofit, and philanthropic entities, have proven effective at achieving partner and Service goals and objectives. The Committees urge the Department and Service to reassess recent policy interpretations and review procedures to facilitate partnerships that have historically proven beneficial to national parks and partners. The Committees support the ongoing efforts by the Service to enter into cooperative partnerships with Native American Tribes to enhance the management and operation of its parks and facilities.

Water Quality. – The Committees urges the Service to work with the Miccosukee Tribe of Indians of Florida to examine the water quality of the L-28 canal system.

Historic Preservation Fund

FY 2014 Request $58,910,000FY 2014 Enacted $56,410,000

The appropriated total includes the following tribal allocation:

Tribal Historic Preservation GrantsFY 2014 Request $8,985,000FY 2014 Enacted $8,985,000

FISH AND WILDLIFE SERVICE

State and Tribal Wildlife Grants

FY 2014 Request $61,323,000FY 2014 Enacted $58,695,000

The appropriated total includes the following tribal allocation:

Tribal Wildlife GrantsFY 2014 Request $4,268,000FY 2014 Enacted $4,084,000

RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI RELOCATION

FY 2014 Request $8,100,000FY 2014 Enacted $7,341,000

The bill language is as follows:

Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10: Provided further, That $200,000 shall be transferred to the Office of Inspector General of the Department of the Interior, to remain available until expended, for audits and

The Joint Explanatory Statement provides:

The bill provides $7,341,000 for the Office of Navajo and Hopi Relocation (ONHIR). The Committees note with concern that less than half ($2,600,000) of the Administration's proposal for fiscal year 2014 is for new relocations, despite a long backlog of waiting families. Thus, the agreement includes new bill language transferring funds to the Department of the Interior's Office of the Inspector General to audit and investigate ONHIR's operations.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

FY 2014 Request $11,369,000FY 2014 Enacted $ 9,369,000

SMITHSONIAN INSTITUTION

Salaries and Expenses for Museum Research Institutes

FY 2014 Request $275,935,000FY 2014 Enacted $267,200,000

The appropriated total funds 23 different museum research institutes. The National Museum of the American Indian is one of these 23 and is funded as follows:

National Museum of the American IndianFY 2014 Request $32,265,000FY 2014 Enacted $31,293,000

ENVIRONMENTAL PROTECTION AGENCY

There are a limited number of tribal-specific programs under the EPA but tribes are often eligible for the larger grant programs. We report below on several programs of interest to tribes.

Under Administrative Provisions, the bill language states:

For fiscal year 2014, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency’s function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

State and Tribal Assistance Grants

FY 2014 Request $3,153,852,000FY 2014 Enacted $3,535,161,000

There are two categories of assistance under the State and Tribal Assistance Grants (STAG): Infrastructure Assistance Grants and Categorical Grants.

Infrastructure Assistance Grants

FY 2014 Request $2,018,000,000FY 2014 Enacted $2,480,783,000

This amount is allocated as follows:
Water Supply and Wastewater Infrastructure Grants for Alaska Rural and Native Villages

FY 2014 Request $10,000,000
FY 2014 Enacted $10,000,000

The Alaska Rural and Native Village Program, administered by the State of Alaska, provides infrastructure funding to Alaska Native Villages and rural Alaska communities that lack access to basic drinking water and sanitation infrastructure.

The bill language states:

$10,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided, That, of these funds: (A) the State of Alaska shall provide a match of 25 percent; (B) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (C) the State of Alaska shall make awards consistent with the Statewide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities;

Brownfields Projects

FY 2014 Request $85,000,000
FY 2014 Enacted $90,000,000

Safe Drinking Water Revolving Loan Fund

FY 2014 Request $817,000,000
FY 2014 Enacted $906,896,000

Grants under this program can go to tribes directly as well as to the Indian Health Service under cooperative agreements to fund tribal projects.

Clean Water State Revolving Loan Fund

FY 2014 Request $1,095,000,000
FY 2014 Enacted $1,448,887,000

Some of these funds will be used for building or improving sanitation facilities in Indian Country.

With regard to restrictions on the use of the Safe Drinking Water Revolving Loan Fund and the Clean Water Revolving Loan Fund for efficiency projects, the bill language is as follows:

Provided, That for fiscal year 2014, to the extent there are sufficient eligible project applications, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: Provided further, That for fiscal year 2014, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities:

Categorical Grants

FY 2014 Request $1,135,842,000
FY 2014 Enacted $1,054,378,000

This amount is allocated as follows:

Tribal General Assistance Program (GAP)

FY 2014 Request $72,631,000
FY 2014 Enacted $65,476,000

GAP provides general assistance grants to build capacity to administer environmental regulatory programs that may be authorized by EPA in Indian Country, and to provide technical assistance in the development of multimedia programs to address environmental issues on Indian lands. The GAP grants cover the costs of planning, developing, and establishing environmental protection programs consistent with other applicable provisions of law providing for enforcement of such laws by Indian tribes on Indian lands.

Tribal Air Quality

89
This program includes funding for tribal air pollution control agencies and tribal governments. Through Clean Air Act (CAA) section 105 Grants, tribes may develop and implement programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air standards. Through CAA Section 103 grants, tribal air pollution control agencies or tribes, colleges, universities, or multi-tribe jurisdictional air pollution control agencies and/or non-profit organizations may conduct and promote research, investigations, experiments, demonstrations, surveys, studies and training related to air pollution.

Brownfields Grants
FY 2014 Request $47,572,000FY 2014 Enacted $47,745,000

Grants under Section 319 of the Clean Water Act are provided to states, territories, and tribes to help them implement their EPA-approved non-point source management programs by remediating non-point source pollution that has occurred in the past and by preventing or minimizing new non-point source pollution.

Wetland Program Development Grants
FY 2014 Request $15,143,000FY 2014 Enacted $14,661,000

The Wetland Program Development Grants enable EPA to provide technical and financial support to assist states, tribes, and local governments toward the national goal of an overall increase in the nation's wetlands. Grants are used to develop new or refine existing state and tribal wetland protection, management, and restoration programs as well as to implement programs where environmental results can be demonstrated.

Brownfields
FY 2014 Request $26,002,000FY 2014 Enacted $26,002,000

This program, under the EPA's Environmental and Program Management program, differs from the Brownfields programs listed above. It is designed to help states, tribes, local communities and other stakeholders in economic redevelopment to work together to assess, safely clean up, and reuse Brownfields. The other programs provide funding for cleanup purposes alone. However, the programs work in conjunction with one another.

Resource Conservation and Recovery Act (RCRA) Waste Management
FY 2014 Request $115,819,000FY 2014 Enacted $107,783,000

The RCRA Waste Management program is designed to reduce the amount of waste generated and to improve the recovery and conservation of materials by focusing on a hierarchy of waste management options that advocate reduction, reuse, and recycling over treatment and disposal. The program has a tribal component, which is aimed at providing technical assistance to tribes.


President Obama signed the Consolidated Appropriations Act, 2014, as Public Law 113-76, January 17, 2014. This Act includes all twelve FY 2014 appropriations bills, and reported here on the Indian Health Service (IHS) budget. The IHS has developed its FY 2014 Operating Plan as required by PL 113-76 which provides for full funding for Contract Support Costs and makes reductions in order to stay within the overall IHS spending cap. Some details of the IHS budget are not yet available (i.e., amount and allocation of staffing package funding for new facilities; pay raise funding), and we will report as that information becomes available.
The IHS FY 2014 Operating Plan may be found at:
http://www.ihs.gov/budgetformulation/includes/themes/newihstheme/documen...

FUNDING OVERVIEW

The Act provides $4.4 billion for the IHS which is $303.7 million over the FY 2013 post-sequester amount and is $78.3 million over the FY 2013 enacted (pre-sequester amount). There is a significant increase ($139.6 million) for Contract Support Costs to provide full funding and a 3.7 percent inflationary increase ($35 million) for Purchased/Referred Care to maintain current services. Most account increases, however, will be absorbed by the one percent federal pay raise for which the Administration requested $6 million and staffing package funding for new facilities (approximately $65 million). Most IHS programs were not restored to their FY 2013 pre-sequestration levels.

The IHS made the following reductions from the FY 2013 post-sequestration levels as follows in order to find the remaining funds necessary to fully fund CSC:

- $5 million from Indian Health Professions
- $1 million from Tribal Management
- $1 million from Self-Governance

LEGISLATIVE PROVISIONS

As mentioned above, the Acts includes funding to fully fund Contract Support Costs; thus it does not contain an aggregate cap as has been in past appropriations statutes. It does, consistent with the Interior appropriations acts for FYs 1999-2013, attempt to limit the ability of the IHS and BIA to fund past-year shortfalls in Contract Support funding from remaining unobligated balances for those fiscal years (section 406). This provision has been included in the appropriations act for many years and has not precluded recovery on past-year CSC claims.

Sec. 406. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, 108-447, 109-54, 109-289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Law 110-5 and 110-28), Public Laws 110-92, 110-116, 110-137, 110-149, 110-161, 110-329, 111-6, 111-8 and 111-88, 112-10, 112-74 and 113-6 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2014 for such purposes, except that for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

Maintain the Restriction of IHS Funds in Alaska to Regional Native Organizations. The Act continues the provision that provides that IHS funds for Alaska be made available only to regional Alaska Native health organizations (with some exceptions).

Sec. 424. (a) Notwithstanding any other provision of law and until October 1, 2013, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.
(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

IDEA Data Collection Language. The Act continues to authorize the BIA 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): 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 prohibition on the implementation of the eligibility regulations, published on September 16, 1987, is continued.

Services for non-Indians. The provision that allows the IHS and tribal facilities to extend health care services to non-Indians, subject to charges, is continued. The provision states:

Provided, 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 Act continues the provision that has been in Interior appropriations acts for a number of years 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 Act continues the provision regarding the use of no-bid contracts. The provision specifically exempts Indian Self-Determination agreements and reads:

Sec. 412. 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 the Chapter 33 of title 41 United States 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., as amended) 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.

FUNDING FOR INDIAN HEALTH SERVICES

FY 2013 Enacted $3,914,599,000 FY 2013 Post-Sequester $3,712,278,000 FY 2014 Admin. Request $3,982,498,000 FY 2014 Enacted $3,982,842,000

SPECIAL DIABETES PROGRAM FOR INDIANS

While the entitlement funding for the Special Diabetes Program for Indians (SDPI) is not part of the IHS
appropriations process, those funds are administered through the IHS. The SDPI is currently funded through FY 2014 at $150 million, minus a two percent reduction ($3 million) due to the sequestration of non-exempt mandatory programs. (PL 112-240).

HOSPITALS AND CLINICS

FY 2013 Enacted $1,844,397,000 FY 2013 Post-Sequester $1,749,072,000 FY 2014 Admin. Request $1,865,630,000 FY 2014 Enacted $1,790,904,000

The Administration had proposed $3.8 million for pay increases and $50.87 million for staffing and operation of new facilities.

Included in the total is $11,380,000 for the Indian Health Care Improvement Fund; $3,793,000 for Health Information Technology; and $8,967,000 for the Domestic Violence Prevention initiative.

DENTAL SERVICES

FY 2013 Enacted $165,191,000 FY 2013 Post-Sequester $156,653,000 FY 2014 Admin. Request $168,225,000 FY 2014 Enacted $165,290,000

The Administration had proposed $415,000 for pay increases and $8.78 million for staffing and operation of new facilities.

MENTAL HEALTH

FY 2013 Enacted $78,171,000 FY 2013 Post-Sequester $74,131,000 FY 2014 Admin. Request $79,873,000 FY 2014 Enacted $77,980,000

The Administration had proposed $185,000 for pay increases and $4.09 million for staffing and operation of new facilities.

ALCOHOL AND SUBSTANCE ABUSE

FY 2013 Enacted $195,245,000 FY 2013 Post-Sequester $185,145,000 FY 2014 Admin. Request $196,405,000 FY 2014 Enacted $186,378,000

The Administration had proposed $415,000 for pay raises and $1.69 million for staffing and operation of new facilities.

Included in the total is $15,513,000 for Methamphetamine/Suicide Prevention and Treatment Initiative.

PURCHASED/REFERRED CARE (Formerly Contract Health Services)

FY 2013 Enacted $844,927,000 FY 2013 Post-Sequester $801,258,000 FY 2014 Admin. Request $878,575,000 FY 2014 Enacted $878,575,000

Congressional committees have noted to the IHS that the terms Contract Health Services and Contract Health Costs are often confused. In response, IHS has renamed the Contract Health Services account as the Purchased/Referred Care (PRC) program.

Congress concurred with the Administration's proposed $35 million increase for the cost of medical inflation, which was calculated at 3.7 percent. The funding is described as being enough to maintain the current level of services. The Administration's requests in FYs 2012 and 2013 for inflationary and program increases totaling $179
million were not approved by Congress.

The IHS reports that due to increases since FY 2010, some programs have been able to approve referrals in priorities below those of Priority One (life or limb care). However, in FY 2012 PRC denied an estimated 186,353 referral services. It is well-recognized by IHS and tribal healthcare providers that many cases are not reported for referral because the funding has been exhausted.

The IHS noted in its budget justification that the demand for PRC, which always exceeds the available funding, will be even more in demand as five hospitals have been or are planned to be replaced by ambulatory health centers with no inpatient services. Those health centers will be required to purchase inpatient care from the private sector using PRC funding.

Catastrophic Emergency Health Fund (CHEF). Within the total PRC amount is $51.5 million for CHEF, which is the same as FY 2012 and a little higher than the FY 2013 level of $48.8 million.

PUBLIC HEALTH NURSING

FY 2013 Enacted $69,894,000FT 2013 Post-Sequester $66,282,000FY 2014 Admin. Request $71,194,000FY 2014 Enacted $70,909,000

The Administration had proposed $179,000 for pay increases and $4.38 million for staffing and operation of new facilities.

HEALTH EDUCATION

FY 2013 Enacted $17,454,000FY 2013 Post-Sequester $16,552,000FY 2014 Admin. Request $17,677,000FY 2014 Enacted $17,001,000

The Administration had proposed $40,000 for pay increases and $580,000 for staffing and operation of new facilities.

COMMUNITY HEALTH REPRESENTATIVES

FY 2013 Enacted $61,482,000FY 2013 Post-Sequester $58,304,000FY 2014 Admin. Request $61,661,000FY 2014 Enacted $58,345,000

The Administration had proposed $134,000 for pay raises and $120,000 for staffing and operations costs for the Cherokee Nation Health Center.

HEPATITIS B and HAEMOPHILUS IMMUNIZATION (Hib) PROGRAMS IN ALASKA

FY 2013 Enacted $1,925,000FY 2013 Post-Sequester $1,826,000FY 2014 Admin. Request $1,931,000FY 2014 Enacted $1,826,000

The IHS reports that in 2012 at least 60 percent of American Indian/Alaska Natives in Alaska with chronic Hepatitis B or C infection were screened for liver cancer and inflammation. There continues to be an increase in newly diagnosed Hepatitis C, and IHS states it "may be due in part to the CDC recommendation to screen (without assessment of risk) all 'baby boomers' for hepatitis C infection." The IHS estimates that within 5-10 years, an estimated 25-33 percent of persons with chronic Hepatitis C will need therapy for Hepatitis C. (CJ-113-114)

URBAN INDIAN HEALTH

FY 2013 Enacted $42,949,000FY 2013 Post-Sequester $40,729,000FY 2014 Admin. Request $40,729,000FY 2014 Enacted $40,729,000
The Administration had proposed $65,000 for pay raises.

Among the priorities for FY 2014 are to increase outreach to assure that urban AI/ANs are utilizing the benefits of the Indian Health Care Improvement Act; provide third party billing training; increase the number of urban Indian health programs using RPMS/Electronic Health Records; and to increase the number of accredited programs.

INDIAN HEALTH PROFESSIONS

FY 2013 Enacted $40,563,000 FY 2013 Post-Sequester $38,467,000 FY 2014 Admin. Request $40,602,000 FY 2014 Enacted $33,466,000

The Administration had proposed $6,000 for pay raises.

Programs funded under Indian Health Professions and their estimated FY 2014 amounts if they were funded under the Administration's $40 million request: Health Professions Preparatory and Pre-Graduate Scholarships ($3.57 million); Health Professions Scholarships ($10.7 million); Extern Program ($1.18 million); Loan Repayment Program ($21.4 million); Quentin N. Burdick American Indians Into Nursing Program ($1.77 million – five grants); Indians Into Medicine Program ($1.16 million – three grants); and American Indians into Psychology ($757,386 – three grants).

The Act allows for up to $36 million to be utilized for the Loan Repayment Program – IHS Area Offices and Service Units are authorized to provide supplemental funds. In FY 2012 the Loan Repayment Program received $5.2 million from the Hospitals and Clinics program.

The Act continues the provision that allows funds collected on defaults from the Loan Repayment and Health Professions Scholarship programs to be used to recruit health professionals for Indian communities:

Provided further, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of the Act (25 U.S.C. 1616a-1) and shall remain available until expended and, notwithstanding section 108A(c) of the Act (25 U.S.C. 1616a-1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of the Act (25 U.S.C. 1613a and 1616a)

TRIBAL MANAGEMENT

FY 2013 Enacted $2,575,000 FY 2013 Post-Sequester $2,442,000 FY 2014 Admin. Request $2,577,000 FY 2014 Enacted $1,442,000

Funding is for new and continuation grants for the purpose of evaluating the feasibility of contracting the IHS programs, developing tribal management capabilities, and evaluating health services. Funding priorities are, in order, 1) tribes that have received federal recognition or restoration within the past five years; 2) tribes/tribal organizations that are addressing audit material weaknesses; and 3) all other tribes/tribal organizations.

DIRECT OPERATIONS

FY 2013 Enacted $71,594,000 FY 2013 Post-Sequester $67,894,000 FY 2014 Admin. Request $71,845,000 FY 2014 Enacted $67,894,000

The IHS states in its budget submission that 56.5 percent of the Direct Operations budget would go to Headquarters and 43.5 percent to the twelve Area Offices. Tribal Shares funding for Title I contracts and Title V compacts are also included.
The Administration had proposed $192,000 for pay raises.

SELF-GOVERNANCE

FY 2013 Enacted $6,039,000 FY 2013 Post-Sequester $5,727,000 FY 2014 Admin. Request $6,049,000 FY 2014 Enacted $4,727,000

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.

CONTRACT SUPPORT COSTS

FY 2013 Enacted $472,191,000 FY 2013 Post-Sequester $477,488,000 FY 2014 Admin. Request $477,205,000 FY 2014 Enacted $587,376,000

Congress rejected the Administration's proposal to legislatively cap each tribe's payment of CSC below full funding and instructed the IHS and the BIA to fully fund Contract Support Costs. The $587 million provided in the IHS Operating Plan for FY 2014 is estimated to meet the full CSC need. Congress called on the Administration to work with them and with tribes on a long-term solution to meet the legal obligation of paying CSC. A work plan and announcement of consultation with tribes is to be completed within 120 days of enactment (May 17, 2014). The IHS and the BIA will begin consultation on this matter on March 11 at the National Congress of American Indians Winter Session in Washington, DC.

Indian Self-Determination (ISD) Fund. The IHS Operating Plan for FY 2014 provides for up to $10 million for an Indian Self-Determination Fund to support new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements.

FUNDING FOR INDIAN HEALTH FACILITIES

FY 2013 Enacted $441,605,000 FY 2013 Post-Sequester $428,569,000 FY 2014 Admin. Request $448,139,000 FY 2014 Enacted $451,673,000

Maintenance and Improvement (M&I) funds are provided to Area Offices for distribution to projects in their regions. Funding is for the following purposes: 1) routine maintenance; 2) M&I Projects to reduce the backlog of maintenance; 3) environmental compliance; and 4) demolition of vacant or obsolete health care facilities. Of the total funding requested, $51.3 million will be allocated to sustain the condition of federal and tribal health care facilities buildings, $2 million for environmental compliance projects, and $500,000 for demolition projects. No funds will be allocated "to improve the condition of the healthcare facilities or make improvements to support healthcare delivery." (CJ-150)

The IHS estimates that as of October 2012, the Backlog of Essential Maintenance list is $462 million (up $35 million from October 2011).

The IHS in its budget request stated that the budget request was inadequate, stating it will only "enable the IHS to maintain the condition of the IHS real property portfolio at, or slightly below the existing level … does not provide
for the expected increase in health care facility space…” (CJ 149-150)

**FACILITIES AND ENVIRONMENTAL HEALTH SUPPORT**

FY 2013 Enacted $204,231,000 FY 2013 Post-Sequester $193,578,000 FY 2014 Admin. Request $207,206,000 FY 2014 Enacted $211,051,000

The Administration had proposed $565,000 for pay increases and $7.2 million for staffing and operation of new facilities.

**MEDICAL EQUIPMENT**

FY 2013 Enacted $22,582,000 FY 2013 Post-Sequester $21,404,000 FY 2014 Admin. Request $22,582,000 FY 2014 Enacted $22,537,000

The IHS said in its budget justification that they expected to distribute the FY 2014 requested funds as follows: $16.6 million for new and routine replacement medical equipment at over 1,500 federally- and tribally-operated health care facilities; $5 million for new medical equipment in tribally-constructed health care facilities; and $500,000 each for the TRANSAM and ambulance programs.

**CONSTRUCTION**

Construction of Sanitation Facilities

FY 2013 Enacted $79,582,000 FY 2013 Post-Sequester $75,431,000 FY 2014 Admin. Request $79,582,000 FY 2014 Enacted $79,423,000

Four types of sanitation facilities projects are funded by the IHS: 1) projects to serve new or like-new housing; 2) projects to serve existing homes; 3) special projects such as studies, training, or other needs related to sanitation facilities construction; and 4) emergency projects. The IHS sanitation facilities construction funds cannot be used to provide sanitation facilities in HUD-built homes.

The IHS in its budget justification proposed to distribute up to $48 million to the Area Offices for prioritized projects to serve existing homes; up to $5 million for projects to clean up and replace open dumps on Indian lands; and $2 million will be reserved at IHS Headquarters ($1 million for special projects and emergency needs; $500,000 to collect homeowner data and demographic information in three IHS Areas; and $500,000 for improving data collection systems to help fund a Water Resource Center to develop teaching materials and techniques for homeowners and communities to support usage in a way that promotes health). The Water Resource Center is in partnership with the Alaska Native Tribal Health Consortium which received $250,000 in FY 2012 and is expected to be funded for five years through FY 2016.

Construction of Health Care Facilities

FY 2013 Enacted $81,489,000 FY 2013 Post Sequester $77,238,000 FY 2014 Admin. Request $85,048,000 FY 2014 Enacted $85,048,000

The Administration proposed no new health care facilities starts, but proposed to fund the following:

- Kayenta Health Center – continue construction of the health care facility and begin construction of the staff quarters ($57 million)
- San Carlos Health Center complete construction of the staff quarters ($12.5 million)
- Southern California Regional Youth Treatment Center in Hemet – complete construction ($15.5 million).

The IHS notes the strong tribal interest in the Joint Venture Construction Program:
The Joint Venture Construction Program (JVCP) allows IHS to enter into agreements with Tribes that construct their own health facilities. The funding for the construction of the health facility comes from the Tribe through their own resources, financing or other funding sources; IHS health care facility construction appropriations are not used for construction of facilities in the JVCP. Tribes apply for the JVCP during a competitive process and projects that are approved enter into agreements with IHS. Upon projected completion of construction by the respective Tribe, the IHS agrees to request Congressional appropriations for additional staffing and operations based on the Tribes' projected dates of completion, fully executed beneficial occupancy and opening.

Between FY 2001 and FY 2012, seventeen joint venture project agreements signed by IHS and Tribes were initiated and nine have been completed. The JVCP continues to receive strong support by Tribes based upon the 55 positive responses to the FY 2009 congressionally directed solicitation for the JVCP FY 2010-FY 2012 cycle. (CJ-156)

OTHER

TRANSAM Equipment, Ambulances, Demolition Fund. The Act provides funding of up to $500,000 to purchase TRANSAM equipment from the Department of Defense and $500,000 to be deposited in a Demolition Fund to be used for the demolition of vacant and obsolete federal buildings. Up to $2.7 million is for the purchase of ambulances.

THIRD PARTY COLLECTIONS

The IHS estimates a total IHS and tribal Medicare, Medicaid and private insurance collections of $1,081,038,000 in FY 2014.

Medicare $140 million federal; $64 million tribalMedicaid $612 million federal; $166 million tribalPrivate Insurance $90 million.

***AA***


This report covers the final FY 2014 funding levels for selected programs of particular interest to tribes, tribal organizations, and tribal colleges in the Department of Agriculture appropriations bill. It is included in the Consolidated Appropriations Act, 2014 (Act) (HR 3547, PL 113-76) which was signed into law on January 17, 2014. The Act provides funding for what would normally be all 12 separate appropriations bills. A Joint Explanatory Statement accompanies the Act, rather than a formal conference report. The House Report for the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill is H. Rpt. 113-116 and the Senate Report is S. Rpt. 113-46. These documents may be accessed on Congress's website: Thomas.loc.gov

The Joint Explanatory Statement notes that instructions in either the House or Senate Appropriations Committee reports accompanying the bill are approved unless specifically changed in the Statement.

In this Memorandum the term "FY 2013 Enacted" is the pre-sequestration funding level for FY 2013.

Buffalo/Bison Inspection of Tribally-Raised Buffalo. The House Report urges the Food Safety and Inspection Service (FSIS) to work with tribes on a buffalo/bison slaughter program:

The Committee urges FSIS to enhance its efforts to work with Tribes to set up voluntary, fee-for-service programs for the slaughter of Tribally-raised buffalo and bison. In doing so, FSIS should work with the Tribal Council and make the Council aware of such opportunities as mobile slaughter and trade associations such as the North
American Meat Association and the American Association of Meat Processors which may be able to assist them in qualifying for inspection and starting operations. (H. Rpt. 113-116, p. 26)

Office of Tribal Relations

FY 2013 Enacted $485,000FY 2014 Request $502,000FY 2014 Enacted $498,000

Federally Recognized Tribes Extension Program

FY 2013 Enacted $2,963,000FY 2014 Request $3,039,000FY 2014 Enacted $3,039,000

Under the Federally Recognized Tribes Extension Program, state land grant universities provide education and resources for tribes in areas including range management, wildlife and fisheries enhancement and education for adults and youth.

The Senate Report comments on the limitation placed on competition for the program in FY 2013:

The Committee is concerned that in FY 2013, NIFA (National Institute of Food and Agriculture) limited competition for the Federally Recognized Tribes Extension Program funding to current awardees effectively excluding eligible tribes not currently funded from extension funding. NIFA has assured the Committee that this practice is exclusive and unique to fiscal year 2013, does not set precedent, and will not be replicated in any other program. (S. Rpt. 113-46, p. 26)

Tribal Colleges Extension Services

FY 2013 Enacted $4,204,000FY 2014 Request $4,312,000FY 2014 Enacted $4,446,000

Native American Institutions Endowment Fund (tribal colleges)

FY 2013 Enacted $11,880,000FY 2014 Request $11,880,000FY 2014 Enacted $11,880,000

The Senate Report explains: The Native American Institutions Endowment Fund authorized by Public Law 103-382 provides an endowment for the 1994 land-grant institutions (34 tribally controlled colleges). This program will enhance educational opportunity for Native Americans by building educational capacity at these institutions in the areas of student recruitment and retention, curricula development, faculty preparation, instruction delivery systems, and scientific instrumentation for teaching. Income funds are also available for facility renovation, repair, construction, and maintenance. On the termination of each fiscal year, the Secretary shall withdraw the income from the endowment fund for the fiscal year, and after making adjustments for the cost of administering the endowment fund, distribute the adjusted income as follows: 60 percent of the adjusted income from these funds shall be distributed among the 1994 land-grant institutions on a pro rata basis, the proportionate share being based on the Indian student count; and 40 percent of the adjusted income shall be distributed in equal shares to the 1994 land-grant institutions. (S. Rpt. 113-46, pp. 24-25)

1994 Institutions Equity Grants (tribal colleges)

FY 2013 Enacted $3,251,000FY 2014 Request $3,335,000FY 2014 Enacted $3,439,000

1994 Institution Research Initiative (tribal colleges)

FY 2013 Enacted $1,756,000FY 2014 Request $1,801,000FY 2014 Enacted $1,801,000

Every two years the tribal colleges compete for these funds.

Community Facility Grants for Tribal Colleges and Universities
The Act also provides $5.9 million for a Rural Community Development Initiative "to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas." In FY 2013 USDA Rural Development provided $114.7 million in FY 2013 to help finance tribal essential communities via direct and guaranteed loans and grants. Most of the funds were direct loans. Alaska Native/Native Hawaiian-Serving Higher Education Institutions

FY 2013 Enacted $3,114,000 FY 2014 Request $3,194,000 FY 2014 Enacted $3,194,000

The Act provides that the funds are to be divided equally between Hawaii and Alaska.

Rural Business Program Subsidy and Grants

FY 2013 Enacted $83,745,000 FY 2014 Request $51,777,000 FY 2014 Enacted $96,539,000 The Act provides that of the total, $4 million is for business grants for federally recognized tribes. Within the $4 million is $250,000 "for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development."

Among the programs funded under this account are the Rural Business Enterprise grants ($24.3 million) and the Rural Business Opportunity grants ($2.25 million). In FY 2013 there were 17 awards to tribes totaling $1.1 million under the Rural Business Opportunity program and 30 awards to tribes totaling $3.1 million under the Rural Business Enterprise Program.

Rural Development Direct Loan Fund Subsidy

FY 2013 Enacted $7,385,000 FY 2014 Request $12,324,000 FY 2014 Enacted $6,000,000

The Act reserves $531,000 of these funds for federally recognized tribes.

Rural Water and Waste Disposal Program Subsidy and Grants

FY 2013 Enacted $511,000,000 FY 2014 Request $304,000,000 FY 2014 Enacted $462,400,000

Within the total is $66.5 million in loans and grants for Native Americans, including Native Alaskans, the Colonias, and residents of Hawaiian Homelands. Also included is $800,000 for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities, and $15 million for a circuit rider program to provide technical assistance for rural water systems.

Indian Tribal Land Acquisition Loans

FY 2013 Enacted $2,000,000 FY 2014 Request $2,000,000 FY 2014 Enacted $2,000,000

Indian Highly Fractionated Land Loan Subsidy

FY 2013 Enacted $169,000 FY 2014 Request $68,000 FY 2014 Enacted $68,000

Both subsidies for FY 2013 and 2014 are intended to support $10 million in loans to individual Indians to purchase highly fractionated parcels of land.

Supplemental Nutrition Assistance Program (includes the Food Distribution Program on Indian Reservations.
FY 2013 Enacted $77.3 billionFY 2014 Request $78.4 billionFY 2014 Enacted $82.2 billion

The Act provides $104 million for the Food Distribution Program on Indian Reservations. In addition, bill language provides that $998,000 may be used "to provide nutrition education services to state agencies and Federally recognized tribes participating in the Food Distribution Program on Indian Reservations."

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

FY 2013 Enacted $6.9 billionFY 2014 Request $7.1 billionFY 2014 Enacted $6.7 billion

Currently 34 tribal organizations administer the WIC program.

Distance Learning and Telemedicine – Grants

FY 2013 Enacted $24,300,000FY 2014 Request $24,950,000FY 2014 Enacted $24,323,000

Within the total is $3 million for telemedicine and distance learning grants for health needs in the Mississippi River Delta area and $2 million for noncommercial educational broadcast stations that serve rural areas that are qualified for Community Service Grants by the Corporation for Public Broadcasting.

Broadband Telecommunications – Loan authorization

FY 2013 Enacted $42,200,000FY 2014 Request $63,356,000FY 2014 Enacted $34,483,000

The Joint Explanatory Statement directs the Rural Utilities Service "to focus expenditures on projects that bring broadband service to currently unserved households."

Broadband Telecommunications – Direct

FY 2013 Enacted $3,892,000FY 2014 Request $8,268,000FY 2014 Enacted $4,500,000

Broadband Telecommunications – Grants


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This report covers the final FY 2014 funding levels for selected programs of particular interest to tribes and Indian organizations in the Department of Justice (DOJ). The DOJ funding is included in the Consolidated Appropriations Act, 2014 (Act) (HR 3547, PL 113-76) which was signed into law on January 17, 2014. The Act provides funding for what would normally be all 12 separate appropriations bills. A Joint Explanatory Statement accompanies the Act, rather than a formal conference report. The Senate Report for Commerce-Justice-State appropriations is Senate Report 113-78 and the House Committee Report is H. Rpt. 113-171. These documents may be accessed on Congress’s website: Thomas.loc.gov

In this Memorandum, the term "FY 2013 Enacted" is the pre-sequestration level for FY 2013.

The FY 2014 discretionary funding level for DOJ is $27.4 billion. While that amount is $338 million over the FY 2013 enacted level, it does not nearly compensate for the $1.6 billion FY 2013 sequestration. The Administration requested $27.6 billion for FY 2014 Department of Justice (DOJ) discretionary funding level. We report below on
the recommended funding levels for selected DOJ programs of interest to tribes.

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMSFY 2013 Enacted $408 millionFY 2014 Admin. Request $412 millionFY 2014 Enacted $417 million

Within the total is:
• $38 million for grants to tribal governments
• $6 million for the Indian Coalition Grants program
• $2.7 million for tribes under the Sexual Assault Services Program
• $1 million for research on violence against Indian women, and
• $500,000 to continue development a national clearinghouse on the sexual assault of American Indian and Alaska Native women

Other programs under the Violence Against Women Program are:

• Services, Training, Officers, & Prosecutors (STOP) Grants -- $193 million, $3 million over the FY 2013 enacted level. These are formula grants to states
• Transitional Housing Assistance for Homeless Victims -- $24.7 million
• Grants to Encourage Arrest Policies -- $50 million
• Rural Domestic Violence Assistance Grants -- $36 million
• Violence on College Campuses -- $9 million
• Civil Legal Assistance -- $37 million
• Sexual Assault Victims Services Program -- $27 million
• Elder Abuse Grants Program -- $4.25 million
• Education and Training for Disabled Female Victims -- $5.75 million
• National Resource Center on Workplace Responses -- $500,000
• Family Civil Justice Program -- $15 million
• Consolidated Youth-Oriented Program -- $10 million

OFFICE OF JUSTICE PROGRAMS

Research, Evaluation & Statistics (Administered by the Bureau of Justice Assistance)

FY 2013 Enacted $124.4 millionFY 2014 Admin. Request $134.4 millionFY 2014 Enacted $120.0 million

State and Local Law Enforcement AssistanceFY 2013 Enacted $1.12 billionFY 2014 Admin. Request $1.00 billionFY 2014 Enacted $1.17 billion

Specific amounts within the above total include:
• Tribal Law Enforcement AssistanceFY 2013 Enacted $38 millionFY 2014 Admin. Request *set-aside (see below)FY 2014 Enacted $30 million

The Administration proposed bill language, as it did in FYs 2012-2013, that would provide a seven percent allocation for tribal criminal justice assistance, in lieu of dedicated amounts under State and Local Law Enforcement Assistance and Juvenile Justice. The DOJ anticipated that Indian Country Initiatives would be funded at $102.5 million through the set-aside, an estimated $64.5 million increase over the amount provided under the separate line-item basis in prior years. The final bill does not adopt this approach, although the Senate Committee had recommended a five percent allocation.

The House Committee report states:
The Committee expects OJP to consult closely with tribal stakeholders in determining how tribal assistance funds will be allocated among grant programs that improve public safety in tribal communities, such as grants for detention facilities under section 20109 of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), civil and criminal legal assistance as authorized by title I of Public Law 106-559, tribal courts, and alcohol and substance abuse reduction assistance programs. The Committee directs OJP to submit, no later than 45 days after enactment of this Act, an allocation of funds that has been informed by such consultation. The Committee notes that the recommendation includes additional grant funding for tribal law enforcement programs through OVW. (H. Rpt. 113-171, p. 54)

Edward Byrne Competitive GrantsFY 2013 Enacted $15 millionFY 2014 Admin. Request $15 millionFY 2014 Enacted $13 million

Funds may be used for a variety of purposes including preventing crime, improving the administration of justice,
and providing services to crime victims. Tribal governments are among those eligible to apply for these funds.

Bulletproof Vests Partnerships

FY 2013 Enacted $24.0 million
FY 2014 Admin. Request –0–FY 2014 House Enacted $22.5 million

This program, formerly funded under the COPS Programs, reimburses law enforcement agencies (including tribal programs) for up to 50 percent of the cost of each vest purchased for eligible public safety officers.

Implementation of the Adam Walsh Act

The Act provides $20 million, the same as the budget request and the FY 2013 level. This is a discretionary grant program that funds start-up and ongoing maintenance costs associated with implementation of the Sex Offender Registration and Notification Act (SORNA).

Attorney General's Initiative on Children Exposed to Violence

The Act provides $8 million of the Administration-requested $23 million for this joint initiative with the Department of Health and Human Services. The FY 2013 level was $10 million.

Byrne Memorial Justice Assistance Grants.

The Act provides $376 million for these grants, and the Joint Explanatory Statement gives this instruction: Funding is not available for luxury items, real estate or construction projects. The Department should expect State, local and tribal governments to target funding to programs and activities that are in conformance with evidence-based strategic plans developed through broad stakeholder involvement. The Committee directs the Department to make technical assistance available to State, local and tribal governments for the development or updating of such plans. Furthermore, the Committee has become aware that some States have match requirements on their Byrne-JAG subgrant awards to local entities, even though the Federal JAG program funds awarded to States require no such match requirement. The Committee urges DOJ to work with States to find alternatives to imposing a match requirement on sub-grantees, which are often disadvantaged and small local communities and law enforcement organizations. (S. Rpt. 113-78, pp. 87-88)

National Instant Criminal Background Check System (NICS) Initiative Grants.

The Act consolidates the National Criminal History Improvement Program and the NICS Act Record Improvement Program and provides $58.5 million, $40 million increase over FY 2013 (the DOJ did reprogram an additional $14 million into the program in FY 2013) over last year. The Joint Explanatory Statement explains:

These funds will strengthen NICS by assisting States in finding ways to add more records to the system, especially mental health records. This will help close gaps in Federal and State records currently available in NICS, which hinder the ability to confirm quickly whether a prospective purchaser is prohibited from acquiring a firearm.

Drug Courts and Mentally Ill Offender Act Programs.

Congress rejected the Administration's proposal to consolidate the Drug Courts and the Mentally Ill Offender Act programs. The Administration had said such a consolidation would "help state, local, and tribal governments develop multi-faceted strategies that together bring criminal justice (particularly the courts), social services, and public health agencies, as well as community organizations to develop system-wide responses to offender risks."

The Act provides $40.5 million for Drug Courts ($35 million in FY 2013) and $8.2 million for Mentally Ill Offender Act programs ($9 million in FY 2013).

Vision 21: Transforming Victim Services. The Administration had requested $45 million (including a $20 million tribal allocation) as a set-aside from the Crime Victims Fund for a new planning initiative for research, evaluation, training and provision of victim services. The Act instead provides $12.5 million from discretionary funds for Vision 21. The Senate Committee states:
Rather than follow the administration's proposal to fund this program out of the mandatory Crime Victims Fund, the Committee chooses to provide funding through discretionary resources. The Committee encourages the Department to work with Congress on legislation that will best meet the needs of crime victims in the 21st century.

Vision 21 is a strategic planning initiative based on an 18-month national assessment led by OVC that analyzed existing and chronic gaps, emerging challenges, and opportunities in crime victim assistance. The Committee supports Vision 21's goals of funding initiatives that will address the need for more data-driven research and evaluation on victimization and services; holistic legal assistance for crime victims; resources to reach tribal and rural victims in areas where service providers do not exist; support of national emergency hotlines, online, and other programs that serve American crime victims at the national and international level; and capacity building to provide technology- and evidence-based training and technical assistance. (S.Rept.113-78, p. 92-93)

Comprehensive School Safety Initiative. The Administration had requested $150 million to fund a new Comprehensive School Safety program. The Act provides $75 million for this purpose under State and Local Law Enforcement Assistance. Bill language allocated $50 million for pilot grants for schools and $25 million for research and evaluation. The Joint Explanatory Statement reads, in part:

The agreement includes $75,000,000 for a Comprehensive School Safety Initiative, a research-focused initiative to increase the safety of schools nationwide. The Initiative shall bring together the Nation's best minds to research the root causes of school violence, develop technologies and strategies for increasing school safety, and provide pilot grants to test innovative approaches to enhance school safety across the Nation. The National Institute of Justice (NIJ) shall develop and implement the Initiative and shall report to the Committees on Appropriations no later than 90 days after the date of enactment of this Act on its implementation plans.

NIJ shall collaborate with key partners from law enforcement, mental health, and education disciplines to develop a strategy and model for comprehensive school safety. The model should take into account concerns about the "school-to-prison" pipeline discussed in the Senate report. NIJ shall provide to the Committees on Appropriations a report detailing the results of this effort and an outline of the model not later than 90 days after the date of enactment of this Act. Immediately following the development of this model the NIJ shall make it available via the Department of Justice website.

COMMUNITY ORIENTED POLICING SERVICE (COPS) GRANTS

FY 2013 Enacted $218 millionFY 2014 Admin. Request $439 millionFY 2014 Enacted $214 million

COPS Hiring ProgramFY 2013 Enacted $166 millionFY 2014 Admin. Request $257 millionFY 2014 Enacted $180 million

These funds are used to award hiring grants to state, local, and tribal law enforcement programs to assist in meeting the Administration's goal of increasing the number of community policing officers throughout the country. The Administration proposed bill language to allow up to $50 million of these funds to be used for hiring non-sworn law enforcement personnel (i.e., crime and intelligence analysts, etc.), but the final bill does not include that proposal.

COPS Tribal Hiring. The Act provides $16.5 from within the above COPS Hiring Grants total to be transferred to the Tribal Resources Grant Program (TRGP). Bill language provides that the funds are "for improving tribal law enforcement including hiring, equipment, training, and anti-methamphetamine activities."

COPS Policing Development Initiative. Within the COPS Hiring total, the Act provides $7.5 million for the Policing Development Initiative. This compares to a FY 2013 allocation of $10 million and the Administration's request of $15 million for this purpose. Grant funds are provided to state, local, and tribal governments to implement community policing through training and technical assistance, and innovative community policing
strategies, among other things.

Methamphetamine Clean-Up FY 2014 Admin. Request $12.5 million FY 2014 House Enacted $10.0 million

These funds are transferred to the Drug Enforcement Administration to provide grants to state and local law enforcement for activities related to the removal and disposal of hazardous materials from meth labs. Tribal governments and territories are eligible for these grants.

JUVENILE JUSTICE PROGRAMS FY 2013 Enacted $274 million FY 2014 Admin. Request $332 million FY 2014 Enacted $254 million

Juvenile Delinquency Incentive Grants. The Act provides $15 million for these grants and included in it is $5 million for tribal youth grants ($10 million in FY 2013). Funds may be used for delinquency prevention, alcohol and substance abuse prevention and other programs intended for at-risk youth.

Victims of Child Abuse Programs. The Act provides $19 million, slightly more than the FY 2013 level. The Administration did not request any FY 2014 funds. These funds are allocated for several programs, including the Regional Child Advocacy Centers of joint initiatives, including the support and development of tribal CACs.

Youth Mentoring. The Act provides $88.5 million which is $10 million over FY 2013 and $30 million above the requested level. Senate Committee bill would provide. Funds are used for competitive grants to support national, regional and local organizations in nurturing and mentoring at-risk children and youth.

Other. Other programs funded under Juvenile Justice include State Formula grants ($55 million) and Missing and Exploited Children programs ($67 million).


This report covers the final FY 2014 funding levels for selected programs of particular interest to tribes and Indian organizations in the Labor-Health and Human Services-Education and Related Agencies appropriations bill. It is included in the Consolidated Appropriations Act, 2014 (Act) (HR 3547, PL 113-76) which was signed into law on January 17, 2014. The Act provides funding for what would normally be all 12 separate appropriations bills. A Joint Explanatory Statement accompanies the Act, rather than a formal conference report. The Senate Report for Labor-HHS-Education appropriations is Senate Report 113-71; there was no House Committee report. These documents may be accessed on Congress's website: Thomas.loc.gov

The Joint Explanatory Statement provides that the Senate Report instructions should be followed unless otherwise addressed in the Statement:

In implementing this agreement, the Departments and agencies should be guided by the language and instructions set forth in Senate Report 113-71 accompanying the bill, S. 1281, unless specifically addressed in this statement. In cases where the language and instructions in the Senate report specifically address the allocation of funds, each has been reviewed and those that are jointly concurred on have been endorsed in this statement.

In this Memorandum the term "FY 2013 Final Appropriation" is the post-rescission, post-sequestration funding level for FY 2013.

DEPARTMENT OF LABOR

Section 166 Program for Indian Tribes, Urban Indians, Hawaiians, and Samoans
FY 2013 Final Appropriation $45.1 millionFY 2014 Admin. Request $47.6 millionFY 2014 Enacted $46.1 million

This program, authorized under the Workforce Investment Act of 1998 (WIA), provides formula grant funding to tribes and other Native American groups for employment, training, and related services activities. The FY 2014 funding is inconsistent with the statutory WIA requirement that a minimum of $55 million is to be provided for the Section 166 program. The program year begins on July 1, 2014, and ends on June 30, 2015. One percent of funding is reserved for technical assistance.

Supplemental Youth Services

FY 2013 Final Appropriation $781.4 millionFY 2014 Admin. Request $846.6 millionFY 2014 Enacted $820.4 million

Youth Activities, authorized by the WIA, consolidates the Summer Youth Employment and Training Program under JTPA Title II–B, and Youth Training Grants under JTPA Title II–C. Tribes will receive 1.5 percent of the funds, or $12.3 million.

Tribal NEW (Native Employment Works) Program

Tribes receive $7.6 million annually under the NEW program as a capped entitlement program. The NEW program replaced the JOBS authorization in the welfare reform law (PL 104-193).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Act does not contain provisions to block implementation of the Affordable Care Act as was proposed by the some conservative members of Congress.

The Affordable Care Act provides $17.7 billion over ten years in mandatory funding for a Prevention and Public Health Fund (PPH). Congress, through the appropriations process, transfers these funds to health prevention and public health programs. For FY 2014 Act transfers $1 billion of the PPH funds to various agencies for specific purposes. Included in the transfer of funds is $73 million to the Centers for Disease Control (CDC) for diabetes prevention efforts and $160 million to the CDC for the Preventive Health and Health Services Block Grant.

Administration for Children and Families

FY 2014 Admin. Request $31.0 billionFY 2014 Enacted $30.9 billion

Temporary Assistance for Needy Families (TANF)

The Act extends the authorization of the TANF program through September 30, 2014. There are currently 67 tribal TANF grantees administering $183 million. Of the total number of grantees, 15 are administering the program in PL 102-477 projects.

Administration for Native Americans (ANA)

FY 2013 Final Appropriation $45.4 millionFY 2014 Admin. Request $48.5 millionFY 2014 Enacted $46.5 million

Low-Income Home Energy Assistance Program

FY 2013 Final Appropriation $3.25 billionFY 2014 Admin. Request $3.02 billionFY 2014 Enacted $3.42 billion

Tribes received $38 million from this program in FY 2012.

Head Start
The Joint Explanatory Statement provides that the Secretary shall reserve no less than three percent of funds for Indian Head Start programs. FY 2014 funding brings the Head Start back to its FY 2012 funding level plus a 1.3 percent inflation adjustment. Included in the funding is $500 million for "expanding Early Head Start (EHS), including EHS-Child Care Partnerships where appropriate." Tribes received $223 million from the Head Start program in FY 2012.

As mentioned under the Education Department section of this Memorandum, the Act contains $250 million for a new School Readiness Program for grants to develop preschool programs for families at or below 200 percent of the poverty program. The Administration had requested $2 billion for this initiative.

Child Care and Development Block Grant

Discretionary Funds: FY 2013 Final Appropriation $2.19 billion FY 2014 Admin. Request $2.48 billion FY 2014 Enacted $2.36 billion

Entitlement Funds: FY 2014 $2.92 billion

Tribes receive by statute not less than one percent and not more than two percent of the combined total of discretionary and entitlement funds under the Child Care and Development Block Grant. Tribes received $103.9 million in FY 2012 from this program.

Promoting Safe and Stable Families Program (Title IV-B, Subpart 2)

FY 2013 Final App. $360 million mandatory and $59.7 million discretionary funds FY 2014 Admin. Request $365 million mandatory and $63.1 million discretionary funds FY 2014 Enacted $345 million mandatory and $59.8 million discretionary funds

Tribes and tribal consortia receive a three percent statutory allocation of the mandatory and discretionary funds. In FY 2012 tribes received $11 million from this program (126 tribal grantees).

Child Welfare (Title IV-B, Subpart 1)

FY 2013 Final Appropriation $262.6 million FY 2014 Admin. Request $280.6 million FY 2014 Enacted $268.7 million

Although the statute does not specify a percentage or amount of funding for tribes, tribes receive formula funds under this program which is authorized under Title IV-B, Subpart 1 of the Social Security Act. Tribes received $6.4 million from this program in FY 2012 (166 tribal grantees).

Child Welfare Training and Demonstrations

FY 2013 Enacted $24.4 million FY 2014 Admin. Request $26.1 million FY 2014 Enacted $24.9 million

This program funds child welfare training and research. It also includes $20 million for a five-year grant program (which began in FY 2010) for developing strategies that improve outcomes for children in long-term foster care.

Kinship Guardianship

FY 2013 Projected $123 million FY 2014 Admin. Request $124 million FY 2014 Projected $124 million

The Kinship Guardianship program, authorized under Title IV-E of the Social Security Act, first became available
in FY 2009. It provides subsidies to a relative taking legal guardianship of a child for whom being returned home or adoption are not appropriate permanency options. Funding is on an entitlement basis.

Tribes directly administering the Title IV-E Foster Care and Adoption Assistance programs would be eligible to offer Kinship Guardianship payments; or a tribe which has a Title IV-E agreement with a state might be able to access such payments through the agreement.

Chaffee Foster Care Independent Living Program

FY 2013 Final Appropriation $140 millionFY 2014 Admin. Request $140 millionFY 2014 Enacted $140 million

Authorized under Title IV-E of the Social Security Act, the Independent Living program provides funding to assist youth who are aging out of foster care. It is a capped entitlement program, with most funds being provided to states via formula. The Fostering Connections to Success and Increasing Adoptions Act (PL 110-351) authorized tribes with an approved Title IV-E plan or a Title IV-E tribal/state agreement to receive directly from HHS a portion of the state's Independent Living funds to serve tribal youth. Tribes received $105,869 from this program in FY 2012.

Education and Training Vouchers for Youth Leaving Foster Care

FY 2013 Final Appropriation $42.3 millionFY 2014 Admin. Request $45.2 millionFY 2014 Enacted $43.2 million

This program, authorized under the Safe and Stable Families Amendments of 2001 (PL 107-133), provides vouchers for college or vocational/technical training for youth who age out of the foster care system. States may allow youth to participate in the voucher program up to age 23, and the maximum voucher amount is $5,000 per year. States receive funding according to their proportion of youth in foster care. The Foster Care Independence Act requires states to provide services to Indian youth aging out of foster care and to consult with tribes on these services.

The Fostering Connections to Success and Increasing Adoptions Act (PL 110-351) authorized tribes with an approved Title IV-E Foster Care and Adoption Assistance plan or a Title IV-E tribal/state agreement to receive directly from HHS a portion of the state's Education and Training Voucher funding to serve tribal youth.

Community Services Block Grant (CSBG)

FY 2013 Final Appropriation $635.3 millionFY 2014 Admin. Request $369.5 millionFY 2014 Enacted $728.8 million

Tribes received $5 million from this program in FY 2012.

Battered Women's Shelters

FY 2013 Final Appropriation $121.2 millionFY 2014 Admin. Request $135.0 millionFY 2014 Enacted $133.5 million

Tribes receive ten percent of funds from the Battered Women's Shelter program, which is authorized in the Family Violence Prevention and Services Act. These funds, which are distributed through a formula, are used primarily for counseling, advocacy, and self-help services for victims and their children. Tribes received $13 million from this program in FY 2012.

Other

Tribes receive funding through an Affordable Care Act pre-appropriated program – the Personal Responsibility Education Program which provides funding for initiatives to prevent teen pregnancy. Tribes receive $3.2 million
from this program.

Under the Child and Family Services Improvement and Innovation Act (PL112-34), $1 million is made available annually (mandatory funding) for court improvement grants for tribes. The funds are to assist courts in handing child welfare cases.

Administration on Aging

FY 2013 Final Appropriation $1.55 billion
FY 2014 Admin. Request $1.74 billion
FY 2014 Enacted $1.69 billion

Within the total is the following Native-specific funding:
• $26.2 million for formula grants to tribes and Native Hawaiian organizations. Funding is for services for the elderly including transportation, nutrition, and health screening. This compares to FY 2012 level of $27.7 million and the Administration's request of $27.6 million.
• $6 million for competitive grants to tribes for the Native American Caregiver Support Program. This is $333,000 below the request and $400,000 below the FY 2012 level. Funds are to assist tribes in providing support services for family caregivers as well as for grandparents caring for grandchildren.

Substance Abuse and Mental Health Services Administration (SAMHSA)

FY 2013 Final Appropriation $3.35 billion
FY 2014 Admin. Request $3.57 billion
FY 2014 Enacted $3.62 billion

Under the mental health programs, the Act provides the following:
• Programs of Regional and National Significance: $386 million ($271 million in FY 2013). It includes $2.9 million for the American Indian/Alaska Native Prevention Initiative ($2.78 million in FY 2013) and a new amount of $5 million for Tribal Behavioral Health Grants (see report language below).
• Mental Health Block Grant: $483 million ($437 million in FY 2013)
• Children's Mental Health Services: $117 million ($111 million in FY 2013)
• Protection and Advocacy Program: $36.2 million ($34.3 million in FY 2013)

The Senate Committee recommends that the $5 million for Tribal Behavioral Health Grants be awarded competitively "targeting tribal entities with the highest rates of suicide per capita over the past 10 years." The funds are to be used "for effective and promising strategies that address the problems of substance abuse and suicide and promote mental health among AI/AN young people." (S. Rpt. 113-71, p. 113)

Under the substance abuse programs, the Act provides the following:
• Substance Abuse Treatment Programs of Regional and National Significance: $364 million ($404 million in FY 2013)
• Substance Abuse Treatment Block Grant: $1.74 billion ($1.71 billion in FY 2013)
• Substance Abuse Prevention Activities of Regional and National Significance: $175 million ($176 million in FY 2013)

Health Resources and Services Administration (HRSA)

FY 2013 Final Appropriation $5.97 billion
FY 2014 Admin. Request $6.34 billion
FY 2014 Enacted $6.32 billion

The Joint Explanatory Statement expresses concern about health care training resources for rural areas where there are significant numbers of Native Americans:

The Administration of HRSA is directed to provide a briefing to the House and Senate Appropriations Committees within sixty days of enactment to detail the health professions training resources currently available to rural underserved areas with significant Native American populations.

Community Health Centers

FY 2013 Final Appropriation $1.49 billion
FY 2014 Admin. Request $1.56 billion
FY 2014 Enacted $1.49 billion
The Joint Explanatory Statement directs HRSA to provide a report within 60 days of enactment "outlining the requirements for allowing Community Health Centers to add a new or expand an existing dental facility." (p. 8)

Nurse Loan Repayment Program for Shortage Area Service
FY 2013 Final Appropriation $79.1 million
FY 2012 Admin. Request $83.1 million
FY 2014 Enacted $79.9 million

This program repays student loans for nurses in exchange for their working at least two years in an Indian Health Service health center, Native Hawaiian health center, public hospital, community or migrant health center, or rural health clinic.

Centers of Excellence
FY 2013 Final Appropriation $21.5 million
FY 2014 Admin. Request $22.9 million
FY 2014 Enacted $21.7 million

Centers of Excellence funds are designed to strengthen the capacity of institutions that train a significant number of minority health professionals.

Rural Outreach Grants
FY 2013 Final Appropriation $52.1 million
FY 2014 Admin. Request $55.5 million
FY 2014 Enacted $57.0 million

Rural Outreach Grants provide resources for new and innovative delivery of health services in rural areas, including telemedicine projects.

Health Careers Opportunity Program
FY 2013 Final Appropriation $14.1 million
FY 2014 Admin. Request $0
FY 2014 Enacted $14.1 million

Funding is for medical and other health professions schools for recruitment of disadvantaged students and pre-professional school preparations.

Telehealth Program
FY 2013 Final Appropriation $10.8 million
FY 2014 Admin. Request $11.5 million
FY 2014 Enacted $13.9 million

Ryan White AIDS Programs
FY 2013 Final Appropriation $2.24 billion
FY 2014 Admin. Request $2.41 billion
FY 2014 Enacted $2.32 billion

Maternal, Infant, and Childhood Home Visiting Programs. The Affordable Care Act created a new entitlement program under Title V of the Social Security Act (Maternal and Child Health Services) for home visits to families with young children or families who are expecting children and live in communities at risk for poor maternal and child health. For the fiscal years 2010-2014, a total of $1.5 billion is appropriated (not simply authorized) for this program. Tribes, tribal organizations and urban Indian organizations are eligible to apply for grants under this program and reserves three percent of funds for grants to those entities (or consortia thereof). The Indian set-aside is valued at $45 million over the five-year period. A grant recipient will be required to conduct a needs assessment and to develop a program with measurable three-year and five-year benchmarks for demonstrating improvement in several areas, including improved maternal and newborn health and prevention of child abuse and neglect.

DEPARTMENT OF EDUCATION

The total FY 2014 appropriation for the Department of Education is $70.6 billion, which is $4 billion below the request and $4 billion above the FY 2013 final appropriation. The Administration had proposed to eliminate several Elementary and Secondary Education Act (ESEA) programs and to consolidate them under a more comprehensive program; however, such consolidations were dependent on the reauthorization of the ESEA. Since Congress did not take up ESEA reauthorization this session, the funding amounts are reported under the current ESEA accounts and program structure.
Executive Order. The Senate Report includes the following statement about the Indian Education Executive Order:

The Committee appreciates and strongly supports Executive Order 13592 related to improving educational outcomes for American Indian and Alaska Native students. The Committee believes that the establishment of the Interagency Working Group on American Indian and Alaska Native Education, co-chaired by the Secretaries of Education and the Interior, and Memorandum of Agreement between the two Departments are important steps forward in this effort. The Committee requests that the Department include in the fiscal year 2015 and future congressional budget justifications the goals, benchmarks, and key activities accomplished and planned for improving educational outcomes for American Indian and Alaska Native students. (S.Rpt. 113-71, p. 204)

Title I, Education for the Disadvantaged

Basic Grants to Local Education Agencies (program level)

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The Bureau of Indian Education (BIE)-funded schools and territories share a one percent allocation from the Title I basic and concentration grants. The BIE reported in its FY 2014 budget justification that in School Year 2012-2013 (SY12–13), BIE schools received $98.2 million in Title I funds.

The Joint Explanatory Statement provides the following instruction with regard to Title I funds for BIE schools:

The agreement recognizes the federal trust responsibility to provide education for American Indians and Alaska Natives. It is noted that over the past decade Bureau of Indian Education schools have received approximately 0.7 percent of each year's appropriation for Elementary and Secondary Education Act (ESEA) Title I Grants to local educational agencies (LEAs). The Department is urged to continue to use its existing formula in allocating these funds and to follow this practice in any relevant future emergency funding that provides it the same authority and discretion.

Concentration Grants

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School Improvement Grants

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Funds are provided to States and local educational agencies for use at the lowest performing schools according to student achievement results to implement one of four specific intervention models (e.g., Turnaround, Restart, School Closure, and Transformation).

Striving Readers

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The Striving Readers program is a comprehensive literacy program that provides services to all students from birth through twelfth grade. There is a 0.5 percent set-aside for BIE-funded schools. The Administration proposed no separate funding for Striving Readers (and the Ready-to-Learn Television) in lieu of $186.9 million for a new Effective Teaching and Learning: Literacy program covering preschool through twelfth grade. Congress did not fund the proposed Effective Teaching and Learning: Literacy, which was dependent on the ESEA reauthorization.

High School Graduation Initiative

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This competitive grant program provides funds to LEAs for comprehensive approaches that seek to improve high school graduation rates through prevention and reentry systems for students at risk of not graduating, especially at
the high schools and their feeder schools with particularly low rates of graduation.

Impact Aid Basic Support Payments (Section 8003(b)) FY 2013 Final Appropriation $1.09 billion FY 2014 Admin. Request $1.15 billion FY 2014 Enacted $1.15 billion

This account includes funding for Heavily Impacted Districts (section 8003(f)).

Payments for Children with Disabilities (Section 8003(d)) FY 2013 Final Appropriation $45.8 million FY 2014 Admin. Request $48.4 million FY 2014 Enacted $48.3 million

Federal Property (Section 8002) FY 2013 Final Appropriation $63.4 million FY 2014 Admin. Request -0- FY 2014 Enacted $66.8 million

Facilities Maintenance (Section 8008) FY 2013 Final Appropriation $4.59 million FY 2014 Admin. Request $4.84 million FY 2014 Enacted $4.83 million

Construction and Renovation (Section 8007) FY 2013 Final Appropriation $16.5 million FY 2014 Admin. Request $17.4 million FY 2014 Enacted $17.4 million

School Improvement Programs

School Readiness Program – One of the Administration's major initiatives in its FY 2014 budget proposal was the Preschool for All. The initiative, described as "a new Federal-State cost-sharing partnership aimed at making high-quality public preschool available to all 4-year-olds from low- and moderate-income families while also providing incentives for States to serve additional children from middle-class families" totaled nearly $2.05 billion -- $750 in discretionary funds and $1.29 billion in mandatory funds. Congress did not provide that amount of funding but rather appropriated $250 million under the Race to the Top program for competitive grants for the development of preschool programs for families at or below 200 percent of the poverty level. In a related development, the Head Start program, administered through the Department of Health and Human Services, will receive an increase with a specific allocation to expand Early Head Start.

State Grants for Improving Teacher Quality FY 2013 Final Appropriation $2.33 billion FY 2014 Admin. Request –0– FY 2014 Enacted $2.35 billion

These funds are provided to states and schools to help them attain the No Child Left Behind Act (NCLBA) goal that all teachers be highly qualified. Local uses of funds include professional development, class size reduction, recruitment and retraining of teachers and principals, merit pay, mentoring, and other activities. The NCLBA reserves 0.5 percent of the funds for this program for BIE-funded schools. In SY12–13, the BIE schools received $12.2 million.

Math and Science Partnerships FY 2013 Final Appropriation $141.9 million FY 2014 Admin. Request –0– FY 2014 Enacted $149.7 million

This program provides formula grants to partnerships of state educational agencies, higher education institutions, and school districts to improve academic achievement in mathematics and science through strong teaching skills for elementary and secondary school teachers. Funds may be used to develop rigorous mathematics and science curricula, distance learning programs, and incentives to recruit college graduates holding math and science degrees into the teaching profession.

21st Century Community Learning Centers FY 2013 Final Appropriation $1.09 billion FY 2014 Admin. Request $1.25 billion FY 2014 Enacted $1.15 billion
The 21st Century Community Learning Centers program enables communities to create or expand centers that provide activities offering significant extended learning opportunities, such as before- and after-school programs for students, and related services to their families. Centers must target services to students who attend schools that are eligible to operate a school-wide program under Title I of the Elementary and Secondary Education Act or that serve high percentages of students from low-income families. Up to one percent of program funding is allocated to the BIE and outlying areas. In SY12–13, the BIE schools received $8.4 million from this program.

Educational Standards and Assessment

FY 2013 Final Appropriation $368.9 million
FY 2014 Admin. Request $389.2 million
FY 2014 Enacted $378.0 million

Funding is distributed by formula to states and the BIE for the development and/or improvement of educational assessments and standards. The BIE will receive 0.5 percent of these funds ($1.9 million in SY12–13).

Alaska Native Education Equity Assistance Program

FY 2013 Final Appropriation $31.4 million
FY 2014 Admin. Request $33.1 million
FY 2014 Enacted $31.5 million

The Senate Committee expresses concern with the Department's FY 2012 grant process, and urges improved consultation with and participation of Alaska Native organizations and regional non-profits. The Senate Report states:

The Committee is concerned that the fiscal year 2012 competition for this program did not sufficiently recognize the statutory provisions related to applications from Alaska Native regional nonprofit organizations or from consortia that include at least one Alaska Native regional nonprofit organization. The Committee notes that two competitive preference points were awarded for applications from such organizations, and nine points were awarded for non-statutory priorities established by the Department. The Committee finds this unacceptable and directs the Department to more appropriately adhere to sections 7304(c) and 7305(b) of the ESEA in all future funding decisions and grant competitions and ensure that all grantees have meaningful plans for consultation with Alaska Native leaders.

The Committee also directs the Department to prepare and submit a report, within 180 days of the enactment of this act, on how the Department will work to improve consultation with and promote the maximum participation of Alaska Native organizations, Alaska Native regional nonprofit organizations, and consortia that include at least one Alaska Native regional nonprofit organization in the program. The report should also outline steps the Department will take to ensure that all current grantees have meaningful plans for consultation with Alaska Native leaders. (S. Rpt. 113-71, p. 167)

Rural Education

FY 2013 Final Appropriation $169.8 million
FY 2014 Admin. Request $179.1 million
FY 2014 Enacted $169.8 million

Rural education funding, authorized under Title VI-B of ESEA, is divided equally between the Small, Rural School Achievement Program and the Rural and Low-Income School Program, under which the BIE-system schools receive 0.5 percent. These funds are provided to small schools that do not qualify for the Achievement program and have a child poverty rate of at least 20 percent. Under both programs, schools are able to consolidate various federal education funds. However, if schools do not meet progress goals within three years, the rural education funds must be used for Title I school improvement activities. In SY12-13, the BIE schools received $447,982 in Rural Education funds.

Indian Education Act

FY 2013 Final Appropriation $123.9 million
FY 2014 Admin. Request $130.7 million
FY 2014 Enacted $123.9 million
The Act provides funding for each of the Indian Education accounts at the following levels: Grants to LEAs ($100.3 million), Special Programs for Indian Children ($17.9 million) and National Activities ($5.6 million) which funds research that focuses on filling the gaps in national information on the educational status and needs of Indians, identifying educational practices that are effective with Indian students, and technical assistance to public school districts that receive Indian Education grants.

In SY12-13, the BIE schools received $2.9 million in Title VII Indian Education Act funds.

Innovation and Improvement

Teacher Incentive Fund (TIF) FY 2013 Final Appropriation $283.7 million FY 2014 Admin. Request –0–FY 2014 Enacted $141.6 million

The Teacher Incentive Fund (TIF) provides formula grants to reward effective teachers and create incentives to attract qualified teachers to high-need schools and provides competitive grants to design and implement performance-based compensation systems.

School Leadership FY 2013 Final Appropriation $27.5 million FY 2014 Admin. Request $97.9FY 2014 Enacted $25.7 million

The funds are for high-need local education agencies (LEAs) to develop or enhance innovative programs that recruit, train, and provide support for individuals currently serving as principals (including assistant principals) and/or seeking to become principals.

Charter Schools Grants FY 2013 Final Appropriation $241.5 million FY 2014 Admin. Request –0–FY 2014 Enacted $248.2 million

Funds are provided as competitive grants to State Education Agencies and charter schools for planning, design, initial implementation, and dissemination of information regarding charter schools. Funds are also allocated for state efforts to assist charter schools in obtaining facilities. The Administration did not seek funds for the Charter Schools Grants program, instead proposing a more comprehensive Expanding Educational Options initiative that "would continue and expand support for charter and other autonomous public schools." (DoED in Brief, p. 72) Congress did not concur with the plan and instead provides funds under the Charter Schools Grants program.

Safe Schools and Citizenship Education

Promise Neighborhoods FY 2013 Final Appropriation $ 56.7 million FY 2014 Admin. Request $300.0 million FY 2014 Enacted $ 56.7 million

The Promise Neighborhoods program provides competitive one-year planning grants and five-year implementation grants to community-based organizations for the development and implementation of comprehensive neighborhood programs that address the needs of children in distressed communities. The program includes tribal communities under Absolute Priority 3.

Elementary and Secondary School Counseling FY 2013 Final Appropriation $49.5 million FY 2014 Admin. Request –0–FY 2014 Enacted $49.6 million

Carol E. White PE for Progress FY 2013 Final Appropriation $74.5 million FY 2014 Admin. Request –0–FY 2014 Enacted $74.6 million

English Language Acquisition Grants

FY 2013 Final Appropriation $693.8 million FY 2014 Admin. Request $732.1 million FY 2014 Sen. Committee
$723.4 million

This program provides formula grants for services to limited English proficient students and professional development for teachers. The statute allocates 0.5 percent or $5 million, whichever is greater, of the language acquisition funds for BIE system schools and other tribal, Native Hawaiian, and Pacific Islander entities for programs in schools that serve predominantly Native American children.

Individuals with Disabilities Education Act (IDEA)

State Grants and Indian Allocation
FY 2013 Final Appropriation $10.97 billion
FY 2014 Admin. Request $11.57 billion
FY 2014 Enacted $11.47 billion

Funding is provided through Part B Section 611(a) grants to BIE-system schools for supplemental services to disabled children between the ages of 5 and 21. In SY12-13, BIE schools received $74.3 million under this program.

Pre-School Grants
FY 2013 Final Appropriation $353.2 million
FY 2014 Admin. Request $372.6 million
FY 2014 Enacted $353.2 million

These are additional funds for states for services for children with disabilities ages 3-5. Formula funding is provided to tribes with BIE-system schools through Part B Section 611(3) grants. The funds are used to assist State Education Agencies in the provision of special education and related services to children with disabilities between the ages of three and five years. In FY 2012 the tribal preschool amount was $18.58 million.

IDEA, Part C, Grants for Infants and Families
FY 2013 Final Appropriation $419.6 million
FY 2014 Admin. Request $462.7 million
FY 2014 Enacted $438.5 million

Tribes with BIE schools on their lands are eligible for formula funding under this program to coordinate state early intervention services to families whose infants and toddlers have disabilities. In FY 2012 the tribal set-aside was $5.3 million.

Vocational Rehabilitation

State Grants
FY 2013 Final Appropriation $3.06 billion
FY 2014 Admin. Request $3.30 billion
FY 2014 Enacted $3.30 billion

Tribes receive an allocation of one to 1.5 percent ($40.08 million) from the amount appropriated for Basic State Grants which are competitively awarded.

Career and Technical Education

Basic State Grants
FY 2013 Final Appropriation $1.06 billion
FY 2014 Admin. Request $1.14 billion
FY 2014 Enacted $1.12 billion

Tribes and tribal organizations receive a 1.25 percent allocation of basic state grants. The tribal vocational education grants are awarded competitively.

Higher Education

Pell Grants

Maximum Pell Grants will be $5,730 (an inflationary increase from the previous $5,645 level) for the 2014-2015 award year.
Tribally Controlled Postsecondary Career and Technical Institutions

FY 2013 Final Appropriation $7.70 million
FY 2014 Admin. Request $8.13 million
FY 2014 Enacted $7.70 million

These funds are provided to United Tribes Technical College and Navajo Technical College.

Strengthening Alaska Native and Native Hawaiian-Serving Institutions

FY 2013 Final Appropriation $12.18 million, plus $14.2 million in mandatory funding per HEA III-F, Sec. 371.
FY 2014 Admin. Request $12.85 million
FY 2014 Enacted $12.6 million, plus $15 million in mandatory funding per HEA III-F, Sec. 371.

These funds are distributed to colleges serving at least twenty percent Alaska Native or ten percent Native Hawaiian students.

Strengthening Tribal Colleges

FY 2013 Final Appropriation $24.3 million, plus $28.4 million in mandatory funding per HEA III-F, Sec. 371.
FY 2014 Admin. Request $25.7 million
FY 2014 Enacted $25.2 million, plus $30 million in mandatory funding per HEA III-F, Sec. 371.

Strengthening Native American Non-Tribal Institutions

FY 2013 Final Appropriation $2.9 million, plus $4.7 million in mandatory funding per HEA III-F, Sec. 371.
FY 2014 Admin. Request $3.11 million
FY 2014 Enacted $3.06 million, plus $5 million in mandatory funding per HEA III-F, Sec. 371.

Fund for the Improvement of Postsecondary Education (FIPSE)

FY 2013 Final Appropriation $3.3 million
FY 2014 Admin. Request $260.0 million
FY 2014 Enacted $79.4 million

New funding includes a First in the World Initiative as described in the Joint Explanatory Statement:

Within the amount for FIPSE, the bill includes $75,000,000 for the First in the World Initiative, which will provide grants to institutions of higher education to help ensure that they have access to and implement innovative strategies and practices shown to be effective in improving educational outcomes and making college more affordable for students and families. The agreement includes up to $20,000,000 to be set aside for minority-serving institutions to improve their students' persistence and completion rates while keeping costs under control. The agreement expects the Department to prioritize applications that target innovative strategies at low-income students.

TRIO Programs

FY 2013 Final Appropriation $795.9 million
FY 2014 Admin. Request $839.9 million
FY 2014 Enacted $838.3 million

The FY 2014 budget justification noted that funding would, under the requested level, be distributed as follows: Upward Bound discretionary ($266.7 million); Veterans Upward Bound ($13.8 million); Upward Bound Math-Science ($43.1 million); Educational Opportunity Centers ($46.9 million); Student Support Services ($291.2 million); the Ronald D. McNair Post-Baccalaureate Achievement Program ($35.7 million); Talent Search ($135.5 million); Staff Training ($1.4 million); Administration/Peer Review ($-TBD), Evaluation ($-TBD) and Undistributed ($4.3 million).

GEAR UP

FY 2013 Final Appropriation $286.4 million
FY 2014 Admin. Request $302.2 million
FY 2014 Enacted $301.6 million

The Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), authorized under the Higher Education Act Amendments of 1998, is designed to help low-income elementary and secondary school students become college-ready.

Teacher Quality Partnership Grants

FY 2013 Final Appropriation $40.5 million
FY 2014 Admin. Request –0–FY 2014 Enacted $40.6 million
This program, authorized under Title II of the Higher Education Act Amendments of 1998, provides grants to states for teacher preparation and recruitment.

Campus-Based Child CareFY 2013 Final Appropriation $15.1 millionFY 2014 Admin. Request $15.9 millionFY 2014 Enacted $15.1 million

Among the eligible applicants for the program are tribal colleges.

OFFICE OF MUSEUM AND LIBRARY SERVICES

For FY 2014 the Act provides $3.86 million for Native American Library Services and $924,000 for Native American/Hawaiian Museum Services. Total FY 2014 funding for the Office of Museum and Library Services is $226.8 million,$1 million above the requested level.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

FY 2014 Admin. Request $1.06 billionFY 2014 Enacted $1.05 billion

The Corporation for National and Community Services has programs designated as Domestic Volunteer Services Programs (VISTA and several Senior Volunteer Corps programs) and National and Community Services Programs (including AmeriCorps). The House recommended elimination of the Corporation for National and Community Service.

CORPORATION FOR PUBLIC BROADCASTING

Funding for the Corporation for Public Broadcasting (CPB) is provided two years in advance. The FY 2014 appropriations Act will provide FY 2016 CPB core funding, most of which is distributed via a statutory formula to public television and radio stations. The House proposal was to provide no CPB funding and to prohibit local radio stations from using CPB funding to purchase programming from National Public Radio. Those proposals were not adopted by the conferees.


Five minority public broadcasting organizations collectively called the National Minority Consortia — Native American Public Telecommunications; Pacific Islanders in Communications; National Black Programming Consortium; Latino Public Broadcasting; and the Center for Asian American Media — receive operational and programming funds through the CPB budget. Others who receive funding from the CPB include public and community radio stations, a number of which are Native-owned, and the Independent Television Service.

The Office of Management and Budget (OMB) sent a guidance memo to the heads of federal departments and agencies, May 5, 2014, regarding the FY 2016 budgets that they will be submitting to OMB. OMB Deputy Director Brian Deese states that the Bipartisan Budget Agreement Act of 2013 set spending caps at levels that make it difficult to fund investments necessary to accelerate economic growth and ensure national security. In order to make room in the FY 2016 budget for priorities including education, innovation, infrastructure and security, federal agencies are asked to leave room in their proposed FY 2016 budget submissions for increased investment in these priorities. Thus the Administration instructs department and agency heads to reduce spending in FY 2016 "on lower priority programs in order to create room for effective investments in areas that remain critical to securing our nation’s future." The OMB memo states: "Unless your agency has been given explicit direction otherwise by OMB, your FY 2016 budget submission to OMB should reflect a 2 percent reduction below the net discretionary total provided for your agency for FY 2016 in the FY 2015 Budget , for each of the defense and non-defense discretionary categories.
Your budget submission will provide the President with the options needed to make the hard choices necessary to provide room for critical investments in priority areas, and focus limited funding on programs and approaches that work." While submitting a budget that is two percent below the planned amount, agencies are also to identify priority investments that are up to five percent above the submission level and to rank the proposals in priority order. Agencies are to also take into account ways that might reduce fragmentation, overlap and duplication of programs. When appropriate, FY 2016 budget proposals are to be responsive to the January 30, 2104, Presidential Memorandum to the Secretaries of Labor, Commerce, and Education directing them to develop a workforce and training system that is more job-driven, integrated and effective. With regard to mandatory spending, agencies are encouraged to identify stand-alone mandatory savings proposals as part of the FY 2016 budget submission. In addition, new mandatory proposals which are not budget neutral should be accompanied by mandatory savings proposals. Agency proposals for FY 2016 budgets are to exclude: across-the-board reductions; reductions to mandatory spending in appropriations bills; shifts of funding to other parts of the budget; reclassifications of existing discretionary spending to mandatory; and enactment of new user fees to offset existing spending. Agencies may, however, submit these proposals separately from the budget submission. Thus if the Administration decides to propose that contract support costs, which are now discretionary funding in the Indian Health Service and Bureau of Indian Affairs budgets, be classified as mandatory funding, the proposal would be separate from the budget proposal ("OMB Guidance on FY 2016 Federal Agency Budget Submissions," Hobbs-Straus General Memorandum 14-035, May 9, 2014, http://www.hobbsstraus.com/general-memorandum-14-035).

The Administration's FY 2015 budget request for the major programs in the Indian Affairs (IA) budget that are of particular interest to Indian tribes and tribal organizations are reported here by Hobbs-Straus. These programs are funded under the Interior, Environment and Related Agencies appropriations bill. Discussed in the narrative are only those issues that describe significant changes or may be of particular interest. Also excerpted from the budget request are the pages containing the Administration's requested appropriations language for IA Administrative Provisions. These Administrative Provisions are consistent with that of past years. The page numbers in this Hobbs-Straus Memorandum refer to page numbers in the Administration's FY 2015 budget request, a copy of which may be accessed at: http://www.do.gov/budget/upload/FY2015_IA_Greenbook.pdf

INDIAN AFFAIRS (IA) BUDGET OVERVIEW

The Administration seeks an FY 2015 funding level of $2.56 billion for Indian Affairs, which is $33.6 million above the FY 2014 enacted level. Within the total are $2.41 billion for the Operation of Indian Programs (a $33.8 million increase from FY 2014) and $109.9 million for Construction (a $216,000 decrease from FY 2014). Of note, the Administration requests: full funding for Contract Support Costs; a "clean" Carcieri fix; an integrated Initiative focusing on child protection, job training, alternatives to incarceration, and housing; and the transfer of the Indian Arts and Crafts Board. These highlights are detailed below:

Fully Fund Contract Support Costs. As mentioned above, the budget would fully fund Contract Support Costs. The proposed budget, consistent with the Interior appropriations acts for FY's 1999-2014, attempts to limit the ability of the IHS and BIA to fund past-year shortfalls in Contract Support funding from remaining unobligated balances for those fiscal years (section 406). This provision has been included in the appropriations act for many years and has not precluded recovery on past-year CSC claims.

2013 for such purposes, except that for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements. The above language is section 404 of the Fiscal Year 2015 Appendix, Budget of the U.S. Government.

In addition, the Administration proposes bill language to ensure that FYs 2014 and 2015 CSC cannot be used to pay prior year Contract Support Costs nor to repay the Judgment Fund for payment on prior year funds. The budget justification does not explain why this language was included.

The proposed language, which would apply to both the IHS and the BIA which would be applicable to FY 2014 (section 405 of the Fiscal Year 2015 Appendix, Budget of the U.S. Government) is:

Sec. XXX Amounts provided under the headings "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Operation of Indian Programs" and "Department of Health and Human Services, Indian Health Service, Indian Health Services" in the Consolidated Appropriations Act, 2014 (P.L. 113–76) are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service for activities funded by the FY 2014 appropriation: Provided, That such amounts provided by that Act are not available for payment of claims for contract support costs for prior years, or for repayments of payments for settlements or judgments awarding contract support costs for prior years.

And for FY 2015 (section 406 of the Fiscal Year 2015 Appendix, Budget of the U.S. Government):

Sec. XXX Amounts provided by this Act for fiscal year 2015 under the headings "Department of Health and Human Services, Indian Health Service, Indian Health Services" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Operation of Indian " 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 2015 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 repayments of payments for settlements or judgments awarding contract support costs for prior years.

(p. 728, Department of Interior Appendix)

Indian Reorganization Act – Carcieri Fix. The Administration proposes language that would provide a "clean" Carcieri fix, which would reverse the U.S. Supreme Court's 2009 decision that the Secretary of the Interior did not have authority to take land into trust for tribes recognized after 1934. The language below is the same as that requested, but not enacted, in FYs 2011, 2012, 2013 and 2014 appropriations measures.

INDIAN REORGANIZATION ACT

SEC. 114. (a) Modification - (1) In general - The first sentence of section 19 of the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") (25 U.S.C. 479), is amended - (A) by striking "The term" and inserting "Effective beginning on June 18, 1934, the term"; and (B) by striking "any recognized Indian tribe now under Federal jurisdiction" and inserting "any federally recognized Indian tribe". (2) Effective date - The amendments made by paragraph (1) shall take effect as if included in the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") (25 U.S.C. 479), on the date of enactment of that Act. (b) Ratification and confirmation of actions - Any action taken by the Secretary of the Interior pursuant to the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") (25 U.S.C. 461 et seq.) for any Indian tribe that was federally recognized on the date of the action is ratified and confirmed, to the extent such action is subjected to challenge based on whether the Indian tribe was federally recognized or under Federal jurisdiction on June 18, 1934, as if the action had, by prior act of Congress, been specifically authorized and directed. (c) Effect on other laws (1) In general – Nothing in this section or the amendments made by this section affects - (A) the application or effect of any Federal law other than the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (as amended by subsection
(a)); or (B) any limitation on the authority of the Secretary of the Interior under any Federal law or regulation other than the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (as so amended). (2) References in other laws - An express reference to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) contained in any other Federal law shall be considered to be a reference to that Act as amended by subsection (a). (p. 726, Department of Interior Appendix)

Tiwahe (Family) Initiative. In response to the disproportionately high rates of child abuse and neglect, poverty, substance abuse, suicide, and violent crime in Indian Country, the Administration proposes a comprehensive and integrated approach to address these often interrelated problems. The Administration requests $11.5 million for the Tiwahe (Lakota for "family") Initiative which would broaden the focus to the family unit by: increasing the number of social workers dedicated to child protection; expanding job training opportunities; creating a pilot program to provide alternatives to incarceration and increased treatment opportunities; and expanding the qualification for housing services to alleviate overcrowding.

Indian Arts and Crafts Board. Consistent with past budget requests, the Administration continues to propose the transfer of the Indian Arts and Crafts Board from the Office of the Secretary to the Operation of Indian Programs budget.

OPERATION OF INDIAN PROGRAMS

FY 2013 Enacted $2,363,002,000 FY 2013 Post-Sequester $2,243,891,000 FY 2014 Enacted $2,378,763,000 FY 2015 Admin. Request $2,412,569,000

Operation of Indian Programs (OIP) budget includes: the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE) and as the Administration proposes for FY 2015, OIP would also include the Indian Arts and Crafts Board.

BUREAU OF INDIAN AFFAIRS

FY 2013 Enacted $1,568,911,000 FY 2013 Post-Sequester $1,489,827,000 FY 2014 Enacted $1,590,009,000 FY 2015 Admin. Request $1,616,928,000

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 2013 Enacted $521,786,000 FY 2013 Post-Sequester $495,485,000 FY 2014 Enacted $535,082,000 FY 2015 Admin. Request $545,679,000

The Tribal Government subactivities are: Aide to Tribal Government; Consolidated Tribal Government Program; Self-Governance Compacts; Contract Support; Indian Self-Determination Fund; New Tribes; Small and Needy Tribes; Roads Maintenance; and Tribal Government Program Oversight. For budget details by program, see page IA-ST-2 of the attached chart.

Contract Support Costs. This category covers both the Contract Support and Indian Self-Determination Fund subactivities. The FY 2014 enacted level for these subactivities combined was $247 million ($242 million for Contract Support and $5 million for the Indian Self-Determination Fund). The Administration's FY 2015 request, estimated to fully fund Contract Support Costs for FY 2015, requests $251 million ($246 for Contract Support and $5 million for the Indian Self-Determination Fund.)

HUMAN SERVICES
The Human Services subactivities are: Social Services; Welfare Assistance; Indian Child Welfare Act (ICWA); Housing Improvement Program (HIP); Human Services Tribal Design; and Human Services Program Oversight. For budget details by program, see page IA-ST-2 of the attached chart.

Housing Improvement Program. In the FY 2014 request the Administration had proposed the elimination of the HIP on the basis that it serves the same population as those helped through the Native American Housing Block Grant program operated by the Department of Housing and Urban Development. However, Congress funded it anyway, albeit at a lower level. For FY 2015 the Administration requests the same amount as the FY 2014 Enacted level ($8 million).

TRUST–NATURAL RESOURCES MANAGEMENT

The Trust–Natural Resources Management subactivities are: Natural Resources; Irrigation Operation and Maintenance; Rights Protection Implementation; Tribal Management/Development Programs; Endangered Species; Cooperative Landscape Conservation; Integrated Resource Information; Agriculture and Range; Forestry; Water Resources; Fish/Wildlife & Parks; and Resource Management Oversight. For budget details by program, see page IA-ST-2 of the attached chart.

TRUST–REAL ESTATE SERVICES

The Trust–Real Estate Services subactivities are: Trust Services; Navajo-Hopi Settlement Program; Probate; Land Title and Records Offices; Real Estate Services; Land Records Improvement; Environmental Quality; Alaskan Native Programs; Rights Protection; and Trust-Real Estate Services Oversight. For budget details by program, see pages IA-ST-2 and IA-ST-3 of the attached chart.

Litigation Support/Attorney Fees. This account falls under the Rights Protection Subactivity. It was not funded in FY 2013 but, consistent with the Administration's FY 2014 Budget request, it received $1.5 million in FY 2014. These funds provide support to tribes to protect their tribal trust resources or treaty rights in cases where the federal government cannot represent Indian interests for various reasons, including conflicts of interest. The Administration's FY 2015 Budget requests $1.5 million.

PUBLIC SAFETY AND JUSTICE

The Public Safety and Justice subactivities are: Law Enforcement; Tribal Courts; and Fire Protection. For budget details by program, see page IA-ST-3 of the attached chart.

COMMUNITY AND ECONOMIC DEVELOPMENT

FY 2013 Enacted $34,722,000 FY 2013 Post-Sequester $32,972,000 FY 2014 Admin. Request $36,654,000 FY 2014 Enacted $35,300,000
The Community and Economic Development subactivities are: Job Placement and Training; Economic Development; Minerals and Mining; and Community Development Oversight. For budget details by program, see page IA-ST-3 of the attached chart.

EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES

FY 2013 Enacted $238,944,000FY 2013 Post-Sequester $226,900,000FY 2014 Enacted $225,782,000FY 2015 Admin. Request $229,755,000

The Executive Direction and Administrative Services subactivities 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. For budget details by program, see pages IA-ST-3 and IA-ST-4 of the attached chart.

BUREAU OF INDIAN EDUCATION

FY 2013 Enacted $794,092,000FY 2013 Post-Sequester $754,064,000FY 2014 Enacted $788,754,000FY 2015 Admin. Request $794,389,000

The Bureau of Indian Education (BIE) category displays funds for the BIE-funded elementary and secondary school system as well as other education programs including higher education and scholarships. The Bureau of Indian Education subactivities 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. For budget details by program, see page IA-ST-4 of the attached chart.

General Overview. The proposed budget would provide a net $5.6 million increase above the FY 2014 level, particularly, a $500,000 increase for Johnson O'Malley Assistance Grants; a $300,000 increase for Tribal Technical Colleges, a $250,000 increase for Special Higher Education Scholarships, and a $1.7 million increase for the Science Post Graduate Scholarship Fund. The narrative in the Justification under the Education Program Management sub-activity notes that consultation is beginning on the American Indian Education Study Group's draft proposal to redesign the BIE.

Elementary and Secondary Programs (Forward Funded)FY 2013 Enacted $519,908,000FY 2013 Post Sequester $493,701,000FY 2014 Enacted $518,318,000FY 2015 Admin. Request $520,755,000

The Elementary and Secondary forward funded programs include all components for operating an elementary and secondary school system. For schools operated by tribes through grants, the program also includes funding to cover the tribe’s administrative costs. The forward-funded programs are: the ISEP Formula Funding, ISEP Program Adjustments, Education Program Enhancements, Student Transportation, Early Childhood Development, and Tribal Grant Support Costs (formerly titled Administrative Cost Grants.) Funds appropriated for FY 2015 for these programs will become available for obligation on July 1, 2015, for SY 2015-2016.Tribal Grant Support Costs. This program provides administrative costs for tribes that elect to assume operation of their schools under contract or grant authorization. Tribes operating BIE-funded schools use these funds for the overhead costs of operating a school, meet legal requirements, and carry out support functions that would otherwise be provided by the BIE school system. As of July 2013, tribal entities operate 126 of the 183 BIE-funded schools and dormitories under contract or grant. The Administration requests $48 million for FY 2015, the same amount as FY 2014 Enacted. Unlike Contract Support Costs, this program is not fully funded. Funding is distributed by formula.

Elementary and Secondary Programs (Non-Forward Funded)FY 2013 Enacted $122,501,000FY 2013 Post Sequester $116,326,000FY 2014 Enacted $118,402,000FY 2015 Admin. Request $119,195,000
The funds in this subactivity are not forward funded, that is they are available for the entire two year period of authorization of the annual Operation of Indian Programs appropriation. 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. In 2014 Congress directed the BIE, in coordination with the Department of Education, to biennially update its count of students eligible for the Johnson-O’Malley Program. The BIE intends to implement the updated 2014 Johnson-O’Malley student count in FY 2015.

Post Secondary Programs (Forward Funded)

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<th>Fiscal Year</th>
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<tr>
<td>FY 2013</td>
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Under the provisions of P.L. 95-471, the Tribally Controlled Colleges or Universities Assistance Act of 1978, as amended by P.L. 110-315, the Higher Education Opportunity Act of 2008 the 28 Title I tribal colleges are forward funded.

Post Secondary Programs (Non-Forward Funded)

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<td>FY 2013</td>
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<tr>
<td>FY 2014</td>
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The two post-secondary schools in the BIE’s education system include Haskell Indian Nations University (Haskell) located in Lawrence, Kansas, and the Southwestern Indian Polytechnic Institute (SIPI) in Albuquerque, New Mexico. BIE programs also provide grants to two technical colleges and make available a variety of higher education scholarships, fellowships, and loans to eligible Indian students.

Education Management

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<tr>
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The Education Management subactivity consists of Education Program Management and Information Technology. The BIE manages a school system with 183 elementary and secondary schools and dormitories and two postsecondary institutions and administers grants and provides technical assistance to 28 TCUs and two tribal technical colleges.

American Indian Education Study Group's draft proposal to redesign the BIE. The Budget Justification states:

BIE completed an in-depth review of its operations with the goal of improving the delivery of quality educational opportunities that improve student achievement, while simultaneously reducing administrative costs through the elimination of inefficient practices. BIE developed a plan that aligned with the outcomes of the in-depth review. Further development of this plan will reflect recommendations made by the American Indian Education Study Group convened by Secretary Jewell and Secretary of Education Arne Duncan after those recommendations have undergone tribal consultation. (IA-BIE-28)

INDIAN ARTS AND CRAFTS BOARD

As with past budget requests, the Administration continues to propose the transfer of the Indian Arts and Crafts Board (IACB) from the Office of the Secretary to the Operation of Indian Programs account. Over the past several FYs the IACB has been funded in an amount of $1,279,000 and the FY 2015 request is consistent with this amount. The IACB is responsible for overseeing the implementation and enforcement of the criminal and civil provisions of the Indian Arts and Crafts Act and with overseeing three museums. The Indian Arts and Crafts Act is a truth-in advertising law that prohibits the marketing of products as Indian made when such products are not made by American Indians or Alaska Natives. (IA-ACB-2)

CONSTRUCTION

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<td>FY 2014</td>
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The Construction budget includes: Education Construction; Public Safety and Justice Construction; Resources Management Construction; and Other Program Construction.

EDUCATION CONSTRUCTION

FY 2013 Enacted $52,779,000FY 2013 Post-Sequester $52,779,000FY 2014 Enacted $55,285,000FY 2015 Admin. Request $55,533,000

The Education Construction subactivities are: Replacement School Construction; Employee Housing Repair; and Facilities Improvement and Repair.

Replacement School Construction vs. Facilities Improvement and Repair. The Administration requests $3.2 million for Replacement School Construction (an increase of $2 million above FY 2014 Enacted level) the majority of which is for Phase I of the Beatrice Rafferty replacement school project; however, the Administration then requests a $2 million decrease for Facilities Improvement and Repair, leaving the Education Construction request essentially flat between FY 2014 and FY 2015.

PUBLIC SAFETY & JUSTICE (PS&J) CONSTRUCTION


The Public Safety & Justice Construction subactivities are: Facilities Replacement/New Construction; Employee Housing; Facilities Improvement and Repair; Fire Safety Coordination; Fire Protection. For budget details by program, see page IA-ST-4 of the attached chart.

RESOURCES MANAGEMENT CONSTRUCTION

FY 2013 Enacted $32,657,000FY 2013 Post-Sequester $32,657,000FY 2014 Enacted $32,759,000FY 2015 Admin. Request $34,427,000

The Resources Management Construction subactivities are: Irrigation Project Construction; Engineering and Supervision; Survey and Design; Federal Power and Compliance; and Dam Projects. For budget details by program, see pages IA-ST-4 and IA-ST-5 of the attached chart.

OTHER PROGRAM CONSTRUCTION

FY 2013 Enacted $8,979,000FY 2013 Post-Sequester $8,979,000FY 2014 Enacted $10,774,000FY 2015 Admin. Request $8,642,000


President Obama submitted to Congress his proposed FY 2015 budget for federal agencies, March 4, 2014,. In this Memorandum we report on proposed FY 2015 appropriations for the Indian Health Service (IHS). The detailed IHS budget justification became available several days after March 4 but not all federal agency detailed budget justifications are yet available, notably that for the Bureau of Indian Affairs/Bureau of Indian Education.
FUNDING OVERVIEW

Increases. The Administration proposes $4.63 billion for the IHS which is $200 million over the FY 2014 enacted level. This increase consists of: $63 million for medical inflation; $2.6 million for pay cost increases at the IHS and tribal service delivery level; $70.8 million for staffing of new facilities; $8 million to partially fund five newly recognized tribes; an $18 million program increase for Purchased/Referred Care (PRC); $29.8 million increase to fund the estimated full funding amount for Contract Support Costs (CSC); and $10 million to restore funding taken from the following programs in FY 2014 in order to accommodate needed CSC costs: $5 million for Indian Health Profession; $1 million for Tribal Management; $1 million for Self-Governance; and $3 million for the Director’s Emergency Fund.

The two IHS accounts which are proposed for program increases are Purchased/Referred Care and Contract Support Costs.

Staffing of New Facilities. The proposed budget (Services and Facilities accounts combined) includes $70.8 million for staffing and operations costs for the following new facilities: San Carlos Health Center ($28.4 million); Southern California Youth Treatment Center ($3.2 million); Choctaw (MS) Alternative Rural Health Care Center ($10.9 million); and Kayenta Alternative Rural Healthcare Center ($28.3 million).

Partial Funding for Built-in Costs. The Administration’s proposal would provide $63 million for medical inflation, but no funding for non-medical inflation or population growth. Also requested was $2.6 million for pay raises (1 percent) at the IHS and tribal levels (the funding is in the Hospitals and Clinics line item only). In FY 2014 the Administration proposed $6 million for a one percent pay increase for federal and tribal employees, and apparently tribes and IHS would have to absorb part of the pay increase cost as well as non-medical inflation.

The IHS increasingly emphasizes, in its budget book and in testimony, the opportunity for tribes to receive third party collections, even though they are not to be considered an offset for IHS budgets that fall short of need.

LEGISLATIVE PROVISIONS

Legislative Initiatives. The Administration proposes three legislative initiatives in its budget justification. These would likely not be part of an appropriations bill but rather would be enacted separately.

• The Administration proposes a three-year extension of the Special Diabetes Program for Indians at the current level of $150 million annually.

• The Administration proposes that tribes, the IHS, and urban Indian organizations utilizing the Purchased/Referred Care program be charged Medicare-like rates for non-hospital services, thus stretching the funding for Purchased/Referred Care. Medicare-like rates are currently required for hospital services. A 2013 Government Accountability Office report concluded that IHS and tribal facilities would save millions of dollars and be able to increase care if the Medicare-like rate cap was imposed on non-hospital providers and suppliers through the Purchased/Referred Care program. This proposal is deemed to be revenue-neutral.

• The Administration proposes, as in past years, to make tax-exempt the IHS Health Professions Scholarship Program and Loan Repayment Program, thus freeing up funding now used to pay taxes on these benefits for the loan repayment program.

Contract Support Costs. As mentioned above, the budget would fully fund Contract Support Costs. The proposed budget, consistent with the Interior appropriations acts for FYs 1999-2014, attempts to limit the ability of the IHS and BIA to fund past-year shortfalls in Contract Support funding from remaining unobligated balances for those fiscal years (section 406). This provision has been included in the appropriations act for many years and has not precluded recovery on past-year CSC claims.
Sec. 406. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, 108-447, 109-54, 109-289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Law 110-5 and 110-28), Public Laws 110-92, 110-116, 110-137, 110-149, 110-161, 110-329, 111-6, 111-8 and 111-88, 112-10, 112-74 and 113-6 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2013 for such purposes, except that for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

The above language is section 404 of the Fiscal Year 2015 Appendix, Budget of the U.S. Government.

In addition, the Administration proposes bill language to ensure that FYs 2014 and 2015 CSC cannot be used to pay prior year Contract Support Costs nor to repay the Judgment Fund for payment on prior year funds. The budget justification does not explain why this language was included.

The proposed language, which would apply to both the IHS and the BIA which would be applicable to FY 2014 (section 405 of the Fiscal Year 2015 Appendix, Budget of the U.S. Government) is:

Sec. XXX Amounts provided under the headings "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Operation of Indian Programs" and "Department of Health and Human Services, Indian Health Service, Indian Health Services" in the Consolidated Appropriations Act, 2014 (P.L. 113–76) are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service for activities funded by the FY 2014 appropriation: Provided, That such amounts provided by that Act are not available for payment of claims for contract support costs for prior years, or for repayments of payments for settlements or judgments awarding contract support costs for prior years.

And for FY 2015 (section 406 of the Fiscal Year 2015 Appendix, Budget of the U.S. Government):

Sec. XXX Amounts provided by this Act for fiscal year 2015 under the headings "Department of Health and Human Services, Indian Health Service, Indian Health Services" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Operation of Indian " 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 2015 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 repayments of payments for settlements or judgments awarding contract support costs for prior years.

Restriction of IHS Funds in Alaska to Regional Native Organizations Extended to 2018. The Consolidated Appropriations Act, 2014 (PL 113-76) extended to October 1, 2018, the provision that provides that IHS funds for Alaska be made available only to regional Alaska Native health organizations (with some exceptions). Thus the FY 2015 budget justification is silent on this matter. We repeat here the language from the FY 2014 Appropriations Act:Sec. 424. (a) Notwithstanding any other provision of law and until October 1, 2018, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursement of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.
(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

IDEA Data Collection Language. The Administration would continue to authorize the BIA 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):

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 prohibition on the implementation of the eligibility regulations, published on September 16, 1987, would be continued.

Services for non-Indians. The provision that allows the IHS and tribal facilities to extend health care services to non-Indians, subject to charges, would be continued. The provision states:

Provided, 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 Administration would continue the provision that has been in Interior appropriations acts for a number of years 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 Administration would continue the provision regarding the use of no-bid contracts. The provision specifically exempts Indian Self-Determination agreements and reads:

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 the Chapter 33 of title 41 United States 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., as amended) 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.

FUNDING FOR INDIAN HEALTH SERVICES

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SPECIAL DIABETES PROGRAM FOR INDIANS
While the entitlement funding for the Special Diabetes Program for Indians (SDPI) is not part of the IHS appropriations process, those funds are administered through the IHS. The SDPI is currently funded through FY 2014 at $150 million, minus a two percent reduction ($3 million) due to the sequestration of non-exempt mandatory programs. (PL 112-240).

**HOSPITALS AND CLINICS**

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Included in the total is $20.8 million for medical inflation; $2.57 million for pay cost increase; $41.6 million for staffing of new facilities; $3.6 million for newly-recognized tribes; $3 million restoration to the Director’s Emergency Fund; $4.7 million for epidemiology centers; $172 million for Health Information Technology; and recurring funding of $8.9 million for the domestic violence prevention initiative.

**DENTAL SERVICES**

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Included in the total is $1.67 million for medical inflation, $8.2 million for staffing of new facilities, and $468,000 for newly-recognized tribes.

**MENTAL HEALTH**

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Included in the total is $880,000 for medical inflation, $2.8 million for staffing of new facilities, and $319,000 for newly-recognized tribes.

**ALCOHOL AND SUBSTANCE ABUSE**

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Included in the total is $2.8 million for medical inflation, $4.3 million for staffing of new facilities, and $289,000 for newly-recognized tribes.

Recurring funding $15.5 million for the Meth/Suicide Prevention and Treatment Initiative is included.

**PURCHASED/REFERRED CARE (Formerly Contract Health Services)**

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Included in the funding is $51.5 million for the Catastrophic Health Emergency Fund, the same as FY 2014. Also included is $32.5 million for medical inflation, $2.6 million for newly-recognized tribes and a program increase of $15.4 million. IHS estimates the program increase will purchase an additional 800 inpatient admissions, 23,800 outpatient visits, and 900 one-way patient travel trips.

**PUBLIC HEALTH NURSING**
Included in the funding is $713,000 for medical inflation, $4.5 million for staffing of new facilities, and $257,000 for newly-recognized tribes.

HEALTH EDUCATION

FY 2013 Enacted $17,454,000 FY 2013 Post-Sequester $16,552,000 FY 2014 Enacted $17,001,000 FY 2015 Admin. Request $18,263,000

Included in the funding is $237,000 for medical inflation, $861,000 for staffing of new facilities, and $164,000 for newly-recognized tribes.

COMMUNITY HEALTH REPRESENTATIVES

FY 2013 Enacted $61,482,000 FY 2013 Post-Sequester $58,304,000 FY 2014 Enacted $58,345,000 FY 2015 Admin. Request $59,386,000

Included in the funding is $917,000 for medical inflation and $124,000 for newly-recognized tribes.

HEPATITIS B and HAEMOPHILUS IMMUNIZATION (Hib) PROGRAMS IN ALASKA

FY 2013 Enacted $1,925,000 FY 2013 Post-Sequester $1,826,000 FY 2014 Enacted $1,826,000 FY 2015 Admin. Request $1,855,000

Included in the funding is $29,000 for medical inflation.

The Budget Justification notes a need for data sharing agreements with tribal partners in order to access screening test results:

In 2013, at least 58 percent of AI/ANs with chronic hepatitis B or C infection were screened for liver cancer and for liver aminotransferase levels (58 percent and 61 percent of the population, respectively). Although the program maintains its practice of encouraging hepatitis patients to have regular, bi-annual screening, this percentage has dropped from previous years as several regional clinics are no longer sending specimens to the ANTHC laboratory for screening tests. This decline is correlated with the implementation of electronic health records in the regions and it will be proposed that data sharing agreements be established with Tribal partners which will provide the program with access to screening test results. (CJ-111-112)

URBAN INDIAN HEALTH

FY 2013 Enacted $42,949,000 FY 2013 Post-Sequester $40,729,000 FY 2014 Enacted $40,729,000 FY 2015 Admin. Request $41,375,000

Included in the funding is $646,000 for medical inflation.

INDIAN HEALTH PROFESSIONS

FY 2013 Enacted $40,563,000 FY 2013 Post-Sequester $38,467,000 FY 2014 Enacted $33,466,000 FY 2015 Admin. Request $38,466,000

The Administration proposes to restore the $5 million taken from the program in FY 2014 in order to meet CSC needs.
Programs funded under Indian Health Professions and their estimated FY 2015 amounts are: Health Professions Preparatory and Pre-Graduate Scholarships ($3.68 million); Health Professions Scholarships ($10 million); Extern Program ($1.11 million); Loan Repayment Program ($20.1 million); Quentin N. Burdick American Indians Into Nursing Program ($1.66 million – 4 grants); Indians Into Medicine Program ($1.09 million – 3 grants); and American Indians into Psychology ($717,078 – 3 grants).

The Act allows for up to $36 million to be utilized for the Loan Repayment Program – IHS Area Offices and Service Units are authorized to provide supplemental funds. In FY 2013 the Loan Repayment Program received $4.9 million from the Hospitals and Clinics program.

The Administration would continue the provision that allows funds collected on defaults from the Loan Repayment and Health Professions Scholarship programs to be used to recruit health professionals for Indian communities:

Provided further, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of the Act (25 U.S.C. 1616a-1) and shall remain available until expended and, notwithstanding section 108A(c) of the Act (25 U.S.C. 1616a-1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of the Act (25 U.S.C. 1613a and 1616a)

TRIBAL MANAGEMENT

FY 2013 Enacted $2,575,000FY 2013 Post-Sequester $2,442,000FY 2014 Enacted $1,442,000FY 2015 Admin. Request $2,442,000

The Administration proposes to restore the $1 million taken from the program in FY 2014 in order to meet CSC needs.

Funding would be for new and continuation grants for the purpose of evaluating the feasibility of contracting the IHS programs, developing tribal management capabilities, and evaluating health services. Funding priorities are, in order, 1) tribes that have received federal recognition or restoration within the past five years; 2) tribes/tribal organizations that are addressing audit material weaknesses; and 3) all other tribes/tribal organizations.

DIRECT OPERATIONS

FY 2013 Enacted $71,594,000FY 2013 Post-Sequester $67,894,000FY 2014 Enacted $67,894,000FY 2015 Admin. Request $68,065,000

Included is $171,000 for newly-recognized tribes.

The IHS states in its budget submission that 56.5 percent of the Direct Operations budget would go to Headquarters and 43.5 percent to the twelve Area Offices. Tribal Shares funding for Title I contracts and Title V compacts are also included.

SELF-GOVERNANCE

FY 2013 Enacted $6,039,000FY 2013 Post-Sequester $5,727,000FY 2014 Enacted $4,727,000FY 2015 Admin. Request $5,727,000

The Administration proposes to restore the $1 million taken from the program in FY 2014 in order to meet CSC needs.

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 estimates that in FY 2015 $1.6 billion will be transferred to tribes to support 89 ISDEAA Title V compacts and 114 funding agreements. IHS estimates that an additional 5 tribes will enter into Title V compacts and funding agreements.

**CONTRACT SUPPORT COSTS**

FY 2013 Enacted $472,191,000 FY 2013 Post-Sequester $477,788,000 FY 2014 Enacted $587,376,000 FY 2015 Admin. Request $617,205,000

The proposed $617 million is estimated to meet the full need for Contract Support Costs. Congress has called on the Administration to work with them and with tribes on a long-term solution to meet the legal obligation of paying CSC. A work plan and announcement of consultation with tribes is to be completed within 120 days of enactment (May 17, 2014). The IHS and the BIA began consultation on this matter on March 11, 2014, at the National Congress of American Indians Winter Session in Washington, DC. The IHS notes:

The FY 2015 budget request for Contract Support Costs (CSC) of $617,205,000 is $29,829,000 above the FY 2014 Enacted funding level. The request reflects the estimated amount needed to fully fund CSC associated with this budget request, based on information available as of this budget submission. This budget request responds to the Supreme Court's decision in Salazar v. Ramah Navajo Chapter, No. 11-551 (June 18, 2012). Since the number of Tribes assuming new or expanded contracts in FY 2015 is unknown at this time, this request includes an estimated amount. In addition, the actual need for CSC is calculated after the appropriation year and upon receipt of updated information that impacts the calculation of CSC such as updates to provisional rates and corrections will be made as needed. In the explanatory statement of the Consolidated Appropriations Act of 2014, Congress remanded the issue of determining CSC amounts back to the agency and required a workplan to consult with Tribes on a more long term solution. The IHS will provide updated information as it becomes available as a result of this consultation, any decisions on the long term solution requested by Congress, and any updates on the amount of CSC associated with new and expanded contracts or updated information. (CJ-137)

**FUNDING FOR INDIAN HEALTH FACILITIES**

FY 2013 Enacted $441,605,000 FY 2013 Post-Sequester $428,569,000 FY 2014 Enacted $451,673,000 FY 2015 Admin. Request $461,995,000

**MAINTENANCE AND IMPROVEMENT**

FY 2013 Enacted $53,721,000 FY 2013 Post-Sequester $50,919,000 FY 2014 Enacted $53,614,000 FY 2015 Admin. Request $53,614,000

Maintenance and Improvement (M&I) funds are provided to Area Offices for distribution to projects in their regions. Funding is for the following purposes: 1) routine maintenance; 2) M&I Projects to reduce the backlog of maintenance; 3) environmental compliance; and 4) demolition of vacant or obsolete health care facilities. Of the total funding requested, $50.1 million would be allocated to sustain the condition of federal and tribal health care facilities buildings, $3 million for environmental compliance projects, and $500,000 for demolition projects.

IHS notes the lack of resources to maintain and recapitalize buildings on a routine basis and states that “Federal and Tribal Healthcare administrators may be required to redirect other funding sources (e.g., Medicare/Medicaid, third-party insurance, etc.) normally planned for healthcare services to fund building repairs and improvements in order to continue to meet mission requirements.” (CJ-147) The IHS estimates that as of October 2013, the Backlog
of Essential Maintenance, Alteration and Repair (BEMAR) for all IHS and reporting tribal healthcare facilities is $465 million.

FACILITIES AND ENVIRONMENTAL HEALTH SUPPORT

FY 2013 Enacted $204,231,000 FY 2013 Post-Sequester $193,578,000 FY 2014 Enacted $211,051,000 FY 2015 Admin. Request $220,585,000

Included in the funding is $973,000 for medical inflation, $8.5 million for staffing of new facilities, and $67,000 for newly-recognized tribes.

MEDICAL EQUIPMENT

FY 2013 Enacted $22,582,000 FY 2013 Post-Sequester $21,404,000 FY 2014 Enacted $22,537,000 FY 2015 Admin. Request $23,325,000

Included in the funding is $788,000 for inflation. The IHS expects to distribute the FY 2015 requested funds as follows: $17.3 million for new and routine replacement medical equipment at over 1,500 federally- and tribally-operated health care facilities; $5 million for new medical equipment in tribally-constructed health care facilities; and $500,000 each for the TRANSAM and ambulance programs.

CONSTRUCTION

Construction of Sanitation Facilities

FY 2013 Enacted $79,582,000 FY 2013 Post-Sequester $75,431,000 FY 2014 Enacted $79,423,000 FY 2015 Admin. Request $79,423,000

Four types of sanitation facilities projects are funded by the IHS: 1) projects to serve new or like-new housing; 2) projects to serve existing homes; 3) special projects such as studies, training, or other needs related to sanitation facilities construction; and 4) emergency projects. The IHS sanitation facilities construction funds cannot be used to provide sanitation facilities in HUD-built homes.

The IHS proposes to distribute up to $48 million to the Area Offices for prioritized projects to serve existing homes; up to $5 million for projects to clean up and replace open dumps on Indian lands; and $2 million would be reserved at IHS Headquarters ($1 million for special projects and emergency needs; $500,000 to collect homeowner data and demographic information in three IHS Areas; and $500,000 for improving data collection systems to help fund a Water Resource Center to develop teaching materials and techniques for homeowners and communities to support usage in a way that promotes health). The Water Resource Center is in partnership with the Alaska Native Tribal Health Consortium whose funding stream began in FY 2012 with $250,000 and is expected to be funded for five years through FY 2016.

Remaining funding will be for new and like-new homes, including for sanitation facilities for homes of the disabled or sick with a physician referral, with priority for BIA Housing Improvement Projects.

Construction of Health Care Facilities

FY 2013 Enacted $81,489,000 FY 2013 Post Sequester $77,238,000 FY 2014 Enacted $85,048,000 FY 2015 Admin. Request $85,048,000

The FY 2015 IHS health facility construction is for:

- Kayenta Health Center in Kayenta, AZ – $18,869,000 to complete construction of the health care facility and
staff quarters • Northern California Regional Youth Treatment Center in Davis, CA - $17,161,000 for site preparation and to begin and complete construction of the treatment center • Fort Yuma Health Center in Winterhaven, CA- $46,292,000 to begin and complete construction of the replacement health center which received design funding in 2008 • Gila River Southeast Health Center in Chandler, AZ - $2,726,000, to continue construction of the health center which received design funding in 2008 and initial construction funds in 2009

Opportunity, Growth, and Security Initiative. The Administration’s overall budget proposal adheres to the FY 2015 budget cap set by Congress, but it contains an additional proposal (entitled the Opportunity, Growth and Security Initiative) which would be contingent upon Congress raising the budget cap and/or enacting various revenue and spending changes to provide an additional $56 billion to be divided equally between defense and non-defense spending. The Administration is proposing as part of the Initiative $200 million in FY 2015 for construction of health care facilities on the IHS priority list. At this point Appropriations Committee chairs have said they intend to propose bills that stay within the already set FY 2015 spending caps, thus making dim the prospects for enactment of the Initiative.

The $85 million for construction listed above is separate from the Initiative proposal.

OTHER

TRANSAM Equipment, Ambulances, Demolition Fund. The Administration proposes to continue bill language that would provide up to $500,000 to purchase TRANSAM equipment from the Department of Defense, $500,000 to be deposited in a Demolition Fund to be used for the demolition of vacant and obsolete federal buildings, and up to $2.7 million for the purchase of ambulances.

THIRD PARTY COLLECTIONS

The IHS estimates a total IHS and tribal Medicare, Medicaid and private insurance collections of $1,196,961,000 in FY 2015.


In the Courts

The U.S. Supreme Court

brief filed by Hobbs Straus on behalf of a number of tribal clients. In that brief we noted that the State agreed to arbitration in its Compact with the Tribe as the remedy to resolve this type of dispute and that any changes to that remedy provision should be determined by the parties at the negotiating table. The State had argued that the Indian Gaming Regulatory Act (IGRA) abrogates tribal sovereign immunity for purposes of its suit, but that even if it did not, the Supreme Court should take the opportunity to reconsider and overturn its precedent holding that tribal sovereign immunity applies to off-reservation commercial activity. In a relatively rare victory for tribes appearing before the Supreme Court, the majority opinion (written by Justice Kagan and joined by Chief Justice Roberts and Justices Kennedy, Breyer, and Sotomayor) declined to limit tribal sovereign immunity to on-reservation or non-commercial activity only, a the State argued. The majority found that the IGRA's abrogation of tribal sovereign immunity is limited by its terms to suits to enjoin gaming activity located on Indian lands and conducted in violation of a Tribal-State compact. Since the State claimed in its suit that the casino was located on non-Indian lands, the majority held that the State could not invoke that provision as a basis to allow its suit against the Tribe. That left the State in the position of asking the Court to override its holding in Kiowa Tribe of Oklahoma v. Manufacturing Technologies, which affirmed that tribal sovereign immunity applies even to off-reservation commercial activities carried out by tribes. Had the Court chosen to do so, the result could have undermined the scope of tribal sovereign immunity even outside of the gaming context. However, the majority flatly rejected the State's invitation to reconsider Kiowa, finding that the State offered no compelling justification for the Court to overturn settled law. As the Court had done in Kiowa, the majority determined that it is up to Congress to decide whether and how tribal sovereign immunity should be limited, and found that Congress has declined to restrict that immunity to on-reservation or non-commercial activity even after having been invited to do so by the Court in Kiowa. The majority noted, "Congress of course may always change its mind – and we would readily defer to that new decision. But it is for Congress, now more than ever, to say whether to create an exception to tribal immunity for off-reservation commercial activity." In the absence of any statutory abrogation of the Tribe's sovereign immunity, the majority noted that the State has several alternative enforcement options available to it. To begin with, the majority suggested that the State could bring suit against tribal officials or employees for violation of state law. Indeed, Justice Kagan emphasized: "As this Court has stated before, analogizing to Ex parte Young, tribal immunity does not bar such a suit for injunctive relief against individuals, including tribal officers, responsible for unlawful conduct." Or, Justice Kagan suggested, the State could prosecute individuals who maintain or frequent an unlawful gaming establishment under State criminal laws. Finally, Justice Kagan also wrote, "if a State really wants to sue a tribe for gaming outside Indian lands, the State need only bargain for a waiver of immunity" in its Tribal-State compact. That was the primary argument advanced in the Brief for the Seminole Tribe of Florida et al. as Amici Curiae, which HobbsStraus filed on behalf of several tribal clients and which Justice Kagan cited in her opinion. Justice Kagan observed that, while States have significant leverage in compact negotiations, and many States have used that leverage to obtain sovereign immunity waivers, the Bay Mills compact instead expressly reserved both the Tribe's and the State's sovereign immunity and provided that arbitration would be used to settle disputes. The majority did not rule out the possibility that the Court may choose to limit the reach of Kiowa Tribe under different circumstances, however, stating: "We need not consider whether the situation would be different if no alternative remedies were available." In a dissenting opinion, Justice Thomas (joined by Justices Scalia, Ginsburg, and Alito) asserted that Kiowa had been wrongly decided and that the Court should not wait for a different case to overturn it. In Justice Thomas' view, the extension of tribal sovereign immunity to off-reservation commercial conduct is an "affront" to State sovereignty, and will lead to "de facto deregulation of highly regulated activities; unfairness to tort victims; and increasingly fractious relations with States and individuals alike." Justice Scalia, in addition to joining Justice Thomas' opinion, filed his own one-paragraph dissent also stating that Kiowa had been wrongly decided, despite the fact that he had concurred in the opinion at the time. Justice Sotomayor, who joined the majority opinion, filed a separate concurring opinion in response to the dissent, to argue that the history of tribal sovereign immunity and modern notions of intergovernmental respect favor protection of tribal sovereign immunity. Justice Ginsberg, who joined Justice Thomas' dissent, also filed a separate opinion calling the scope of tribal sovereign immunity under Kiowa "exorbitant," but noting that State and federal sovereign immunity have also been extended too far. Though the Court was divided 5-4, the Bay Mills decision is an important affirmation of tribal sovereignty from the Supreme Court. Please let us know if we may provide additional information regarding the decision.
The United States Supreme Court, April 22, 2014, upheld Michigan’s Proposal 2 which amended the State’s constitution by banning the use of race in the admissions decisions of public universities. The Court’s decision in Schuette v. BAMN (Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any Means Necessary) continues the decades-long battle over racial equity and its place in schools and universities. While the Court did not rule that the consideration of race in admissions is unconstitutional, neither did the Court rule that the banning of race as a consideration is unconstitutional. The immediate implications of the Court’s ruling is that similar bans in California, Washington, Arizona, and Nebraska will no doubt remain in place and other states may follow suit. In Schuette, the plaintiffs argued that Proposal 2 violated the Constitution by effectively preventing people of color from changing the law to permit race-conscious admissions. In the 1960s, the Court in Hunter v. Erickson and Washington v. Seattle School District invoked the "political process" doctrine to strike down voter referenda when the Court determined that those state constitutional amendments had in effect flipped the political process by forcing minorities – and no other group – to now have to convince a majority of state voters to pass another constitutional amendment to protect their interests. In the Seattle case, the Court dealt with the issue of school segregation. The decision in Schuette was by a 6 to 2 vote. Justice Kennedy wrote an opinion upholding Proposal 2 and giving certain reasons therefor. Two other Justices concurred in the approval and the reasoning. Three additional Justices agreed with upholding the Proposal, but for different reasons. Two Justices dissented. One Justice did not participate. Justice Kennedy wrote: "In essence, according to the broad reading of Seattle, any state action with a 'racial focus' that makes it 'more difficult for certain racial minorities than for other groups' to 'achieve legislation that is in their interest' is subject to strict scrutiny. It is this reading of Seattle that the Court of Appeals found to be controlling here. And that reading must be rejected. In other words, the state action here is not the kind which is presumptively correct and should be overruled only if there are strong reasons to do so. Rather, the approach to the issue should be the normal one of simply balancing the factors pro and con." The Court’s decision in Schuette narrows the political process doctrine to cases where there is a specific intent to inflict harm on racial minorities. While the Court stressed the importance of respecting voters’ rights, the dissent argued that it will now be harder for minorities to participate in the political process. In her dissent, Justice Sotomayor wrote: "Today's decision eviscerates an important strand of our equal protection jurisprudence. For members of historically marginalized groups, which rely on the federal courts to protect their constitutional rights, the decision can hardly bolster hope for a vision of democracy that preserves for all the right to participate meaningfully and equally in self-government." ("Supreme Court Upholds Michigan Ban on Use of Race in State School Admissions Decisions," Hobbs-Straus General Memorandum 14-037, May 9, 2014, http://www.hobbstraus.com/general-memorandum-14-037).

### Lower Federal Courts

The U.S. Court of Appeals for the D.C. Circuit issued its decision in Oklahoma Department of Environmental Quality v. Environmental Protection Agency. In this case, the Oklahoma Department of Environmental Quality (DEQ) challenged an aspect of a final rule that the Environmental Protection Agency (EPA) had issued in 2011 governing new source review (NSR) under the Clean Air Act (CAA) in Indian Country. The main issue in this case involves lands that are "Indian Country" as defined by federal statute, 18 U.S.C. § 1151, but which are not within the boundaries of an "Indian reservation" as defined by EPA. In the Indian Country NSR rule, EPA had taken the position that states lack authority to enforce State Implementation Plans on Indian Country lands and, where a tribe has not been approved by EPA to administer a CAA program over such lands, EPA has residual authority to adopt a Federal Implementation Plan. 76 Fed. Reg. 38748, 38752, 38778 (July 1, 2011). The court rejected EPA’s reasoning on this point and vacated the Indian Country NSR rule with respect to non-reservation Indian Country. The court’s decision leaves the Indian Country NSR rule in force as it pertains to Indian reservations. Oklahoma did not challenge that aspect of the rule. Moreover, the court cited with approval EPA’s interpretation of the term "reservation" as used in the CAA to include "formal reservations, Pueblos, and tribal trust lands." The court refers to the latter two
The Mashantucket Pequot Tribe announced that it would not appeal an unfavorable ruling of the Second Circuit Court of Appeals to the U.S. Supreme Court January 21, 2014. The Tribe's decision leaves in place the Second Circuit's decision in Mashantucket Pequot Tribe v. Town of Ledyard in which the court upheld the Town of Ledyard's imposition of a personal property tax on slot machines leased to the Tribe's casinos. The State of Connecticut authorizes towns to impose a personal property tax on owners of property that is maintained for the purpose of generating revenue. Towns, however, cannot tax Indian-owned property on Indian lands. Both Atlantic City Coin & Slot Service Company and WMS Gaming lease slot machines to the Mashantucket Pequot Gaming Enterprise which operates the Foxwoods Resort Casino. For proprietary reasons,
slot machine vendors routinely lease, but do not sell, their most popular games to casino operators. Ledyard sought to impose its property tax on the slot machines leased to the Tribe's Gaming Enterprise. The Tribe challenged the property tax. The district court ruled in favor of the Tribe, holding that the tax was barred by principles of federal preemption under the Indian Trader Statutes, the Indian Gaming Regulatory Act (IGRA), and the balancing test in White Mountain Apache Tribe v. Bracker, 448 U.S. 136 (1980). Although the Second Circuit recognized that the tax has "measurable interference in the Tribe's sovereignty on its reservation" it reversed the district court, holding that state and local interests outweighed federal and tribal interests. Using the Bracker balancing test, the court ruled that tribal and federal interests under the Indian Trader Statutes did not outweigh the state's interests, especially since the incidence of the tax fell on non-Indians. The court also ruled that IGRA does not expressly preempt state jurisdiction. The court explained that "under IGRA, mere ownership of slot machines by the vendors does not qualify as gaming, and taxing such ownership therefore does not interfere with the 'governance of gaming.'" Finally, the court held that federal law and sovereignty principles did not bar the tax. The court concluded that the Town's and State's interests outweighed the Tribe's and federal government's interests. The court acknowledged that "this is arguably a close case." The court found that the tax had a "less than minimal" effect on the Tribe's economic development, and a "moderate effect on tribal sovereignty." The court also found the federal interests in limiting crime would not be harmed by the tax. Conversely, the court found that the Town not only had a stronger economic interest, but its road, transportation, and educational services were connected to the tax. The court also said that the Town had an interest in avoiding litigation that could tie up its financial resources. And the court found that the Town had an interest in avoiding complications based on how property owned by non-Indians on the Tribe's reservation was used because the "additional level of analysis would further frustrate the Town's revenue collection and would render the State's tax more difficult and expensive to administer." Finally, the court found that the State had an interest in the uniform application of its generally-applicable tax and noted that in this situation "there is room for both State and Tribal taxation of the same activity." Now that the Second Circuit's ruling in the Ledyard case is final, the outcome may encourage other courts to conduct the balancing test utilizing seemingly arbitrary factors such as litigation risk and the avoidance of complicated inquiries for the benefit of the non-tribal party in order to outweigh tribal sovereign interests in future tax cases. The result in this case highlights the need for tribes to closely scrutinize the potential exposure of current and future tribal economic development activities to state and local taxation schemes ("Second Circuit Allows Connecticut Town to Tax Slot Machines Leased to Tribal Casino," Hobbs-Straus General Memorandum 14-013, February 10, 2014, http://www.hobbsstraus.com/general-memorandum-14-013).

The Ninth Circuit Court of Appeals ruled 2-1 in Big Lagoon Rancheria v. California, January 21, 2014, that the state has no obligation under the Indian Gaming Regulatory Act (IGRA) to negotiate in good faith with the tribe on a new gaming compact because the tribe did not have jurisdiction over the eleven-acre trust land parcel on which the tribe wanted to conduct gaming, on the grounds that as the tribe was not under federal jurisdiction in 1934, its acreage, placed into trust by Interior in 1994, cannot be considered Indian lands under IGRA based on the 2009 Carcieri v Salazar Supreme Court decision. That decision, long unpopular in Indian country due to the economic and sovereignty uncertainties it imposes, called into question the Department of the Interior’s Bureau of Indian Affairs (BIA) ability to take lands into trust for tribes recognized by the federal government after the 1934 Indian Reorganization Act (Rob Capriccioso, "The Latest Threat to Tribal Land: Big Lagoon Rancheria v. California," ICTMN, February 3, 2014, http://indiancountrytodaymedianetwork.com/2014/02/03/big-lagoon-rancheria-v-california-latest-threat-tribal-land-153388).

The United States District Court for the Eastern District of Washington ruled for the United States in King Mountain Tobacco Company v. Alcohol and Tobacco Tax and Trade Bureau, January 24, 2014, a case challenging the application of the federal excise tax on tobacco products when manufactured on tribal lands by a tribally-chartered company, using some tobacco grown on tribal land. The court upheld the application of the tax to the products. Plaintiff King Mountain Tobacco Company (King Mountain) is a corporation organized and operating under the laws of the Yakama Nation. It manufactures cigarettes and other
tobacco products on the Yakama reservation, using tobacco that is a blend of tobacco grown on Yakama Nation trust land and elsewhere. Federal law imposes an excise tax on the manufacturing of tobacco products. King Mountain argued that this tax does not apply to it for several reasons. The court ruled against the company on each basis. First, the court held that the General Allotment Act (GAA) did not preclude the tax. The court reasoned that the GAA's restriction on taxation was limited to "the trust and income thereto" (quoting Squire v. Capoeman, 351 U.S. 1 (1956)). The court held that while income from unprocessed tobacco grown on trust land "could be deemed as derived directly from the land" and therefore exempt from the excise tax, an excise tax on manufacturing activity was not exempt. According to the court, manufacturing is a process that combines labor and capital investment, and is not a product derived directly from the land. The court held that the proportion of trust land tobacco used in the tobacco products (ranging from 20 to 55 percent) was therefore not determinative, since the tax was on the manufacturing process, and not on the tobacco. For much the same reason, the court declined to grant King Mountain an allocated tax exemption equal to the proportion of its finished product made from trust land tobacco. The court also provided an alternative basis for its holding that the GAA did not preclude the tax—that King Mountain, the manufacturer, is not the allottee, and is therefore not subject to the GAA's preemption on taxation in any event. Second, the court held that King Mountain is not exempt from the tax under Article II of the Yakama Treaty of 1855, which sets aside lands "for the exclusive use and benefit" of the Yakama Nation. The court held that under Ninth Circuit precedent, a federal tax will apply unless the Indian treaty can be shown to have "express preemptive language," a more difficult standard than employed in other courts, and also more difficult than the standard employed by the Ninth Circuit when it is argued that a treaty preempts a state tax. Finding no "express preemptive language" in the treaty, the court ruled against the company on this argument. Again, the court distinguished income derived from the land itself, which was set aside by the treaty, from income derived from an activity on the land. Third, the court addressed King Mountain's argument that the tax was precluded by Article III of the Treaty of 1855, which granted Yakamas access to travel to and upon public highways. The court noted that the tobacco excise tax was not a tax upon the use of roads. The court distinguished its earlier decision in United States v. Smiskin, 487 F.3d 1260 (9th Cir. 2007), where the court had held that this treaty provision preempted, as to Yakama tribal members, Washington State's requirement that individuals give notice to state officials prior to transporting unstamped cigarettes within the State. The court held that because a federal excise tax is at issue, rather than a state tax, as in Smiskin, the "express preemptive language" standard applied, and so Smiskin—which was based on extrinsic evidence and not express language—was distinguishable. Finally, the court rejected the argument that the products were exempt from taxation under Section 4225 of the Internal Revenue Code, exemption of articles manufactured or produced by Indians. That exemption did not apply, according to the court, because it was limited to excise taxes in one chapter of the Code, but the tobacco excise taxes were found in a different chapter of the Code ("Federal District Court Upholds Federal Excise Tax on Tobacco Products Manufactured by Tribal Company on Tribal Lands," Hobbs-Straus General Memorandum 14-014, February 10, 2014, http://www.hobbsstraus.com/general-memorandum-14-014).

In EEOC v. Forest County Potawatomi Community, the Federal District Court for the Eastern District of Wisconsin ruled, on May 6, 2014, that the Forest County Potawatomi Community (Tribe), as a proprietor of the Potawatomi Bingo Casino (Casino), must comply with a subpoena issued by the federal Equal Employment Opportunity Commission (EEOC) under the Age Discrimination in Employment Act ("ADEA" or "Act"). The subpoena relates to a charge of age discrimination filed with the EEOC by a non-member employee of the Casino. The Tribe argued that it is not covered by the ADEA because it is not an "employer" or "person" within the meaning of the Act. The Court found that this argument presented an issue of statutory interpretation, which requires, at least in the Seventh Circuit, that an unambiguous statute of general applicability that is silent on whether it applies to Indian tribes is presumed to apply. The Court found that ADEA is a law of general applicability because the Act is broadly worded and provides few exceptions. The Court found that "employer," as defined by the ADEA, "easily encompasses Indian tribes in their capacities as operators of commercial enterprises" and the word "person" includes Indian tribes. Thus, the Court stated there is a presumption that the ADEA applies to Indian tribes. Citing to the Ninth Circuit Court of Appeals' decision in Donovan v. Cœur d'Alene, the Court went on to state that this presumption can be rebutted if: (1) the
law touches exclusive rights of self-governance in purely intramural matters; (2) the application of the law to the tribe would abrogate rights guaranteed by Indian treaties; or (3) there is proof by legislative history or some other means that Congress intended the statute not to apply to Indians on their reservations. However, the Court found that none of the exceptions apply in this case, and stated that an "employment relationship between a tribe-operated casino and a non-Indian employee, does not touch on any [intermural] matters." The Court noted that three other Federal Circuits have determined that the ADEA does not apply to Indian tribes in certain circumstances. First, in EEOC v. Cherokee Nation the Tenth Circuit found the ADEA does not apply to an Indian tribe because the dispute involved Indian treaty rights, which rebutted the presumption that statutes of general applicability apply to Indian tribes. Second, in EEOC v. Fond du Lac Heavy Equipment and Construction Co., Inc., the Eight Circuit found that the ADEA was generally applicable but did not apply to the employment relationship between a tribally-operated construction company and an employee who was a member of the tribe because that relationship involved a strictly intramural matter. Finally, in EEOC v. Karuk Tribe Housing Authority the Ninth Circuit determined that the ADEA did not apply to an employment dispute between a tribe's housing authority and a tribal member employee because its application to the facts of the case would have intruded on the tribe's exclusive right to self-governance in intramural affairs and because the tribal housing authority "functions as an arm of the tribal government and in a governmental role….." Ultimately, the Court found these decisions unpersuasive in the case at hand because there were no treaty rights involved, the employee filing the complaint was not a member of the Tribe, and the casino is not an arm of the Tribe's government and does not serve in a government role ("Federal District Court Rules that the ADEA Applies to Tribally-Owned Casino," Hobbs- Straus General Memorandum 14-040, June 2, 2014, http://www.hobbsstraus.com/general-memorandum-14-040).

In a double victory for the Ute Indian Tribe of the Uintah and Ouray Reservation in northeastern Utah, U.S. District Court Judge Bruce Jenkins ruled, May 5, 2014, that he would not entertain attempts by the State of Utah and its counties to re-litigate whether the Uncompahgre Reservation had been disestablished or diminished. The court further agreed with the tribe that the court is required to carry out the federal court of appeals’ prior mandate in this long-running legal dispute without any modifications urged by the state and counties. The decision comes in a long legal battle between the tribe and the state and the Utah cities of Roosevelt, Myton and Duchesne to reopen a federal court case the tribe filed in 1975, in which the nation asked the federal courts to determine the boundaries of its reservations. The Utes litigated the current case because, after the federal court resolved reservation boundary issues in favor of the tribe in the 1980s and consistent with the tribe’s understanding of its treaties and federal law, the State of Utah continued in its attempts to overturn the federal court decisions in its own state courts (Heather Steinberger, "Two Victories for Utes Provide Light at the End of a Long Tunnel," ICTMN, May 28, 2014, http://indiancountrytodaymedianetwork.com/2014/05/28/two-victories-utes-provide-light-end-long-tunnel-155036).

Senior D.C. District Court Judge Thomas Hogan denied $8.2 million in fees for class representatives involved in the Cobell class-action trust lawsuit, March 20, 2014, denying the Cobell class representatives’ second request since 2011 to receive incentive awards and reimbursements for litigation-support debts their lawyers say they incurred during the several years lawsuit concerning federal mismanagement of tribal trust lands and funds. Judge Hogan approved a $3.4 billion settlement of the case in August 2011, under which class members are in the process of receiving payments, while the $9 billion tribe-focused land buy-back portion of the agreement also is in process. The March 2014 ruling applies only to a select few class representatives involved in the case. In January 2011, lead plaintiff Elouise Cobell and other class representatives – Louise Larose, Thomas Maulson, and Peggy Cleghorn – petitioned the court for $10.5 million in combined incentive awards and cost reimbursements, which Hogan denied in June 2011. In upholding that denial in his current ruling, Hogan said that the new motion advanced arguments and evidence that could have been raised by the plaintiffs before the court originally ruled and entered judgment on the matter, and indicated that the new arguments were flawed in a variety of ways. The Cobell lawyers argued that class representatives personally owe the Lannan Foundation $4.5 million for its financial assistance during the case, and that the Blackfeet Reservation Development Fund, which Cobell directed, owes another $500,000 to the Lannan Foundation, as well as $600,000.00 to the Otto Bremer
U.S. District Court Judge Keith Watkins ruled, April 11, 2014, in turning back a suit by the State of Alabama, that the state has no authority to prohibit the Porch Creek Band of Creek Indians from operating three casinos on Indian land, even if such operations were illegal, as this is a federal and not a state question ("Judge rules in favor of Indian Casinos in Alabama," News From Indian Country, April 2014).

The resolution of the bankruptcy case of Tronox Inc. v. Anadarko Petroleum Co., in May 2014, resulted in Anadarko and former parent its Kerr-McGee paying $5.15 billion for uranium cleanup in the northern and eastern agencies of the Navajo Nation, with $1 billion going to Navajo Nation for its cleanup efforts ("Navajo Nation to receive $1 billion from Tronox bankruptcy case," News From Indian Country, May 2014).

The Fort Peck Indian Reservation in Northeastern Montana and the Board of Trustees of the Wolf Point School District settled their voting rights law suit, brought by the tribe, through mediation in the case of Jackson v. The Board of Trustees of Wolf Point School District. The March 14, 2014 magistrate judge’s order recommends that the federal district court overseeing the suit reapporportion the local school board as agreed by the parties, so that the board will include one at-large and five single-member election districts beginning in 2015. The school board agreed to the change in composition of the board in return for the Tribe dropping its demand that the district be subject to U.S. justice department oversight (Stephanie Woodard, "A Giant Step Forward for Equal Voting Rights in Native Lawsuit," March 18, 2014, http://indiancountrytodaymedianetwork.com/2014/03/18/giant-step-forward-equal-voting-rights-native-lawsuit-154057). Another Montana Indian voting rights case, Wandering Medicine v. McCulloch, involving making voting accessible to Indians on reservation - who often have to drive more than 100 miles round trip to cast a ballot - was pending, as of mid-June 2014 (Stephanie Woodward, "The Missing Native Vote," In These Times, July 2014).

Federal Agency Adjudication

The Trademark Trial and Appeal Board of the United States Patent and Trademark Office, June 18, 2014, revoked six trademarks of the Washington Redskins National Football League Team on the grounds that the name was offensive to American Indians. The 81-page opinion, accompanied by an 18-page dissent, was similar to the 1999 decision that was overturned four years later, primarily on the grounds that the plaintiffs had waited too long to file their case. The case was refilled in 2006 by five younger Native Americans over registrations of the Redskins team name issued between 1967 and 1990. The decision is being appealed by the team, and will not go into effect unless the appeal fails. But even if the decision stands its practical effect will be limited as the team can legally continue to use the name, while attempting to fight others using it under common law. However, U.S. customs would no longer block the import from abroad of goods with the team's name or logos. The main impact of the decision is likely to increase public pressure against the team keeping the name. President Obama and 50 Demotic members of the U.S. Senate, including Majority leader Harry Reid, have called for the Washington team to change its name. This may help raise public opinion against the name to make it in the financial interest of the owner and/or the league to make the change - which so far seems to be the necessary element for that to occur (Ken Belson and Edward Wyatt, "Redskins Lose Ruling on Trademarks, but Fight Isn’t Over," The New York Times, June 18, 2014, http://www.nytimes.com/2014/06/19/sports/football/us-patent-office-cancels-redskins-trademark-registration.html?ref=todayspaper&_r=0).
State and Local Courts

The New Mexico Supreme Court, February 6, 2014, upheld the protection of Mount Taylor as a traditional cultural property, affording special protections of its cultural, archaeological and historic site by the New Mexico Cultural Properties Review Committee over four years previously, holding that the Committee's action did not violate due process, reversing an earlier finding by a trial judge in Hobbs, NM that the committee had failed to provide personal notice to affected property owners, including those with mineral rights. Mount Taylor, the sacred Turquoise Mountain marking the traditional eastern boundary of the Navajo nation and the sacred Kaweshhtima of Acoma Pueblo has long been a pilgrimage site for more than two dozen Native American tribes. The site has been threatened with the possible renewal of uranium mining in the region "State Supreme Court upholds Mount Taylor designation," Albuquerque Journal, February 7, 2014, http://www.abqjournal.com/349263/news/top-court-upholds-mt-taylor-designation.html).

The California Court of Appeals held in People v. Miami Nation Enterprises, January 21, 2014, that California's Department of Business Oversight could not sue Miami Nation Enterprises (MNE) or SFS, Inc. for offering payday loans to state residents in violation of the California Deferred Deposit Transaction Law. MNE is an enterprise of the Miami Nation of Oklahoma and SFS is an enterprise of the Santee Sioux Tribe of Nebraska. The court ruled that both MNE and SFS were arms of their respective tribes and thus entitled to sovereign immunity. HobbsStraus previously reported on related payday lending issues in General Memoranda 12-037 of March 9, 2012 ("Colorado Supreme Court Holds that Two Tribal Payday Loan Businesses Have Tribal Immunity") and 13-068 of August 1, 2013 ("Federal Trade Commission Settles Online Payday Lending Suit Extending Its Jurisdiction in Indian Country"). In 2007, the California Department of Corporations brought an action in state court to end the payday lending practices of five business (Ameriloan, United Cash Loans, US Fast Cash, Preferred Cash and One Click Cash) charging them with illegal deferred deposits, loan cap violations, excessive fees, and customer notice violations. The five companies were owned by parent companies MNE and SFS. At trial both MNE and SFS moved to dismiss the complaint on the grounds that the companies were business arms of the two tribes and thus entitled to sovereign immunity from state action. The lower court held an evidentiary hearing in 2012 and determined that the businesses were arms of the tribe despite the arguments of the State that the Tribes had not exercised sufficient control of the businesses or allowed the businesses to pay too much money to third parties. The lower court said that these issues were for the Tribe to consider but could not form the basis to determine the entities are not part of the Tribe. The Appellate Court found that the management agreements between MNE and SFS and the five businesses gave MNE and SFS final decision making authority over loan approvals and vital business operations and thus not "merely passive bystanders to the challenged lending activities." The Court concluded: In the end, tribal immunity does not depend on our evaluation of the respectability or ethics of the business in which a tribe or tribal entity elects to engage. Absent an extraordinary set of circumstances not present here, a tribal entity functions as an arm of the tribe if it has been formed by tribal resolution and according to tribal law, for the stated purpose of tribal economic development and with the clearly expressed intent by the sovereign tribe to convey its immunity to that entity, and has a governing structure both appointed by and ultimately overseen by the tribe. Such a tribal entity is immune from suit absent express waiver or congressional authorization. Neither third-party management of day-to-day operations nor retention of only a minimal percentage of the profits from the enterprise (however that may be defined) justifies judicial negation of that inherent element of tribal sovereignty ("California Appellate Court Rules Tribal Payday Loan Businesses Entitled to Sovereign Immunity," General Memorandum 14-011, January 27, 2014, http://www.hobbsstraus.com/general-memorandum-14-011).

A South Dakota Appellate court, in May 2014, upheld the 2012 ruling of District Court Judge Karen Schreier that the South Dakota Department complete ban the use of tobacco for religious purposes by prison inmates was a violation of religious rights, allowing inmates to use a mixture of 1% tobacco and red willow bark in sweat lodge ceremonies ("District Appellate Court finds tobacco ban violates inmates rights," News From Indian Country, May 2014).
The Confederated Tribes of the Goshute Reservation (CTGR), in Ibapah, Utah, joined the Great Basin Water Network, composed of tribes, farmers, ranchers, and environmentalists, in a lawsuit against the Bureau of Land Management (BLM) and Department of Interior (DOI) in mid-February, asserting that the BLM’s decision to grant a right-of-way for a water pipeline that would destroy irreplaceable cultural and natural resources. The lawsuit opposes BLM’s December 2012 Record of Decision (ROD) authorizing the Southern Nevada Water Authority’s (SNWA’s) huge Groundwater Development Project (GWD Project) and pipeline right-of-way (ROW). SNWA intends to construct and operate an extensive pipeline system to transport groundwater from the ancestral lands of Goshute and Shoshone people in central-eastern Nevada to the Las Vegas Valley. Plaintiffs contend that SNWA’s pipeline and GWD Project would cause serious, irreparable harm to the environment, and that the current landscape would disappear forever. The Goshute also contend that the current pipeline plan would harm areas of particular cultural, religious, and ceremonial importance to the tribe. Goshute Chairwoman Greymountain commented, “Where was our federal trustee when we needed them?” asked “Without any notification or government-to-government consultation, federal agencies signed away our tribal rights and resources by entering Stipulated Agreements with SNWA.” “In fact, they withdrew tribal protests in the Nevada State Engineer’s proceeding without the tribe’s consent. To add insult to injury, the federal agencies did not bother showing up at the 6-week trial before the State Engineer. Yet again, the tribes were left to do the job of the federal agencies. SNWA’s empty promises to monitor and mitigate damages, as part of those Stipulated Agreements, were found to be without merit and unenforceable,” Greymountain continued. “Those Stipulated Agreements have allowed the SNWA to charge forward on their sweepingly destructive project with repeated federal approvals at the expense of Indian people” ("Confederated Tribes of the Goshute Reservation Join Water Coalition,” ICTMN February 23, 2014, http://indiancountrytodaymedianetwork.com/2014/02/23/confederated-tribes-goshute-reservation-join-water-coalition-153706).

Tribal Courts

The Navajo Supreme Court ruled, in mid-May, that in awarding a contract to provide water to 10,000 homes in the Navajo Eastern Agency, the Navajo Water Resources Department was required by law to include preference for Navajo firms in making its decision (Bill Donovan, "Supreme court upholds Navajo preference in tribal department dispute," Navajo Times, May 22, 2014).

Tribal Government and State and Local Government Developments,

Washington Governor Jay Inslee signed a Proclamation to return most civil and criminal authority over Indians on the reservation from the State back to the Yakama Nation, January 17, 2014. Most of the 29 Indian tribes in Washington are subject to differing levels of State civil and criminal jurisdiction pursuant to Public Law 83-280, 18 U.S.C. 1162 (P.L. 280). Congress passed P.L. 280 in 1953 which eventually allowed fifteen states to assert civil adjudicatory and criminal jurisdiction in Indian country without tribal consent. Although P.L. 280 allows states to retrocede, or give back, jurisdiction they once assumed, the law does give tribes the power to initiate that process. The Washington Governor's Proclamation may be found at:http://www.governor.wa.gov/office/proclamations/14-01.pdf. In 2012, Washington passed a law to allow tribes to start the retrocession process at the state level. RCW 37.12.160. We reported on that development in our General Memorandum 12-040 of March 6, 2012 ("Washington State Legislature Passes Bill Allowing Tribes to Initiate Public Law 280 Retrocession"). Under the new law, a tribe begins the process by submitting a retrocession request to the Governor and a plan for the tribe's exercise of jurisdiction to the Washington governor. The Governor then has 90 days to start a consultation process with the tribe as well as local municipalities. The Governor must issue a proclamation approving all, part of, or rejecting the tribe's plan for re- assumption of jurisdiction within one year of the tribe's original request. The Governor must then forward the proclamation to the Secretary of the Interior which then triggers the normal federal retrocession process. See 25 U.S.C. § 1323; Exec. Order No. 11435. The Yakama Nation's request is the first time Washington has used the new law. The Yakama Nation's request includes full civil and criminal jurisdiction over Indians within its reservation boundaries.
including school attendance, public assistance, domestic relations, and juvenile delinquency, as well as partial criminal jurisdiction over motor vehicles operating on public roads. The Proclamation also acknowledges that the State will retain criminal jurisdiction over non-Indian defendants. The Tribe wanted Washington to retain jurisdiction over the commitment of sexual predators and mental illness. The Proclamation does explicitly retain State jurisdiction over sexual predators. However, it does not explicitly say whether it retains jurisdiction over mental illness, so there is some uncertainty about that. Retrocession will not take effect until the Secretary of the Interior has approved the State's request. The Washington Governor's Proclamation and approval of the Yakama Nation request provides a template for other Washington tribes to begin the re-assumption of civil and criminal jurisdiction that was lost to the State because of P.L. 280. The 2012 Washington law also provides other states with a model for placing the power to return civil and criminal jurisdiction back in tribal hands ("State of Washington Retrocedes Most P.L. 280 Civil and Criminal Jurisdiction over Yakama Nation," Hobbs-Straus General Memorandum 14-020, February 28, 2014, http://www.hobbsstraus.com/general-memorandum-14-020).

The Washington State legislature was considering House Bill 2080, in February 2014, that would provide a chance for people convicted for exercising treaty protected Indian fishing rights in the 1960s to have the convictions cleared from the record ("Bill introduced would clear 'fishing wars' convictions," News From Country, February 2014).

Stephanie Woodard, "Elephants, Donkeys, Billionaires—and Another Stunning Native Vote Win," ICTMN, February 5 and 28, 2014, http://indiancountrytodaymedianetwork.com/2014/02/05/elephants-donkeys-billionaires-and-another-stunning-native-vote-win-153252, reported, "On February 26, South Dakota approved use of its federal Help America Vote Act funds for satellite early-voting and registration offices in three Indian-reservation towns—Wanbli on Pine Ridge, Fort Thompson on Crow Creek and Eagle Butte on Cheyenne River. These communities meet race-neutral criteria developed by voting-rights group Four Directions. The standards, which will be applied to future requests for satellite offices from any South Dakota communities, include relative distance from the county seat and rate of poverty, which limits voters’ ability to bridge the gap. Other reservation satellite offices exist in Pine Ridge village, following a federal lawsuit, and in Mission, on the Rosebud Sioux Reservation." On January 22, a committee of the South Dakota legislature defeated a proposed bill to prevent non-governmental groups from helping cash-strapped counties afford early-voting offices on Indian reservations. The only non-governmental entity helping fund precincts of any kind is a small in-state Native voting-rights nonprofit called Four Directions.

"Maine Indian Tribal-State Commission Urges Dialogue Between Tribes, State on Elvers," Cultural Survival, January 29, 2014, http://www.culturalsurvival.org/news/maini-indian-tribal-state-commission-urges-dialogue-between-tribes-state-elvers#sthash.pOVESyGx.dpuf, reported, "On January 27, 2014, the Maine Indian Tribal-State Commission (MITSC) released a letter addressed to the Marine Resources Committee joined by all of its former elected Chairs urging the legislators to reject changes proposed in LD 1625, An Act To Clarify the Law Concerning Maine's Elver Fishing License, that would undermine contested Tribal saltwater fishing rights and strain tribal-state relations. In its January 23 letter, the Commission puts the Legislature and Attorney General’s Office on notice that the Maine Indian Claims Settlement Act (MICSA) prohibits extinguishing Aboriginal unceded reserved rights through State legislation. The Commission letter cites detrimental aspects of LD 1625 including its discriminatory nature, negative effects on statutorily guaranteed Passamaquoddy and Penobscot sustenance fishing rights, and violations of the UN Declaration on the Rights of Indigenous Peoples, a human rights instrument unanimously supported by the Maine Legislature in 2008. The MITSC also warns potential amendments to LD 1625 under discussion could reduce the average Passamaquoddy elver harvester take from 2.9 lbs. to 1.9 lbs. “The MITSC recommends continued consultation with all of the federally recognized Tribes and the development of mutually beneficial agreements to advance self-determined solutions to the indisputable humanitarian crisis within the borders of the State of Maine,” stated Dr. Jamie Bissonette Lewey, Chair, MITSC. “LD 1625 works against this recommendation. It was submitted as emergency legislation without Tribal input. This is unacceptable.” The MITSC letter presents some eye-opening data concerning the 2013 elver harvest that casts serious doubt on claims Tribal elver harvesters threatened State
compliance with Atlantic States Marine Fisheries Commission (ASMFC) conservation goals for the American eel population. Based on information in the public record and collected by the MITSC from the Tribes it reports harvesters licensed by the State caught on average 24.4 lbs. of elvers compared to 12.3 lbs. harvested by Passamaquoddy harvesters. The overall Passamaquoddy harvest amounted to a little more than 10% of the total catch, and individual Passamaquoddy harvesters landed on average less than an eighth of the quantity of elvers caught by individuals licensed by the State. Yet more than 25% of all criminal and civil charges brought by the State of Maine alleging elver harvesting violations were levied against Passamaquoddy harvesters, raising questions of racial profiling. ‘Right now, all of the Tribes within Maine experience extreme and deeply entrenched poverty. The only solution for addressing such stark disparities lies in allowing their respective governments the opportunity to implement solutions that they themselves develop. Even the United States government has acknowledged that in the recent past,’ said Cushman Anthony, State Representative from 1987 – 1992, MITSC Chair from 1998 – 2004, and a MITSC State Commissioner from 2010 – 2012. A significant portion of the MITSC communication critiques a March 12, 2013 letter by Maine Attorney General Janet Mills written at the request of DMR Commissioner Patrick Keliher. Keliher sought opinions from the Attorney General on a number of issues related to the Marine Resources Committee’s consideration last year of LD 451, legislation that attempted in part to restrict the Passamaquoddy Tribe’s exercise of their salt-water fishing rights. The MITSC offers a point-by-point rebuttal refuting many of the Attorney General’s assertions. It also asks why the Attorney General would question MITSC’s involvement in offering recommendations to resolve a dispute between the Tribes and the State when that is the fundamental reason that the Commission exists. Paul Bisulca, Penobscot Tribal Representative to the Maine Legislature from 1995 – 1997 and MITSC Chair from 2005 until 2010, pointed to a need for the State to move toward a more neighborly, solution oriented approach and away from unilateral, legalistic interpretations. Bisulca observed, ‘During the 1980 Maine Land Claims Settlement hearings in Washington, DC, Maine’s Attorney General Richard Cohen testified that during negotiations with the Indians there existed, …’ /a far greater mutual respect and understanding than has ever existed in the past in Maine.’ Bisulca added, ‘We need to move back toward that.’ Cohen, who later became MITSC Chair, observed in an interview with the Working Waterfront/Inter-Island News, ‘There seems to be a belief that the Indian Land Claims Settlement Act was signed and that it’s carved in stone. There has to be some disabusing about that.’ Bisulca continued, ‘One of those subjects was and still is sustenance fishing. Dick Cohen, as a previous MITSC Chair, and I, as a later chair, believed in the Maine Indian Tribal-State Commission as a forum to discuss tribal-state problems and formulate mutually beneficial solutions. Sustenance fishing is an appropriate subject for opening the conversation concerning changes to the Maine Implementing Act that MITSC, and ultimately the governments party to the agreement, should consider.’ Agreeing with Bisulca, Bissonette Lewey said, “As introduced, LD 1625 is in conflict with the Passamaquoddy and Penobscot sustenance fishing rights delineated in the Maine Implementing Act.” The MITSC concludes its letter to the Marine Resources Committee that the State can comply with ASMFC conservation goals ‘without resorting to discriminatory policies only applicable to the Tribes.’ It urges the Marine Resources Committee “to redirect their energy toward a collaborative approach. Better tribal-state relations and a sustainable elver fishery are more likely to be realized with such an approach.” For More Information: John Dieffenbacher-Krall, (207) 817-3799 (c) (207) 944-8376."

"Quapaw Tribe, Arkansas National Guard Sign MOU For Sacred Places," ICTMN, January 25, 2014, http://indiancountrytodaymedianetwork.com/2014/01/25/quapaw-tribe-arkansas-national-guard-sign-mou-sacred-places-153196, reported, “Sacred places for many tribes are scattered across the country, oftentimes away from a tribe’s current home. Forced relocation, caused most of this, and for the Quapaw Tribe, the will have a say in protecting these areas around their original homeland of Arkansas. On January 15, the tribe and the Arkansas National Guard signed a Memorandum of Understanding that would protect and enhance sacred places “and other historical and cultural resources in the state of Arkansas, where the Quapaws lived for hundreds of years prior to Arkansas’ statehood,” according to a tribal press release."

Navajo Nation, the U.S. Bureau of Indian Affairs, the U.S. Indian Minerals Office, the State of New Mexico and San Juan College signed an agreement, February 27, 2014, that will speed up approval of oil and gas leases on the Navajo Reservation (Alastair Lee Bitsoi, "Agreement gets oil; flowing from Navajo land": 144
Wisconsin Governor Scott Walker signed a bill making it more difficult to have derogatory mascots removed from public school teams, by requiring a petition, rather than the previous single complaint, to initiate a review of a nickname. The bill also wiped out all previous state orders to remove school mascots (Todd Richmond, "Wisconsin Governor signs school mascots bill watering down their removal," News From Indian Country, January 2014).

The Colorado House Education Committee voted out House Bill 1124, in February 2014, that would give in-state tuition at state institutions of higher learning in Colorado (except at Fort Lewis College in Durango, where, under a federal government arrangement, academically qualifying members of recognized tribes learn tuition free) (Beth Santistevan, "Colo. House approves bill extending in-state tuition," Southern Ute Drum, February 21, 2014).

Alyssa Landry, "Racial Bullying Persists in Northern California," ICTMN, April 17, 2014, http://indiancountrytodaymedianetwork.com/2014/04/17/racial-bullying-persists-northern-california-154494, reported, "Racial bullying continues to occur at a Northern California high school, even after several students from the Pit River Tribe took a stand against peers who have systematically taunted and belittled them. Verbal attacks are escalating, said 12-year-old Alexis Elmore, a seventh-grader at Burney Junior-Senior High School. “They tell me I’m disgusting because I’m Indian,” Alexis said. “They call us wagon burners, dirty Indians and savages.” Two Pit River students already transferred to other schools after they found notes reading “Watch Your Red-skinned Back” and “White Pride Bitch” on their lockers last month. The notes came as Native students held elections for their Native Youth Council. Campaign materials like posters and stickers were defaced."

"Nomlaki Indians Fund Mapping Software to Improve Emergency Response of Local Police." ICTMN, March 6, 2014, http://indiancountrytodaymedianetwork.com/2014/03/06/nomlaki-indians-fund-mapping-software-improve-emergency-response-local-police-153879, reported that a recent $14,780 donation by the Paskenta Band of Nomlaki Indians to the Corning Police Department of Northern California for mapping software through the tribe's Promise Neighborhood Project, is improving emergency response. Law enforcement will be able to identify the caller's location and also more efficiently map their driving route for faster dispatch to the scene of a crime."

"17-Mile Road Promises Safer Travels Through Wind River Indian Reservation," ICTMN, January 15, 2014, http://indiancountrytodaymedianetwork.com/2014/01/15/17-mile-road-promises-safer-travels-through-windriver-indian-reservation-153122, reported, "Decades after the tribes of the Wind River Indian Reservation first dreamed of straightening and repaving one of the most dangerous roads in Wyoming, officials from the state, federal, county and tribal governments celebrated the grand opening of 17 Mile Road last week [in October of 2013]. The road, which is part of the most direct route between Ethete and Riverton, is dotted with small crosses to mark many lives lost, especially on a once treacherous series of curves some six miles east of Blue Sky Highway."


Debra Haaland of Laguna Pueblo, on becoming the Democratic Candidate for Lieutenant Governor of New Mexico, in June 2014, became the first American Indian to be a candidate of a major party for that office (Vincent Schilling, "Deb Haaland Discusses Her Run for New Mexico’s Lt. Governor," ICTMN, February 14, 2014, http://indiancountrytodaymedianetwork.com/2014/02/14/deb-haaland-discusses-her-run-new-mexicos-lt-governor-153558; plus results of the New Mexico Democratic Primary Election, where Haaland was unopposed).
Tribal Developments

The U.S. Justice Department announced February 6 that, in a pilot program, the Pascua Yaqui Tribe of Arizona, the Tulalip Tribes of Washington, and the Umatilla Tribes of Oregon will be the first in the nation to be able to exercise criminal jurisdiction over certain crimes of domestic and dating violence, regardless of the defendant’s Indian or non-Indian status, under the 2013 VAWA law. At the end of May, the Pascua Yaqui Tribe was preparing to try 10 non Indians in domestic violence cases (Rob Capriccioso, "Three Tribes to Begin Prosecuting Non-Indian Domestic Violence Offenders," February 6, 2014, http://indiancountrytodaymedianetwork.com/2014/02/06/three-tribes-begin-prosecuting-non-indian-domestic-violence-offenders-153449; and Tanya Lee, "Justice Long Denied Comes to Indian Country; First Post-VAWA Trial Set," ICTMN, May 20, 2014, http://indiancountrytodaymedianetwork.com/2014/05/20/justice-long-denied-comes-indian-country-first-post-vawa-trial-set-154945).

The U.S. Department of the Interior Department published the 2013 Indian American and Labor Force Report, January 16, 2014, updating and improving on the previous report that was published in 2007 with data from nine years ago. The 151-page report presents findings from the 2010 Labor Force Survey of American Indians and Alaska Natives combined with statistics from the 2010 U.S. Census. The data is for populations of American Indian and Alaska Natives living on or near the service areas of federally recognized tribes, excluding tribal members living distant from federally recognized tribal. Among the main findings of the report are: -- Approximately 28.1 percent of the Native population is below 16 years of age, with slightly more boys than girls. Approximately 64.8 percent is between 16 and 64, with slightly more females. Those ages 65 and older represent only 7.1 percent of the population, with more women than men (4.0 percent versus 3.1 percent). -- About 50 percent of all the Native Americans studied, who are 16 years or older, are employed either full or part time in civilian jobs. -- Approximately 21 percent of all Native American employees work for a government (federal, state, local, or tribal). -- In some states, less than 50 percent of Native Americans 16 years or older among those studied are working. -- An estimated 23 percent of all Native American families in the United States in 2010 earned incomes that are below the poverty line. -- The highest estimated rate of poverty is in South Dakota, with 43-47 percent of Native American families in 2010 earning incomes below the poverty line. The report is supposed to be published every two years, but the department did not produce a report in 2009 or 2011. The law mandating the report does not provide funding for it. One full-time employee – an economist – was assigned the task of producing the report, “It would take a small army of researchers to capture all the nuances so we are limited. The idea is to have higher quality data produced and this report does have higher quality data than previous reports because we were much more careful about the methodology.” The BIA intended to consult more with Indian country “to find how they think we could be doing this report more effectively… We have an obligation if we produce a report there has to be some integrity to it and a certain level of quality is required,” Washburn said. “And that’s difficult to achieve with our limited resources.” The full report is available at: http://www.bia.gov/es/groups/public/documents/text/idc1-024782.pdf (Gale Courey Toensing, "Finally! Indian Country Gets Its Labor Force Report," ICTMN, January 29, 2014, http://indiancountrytodaymedianetwork.com/2014/01/29/finally-indian-country-gets-its-labor-force-report-153303).

The Government Accounting Office (GAO) published a 57 page report, Native American Housing: Additional Actions Needed to Better Support Tribal Efforts, detailing difficulties many Indian nations have in being able to provide housing to tribal members under the $667 million HUD programs. Difficulties include remoteness of housing sites and lack of infrastructure including water and sewer service (one tribe in Arizona had double the cost for having to bring in housing materials and supplies by helicopter), differing federal agency requirements, especially environmental reviews, which delayed construction, recent changes in federally authorized technical assistance and training could reduce quality and frequency, in part because of the reduced role of a provider, and many tribes limited administrative capacity, intra-tribal conflicts and cultural preferences for certain types of housing. Also cited were continuing difficulties, partly
because of cumbersome procedures, for individuals seeking home ownership on reservations to obtain mortgages, inspire of progress on this issue to overcome the fact that reservation property cannot be used as collateral. In the case of Navajo Nation, the need to obtain approval of several tribal agencies and the concerned local chapter have caused delays, with the Nation streamlining procedures to work to overcome that difficulty. There were also instances of contractors failing to follow building codes and other requirements, at times stopping construction. The full report is available at: www.hooghan.org (Bill Donovan, "57 page federal report outlines reservation's housing problems," Navajo Times, April 17, 2014).

**Disenrollment - the ousting of members from the tribe - continues to be a major issue in Indian country, especially in Indian nations that do not have independent courts to insure due process and legitimize decisions.** As of February 2014, a number of tribes were embroiled in disenrollment battles, including disenrollment conflicts at the Confederated Tribes of the Grand Ronde, the Saginaw Chippewa Indian Tribe of Michigan and the Nooksack Indian Tribe, in addition to the continuing argument over the Cherokee Nation of Oklahoma disenrolling Freemen (decedents of former African American slaves of the Cherokee, freed after the Civil War) who are on a separate roll (Freemen who through marriage with enrolled Cherokees are on the Cherokee rolls have not been disenrolled) (Gale Courey Toensing, "Washburn on Membership Disputes: Should US Trample on Sovereignty?" March 4, 2014, http://indiancountrytodaymedianetwork.com/2014/03/04/washburn-membership-disputes-should-us-trample-sovereignty-153827).

Melina Angelos Healey, "The School-to-Prison Pipeline Tragedy on Montana’s American Indian Reservations," New York University Review of Law and Social Change, December 12, 2013, http://socialchangenyu.com/2013/12/12/the-school-to-prison-pipeline-tragedy-on-montanas-american-indian-reservations-2/, found, "**American Indian adolescents in Montana are caught in a school-to-prison pipeline. They are plagued with low academic achievement, high dropout, suspension and expulsion rates, and disproportionate contact with the juvenile and criminal justice systems.** This phenomenon has been well documented in poor, minority communities throughout the country. But it has received little attention with respect to the American Indian population in Montana, for whom the problem is particularly acute. Indeed, the pipeline is uniquely disturbing for American Indian youth in Montana because this same population has been affected by another heartbreaking and related trend: alarming levels of adolescent suicides and self-harm. The statistical evidence and tragic stories recounted in this report demonstrate beyond doubt that American Indian children on the reservations and elsewhere in Montana are moving into the school-to-prison pipeline at an alarming and tragic rate. The suicides of so many children is cause for despair, and the complicity of the education system in those deaths, whether through deliberate actions or through inattention, is cause for serious self-reflection and remediation." The Complete Article is available as a PDF at: http://socialchangenyu.files.wordpress.com/2013/12/healey1.pdf.

Heather Hahn, Olivia Healy, and Chris Narducci of The Urban Institute and Walter Hillabrant of Support Services International for the Office of Planning, Research and Evaluation of the Administration for Children and Families, a unit of the U.S. Department of Health and Human Services, “**A Descriptive Study of Tribal Temporary Assistance for Needy Families (TANF) Programs.**” studying the TANF programs of the Oneida Tribe of Wisconsin’s Tribal TANF program, the Navajo Nation Program for Self Reliance (NNPSR), the Tanana Chiefs Conference’s (TCC’s) Athabascan Self-Sufficiency Assistance Project (ASAP), and the South Puget Intertribal Planning Agency’s (SPIPA’s) Tribes Assisting Native Families (TANF) program, discussed that the four nations studied, of the 68 that have implemented their own TANF programs, **used culture-based approaches to achieve a broader agenda to help their members than state TANF programs.** The report found, “**Tribal TANF offers tribes a valuable opportunity to design assistance programs that align with tribes’ geographic, economic, and demographic circumstances and that are grounded in their unique cultural traditions.**” “**Operating Tribal TANF promotes business and economic development and creates jobs on the reservation.**” “The number of families receiving cash assistance through these Tribal TANF programs in 2011 ranged from fewer than 50 in the Oneida Tribal TANF program to about 4,500 in the NNPSR, with SPIPA Tribal
TANF serving about 350 families and TCC serving about 150 families.” “Self-sufficiency is the goal that each Tribal TANF program in this study has for its clients, and each program pursues this goal through a combination of strategies that includes work, education, and case management.” “The Oneida Tribe of Wisconsin focuses most intently on employment, while SPIPA emphasizes education and is philosophically grounded in the concept that family members have mutual obligations to each other. The Navajo Nation and TCC programs’ focus on self-sufficiency is explicitly grounded in their traditional values and teachings.” The Navajo program follows “the traditional Navajo development model that includes four stages of learning and personal development: Think, Plan, Do, Grow. The process involves thinking through their career or organization goals, planning and setting the benchmarks required to meet that goal, acting on the plan, and making meaningful progress through evaluation and reflection.” The Oneida Tribal TANF “puts a strong emphasis on job search and employment” and secondarily, on education. “As part of the application process, individuals are required to do job search while waiting for their Tribal TANF application to be approved. Additionally, the Employability Plan, an individually tailored plan created by case managers for each client identifying barriers to employment and steps to overcome them, underscores the emphasis placed on employment as a key to self-sufficiency within the program. Though employment is the central strategy for self-sufficiency for those who are assessed to be job ready, clients are also encouraged to take GED classes and pursue other educational opportunities.” Similar to the others, the overall objective of the South Puget Intertribal Tribal TANF program is to help the Native community become self-sufficient. While clients are well cared for, the idea of mutual obligation is equally integral to the cultural view of family, so that Tribal TANF clients are expected to become self-sufficient, to be contributing members of the community, and to be positive role models for their children and others. A major component of this tribal program is education. The SPIPA board “has formally mandated education as the program’s highest priority. As a result, SPIPA Tribal TANF policy requires that all clients under the age of 55 obtain their GED. SPIPA Tribal TANF also counts school attendance for an associate’s or bachelor’s degree toward a client’s work requirement.” The Alaskan program’s strategies include training, education, and employment. “The program places a strong emphasis on participation in its subsidized employment program, created with Recovery Act funding, now in its third year of operation. Many of those who participate in the subsidized employment program, called “Gila,” are able to transition off ASAP at the end of their period of subsidized employment. ASAP promotes this subsidized work program, as well as seasonal employment, as a strategy for self-sufficiency because the wages earned through even limited employment allow individuals to access key public benefits.” The researchers found that while some tribes have achieved success with tribal TANF, designed to be more flexible than state-run TANF programs, some tribes may not be able to run their own programs and should stay with state TANF. Indeed, the reason only 68 tribes run their own TANF programs is largely the cost of doing so (Mark Fogarty, "Tribal Temporary Assistance for Needy Families Programs Broader Than States,'" ICTMN, January 6, 2014, http://indiancountrytodaymedianetwork.com/2014/01/06/tribal-temporary-assistance-needy-families-programs-broader-states-152983).


The 10 year anniversary of Alaska employing dental health aid therapists to practice basic dentistry under the supervision of a dentist has expanded dental service access to 40,000 Native people, with wide spread health benefits in rural areas. The authorizing of dental health aids to have a limited practice has been proposed, but not yet authorized, in other states. Currently only the state of Washington has a dental health aid education program. (The initial Alaska dental health aids had to travel to New Zealand for their education) ("Alaska Dental Health Aid Therapists mark 10 years in practice; Have Expanded Access to 40,000 Alaska Native People," News From Indian Country, June 2014).

Anne Neville, Director, State Broadband Initiative, National Telecommunications and Information Administration, "NTIA Brings Broadband Opportunities to Alaska," U.S. Department of Commerce, March 11, 2014, http://www.commerce.gov/blog/2014/03/11/ntia-brings-broadband-opportunities-alaska, wrote, "It’s no wonder that the Alaska state nickname is “The Last Frontier.” The state is more than double the size of Texas, with more than 3 million lakes, 34,000 miles of shoreline, and 29,000 square miles of ice fields. But with fewer than 750,000 residents, Alaska includes some of the most remote, sparsely populated pockets of the U.S. Many Alaska Natives reside in tiny villages with just a few hundred people and lead subsistence lifestyles. Broadband offers these communities a way to connect with the wider world and access everything from online classes to healthcare services to job opportunities. It also offers Alaska Natives a way to preserve their indigenous culture for future generations and share it with a global audience. At the National Telecommunications and Information Administration, we see first-hand evidence of this through our investments in several Alaska broadband projects: With funding from NTIA’s Broadband Technology Opportunities Program (BTOP), the Bill and Melinda Gates Foundation and the Rasmussen Foundation, the Alaska State Library established public computer centers at 97 public libraries across the state. The federal investment helped pay for computers and terrestrial and satellite Internet connections, as well as an innovative videoconferencing network. It also helped pay for digital literacy training to help local residents take advantage of everything from electronic commerce and e-government services to online job interviews and distance education offerings. The Online with Libraries – or Alaska OWL – project is using the new videoconferencing capability in all sorts of creative ways. The Juneau Library organized a virtual field trip for local children to see dinosaurs on display at the Royal Tyrrell Museum in Alberta, Canada. The Unalaska City Library hosted a session for students in a local high school carpentry class to learn about a union apprenticeship program from the training coordinator for the Anchorage-based Local 367 of the United Association of Plumbers and Steamfitters Union. And libraries in Craig, Haines and Kenai have used the system to facilitate an interactive Shakespeare “Reader’s Theater,” with patrons at each of the libraries taking turns reading play passages. Among the archived videoconferences available through the OWL system: a video from the Inupiat Heritage Center that recounts the Inupiaq legend of hunting mammoths near Anaktuvuk Pass, and an introduction to the Tlingit Language that starts with easy words and commonly used phrases. The University of Alaska Fairbanks used a separate BTOP award to expand the work of the Alaska Distance Education Consortium, a university-led coalition of partners from across the education, healthcare, social services and non-profit sectors working to expand distance learning opportunities. The federal investment supported a range of projects to help close the digital divide and promote online learning. And it focused much of its work on Alaska Native villages, where the gap is the widest. One project funded through the Distance Education Consortium was a "telehealth coordinator" certificate program run by the non-profit Alaska Native Tribal Health Consortium. The program teaches students how to operate videoconferencing systems and telemedicine carts to gather patient data to be transmitted to distant hospitals. The Consortium also supported a program at the Alaska Vocational Technical Center - part of the State Labor Department's Institute of Technology - that trains rural Internet technicians known as "Village Internet agents." Another project funded through the Consortium was an online homework help service run by the Alaska Library Network. With funding from NTIA's State Broadband Initiative Program, Connect Alaska has partnered with the Association of Alaska School Boards to host a series of local technology workshops in a handful of bush villages. At a recent workshop in Chevak, instructors helped build local e-commerce Websites to let residents show off and sell their native artwork, including dolls, baskets and jewelry. At another workshop in Metlakatla, instructors created community Websites and taught residents how to record and upload traditional stories and cultural folklore. Connect Alaska also uses NTIA funding to map broadband availability across the state for the National Broadband Map, and to finance the work of the Statewide Broadband Task Force, which aims to close remaining broadband gaps. These projects show the potential of technology to connect people living in even the most remote corners of the U.S. to tomorrow's opportunities, and tie them to the rich cultural heritages of their past."
"Cherokee Nation Tribal Council Overwhelmingly Approves Two Amendments," ICTMN. May 31, 2014, http://indiancountrytodaymedianetwork.com/2014/05/31/cherokee-nation-tribal-council-overwhelmingly-approves-two-amendments-155083?page=0%2C1, reported, "The Cherokee Nation Tribal Council overwhelmingly voted in favor of amendments to strengthen and improve the Freedom of Information Act and Government Records Act in a Tribal Council committee meeting on Wednesday, May 28. Amendments to the Freedom of Information Act passed the council 14-3, and amendments to the Government Records Act passed 13-4." One aspect of the amendments is the creation of a dedicated officer to research and respond to the increasing requests for information as the tribe and its businesses have expanded, while increasing privacy protections for Cherokee citizens. Other changes include extending response time to a uniform 20 days for both FOIA and GRA, allowing information to be thoroughly researched and vetted by the proposed information officer. Previously, the response deadline for FOIA was 15 days and six days for GRA. FOIA requests may be filed by any Cherokee citizen, while GRA requests are reserved for tribal elected officials. The amendments would keep dates of birth, social security numbers and other personal and sensitive information private. The legislation was scheduled to go before the Tribal Council at its regular monthly, meeting, June 16 at the Cherokee Nation Tribal Complex in Tahlequah, Oklahoma. If affirmed by the council, the act will proceed to the Principal Chief’s office for his signature.


The Cherokee Nation Tribal Council passed an amendment to the Cherokee Nation Employment Rights Act during its regular council meeting February 10, 2014. Previously, businesses owned by Cherokee Nation citizens received first preference for tribal contracts, followed by businesses owned by citizens of all other Native American tribes. Under the Amendment, a preference tier has been established, placing businesses owned by Cherokee Nation citizens first, followed by a second tier preference for businesses owned by citizens of the United Keetoowah Band of Cherokees and Eastern Band of Cherokees. The third tier of preference includes all other Native-owned businesses, and the fourth tier includes non Indian-owned businesses. The amendment also provide for the tribe’s TERO office to terminate the contracts of employers that fail to abide by the Indian preference provisions of the Act "Tribal Council Strengthens Contracting Preference for Cherokees," ICTMN, February 15, 2014, http://indiancountrytodaymedianetwork.com/2014/02/15/tribal-council-strengthens-contracting-preference-cherokees-153560).


"Cherokee Nation Veterans Center Opens," ICTMN. April 7, 2014, http://indiancountrytodaymedianetwork.com/2014/04/07/cherokee-nation-veterans-center-opens-154346, reported, "The $2 million Cherokee Nation Veterans Center is now open for military veterans to visit or seek guidance from the tribe’s office of Veteran Affairs in Tahlequah, Oklahoma."

Following the increased intensity of tornadoes in Oklahoma, several of the state's tribes have increased severe storm preparedness. Chickasaw Nation has improved its search and rescue capability, with of the staff training focused on shelter management along with client and damage assessment. It has also developed a communication plan to coordinate disaster relief efforts as needed, including the utilization of an online emergency notification system the nation developed, as well as the purchase of satellite telephones for use in the event cell phone communication is compromised during a disaster. The Citizen Potawatomi Nation has increased efforts that include the installation of at least nine warning sirens within their tribal jurisdiction. One of the largest increases in emergency readiness is the effort to secure shelters and safe rooms for tribal citizens across Oklahoma. The Chickasaw’s storm shelter program began in 2003 for tribal citizens within the Nation’s jurisdiction, enlarging in 2006 to encompass tribal members living anywhere in the United States. To date, more than 3,000 shelters and safe rooms have been built under the tribal program. A number of Oklahoma nations recently were awarded grants by the American Red Cross to build shelters including the Caddo Nation, which received $520,000 for 208 shelters; the Absentee Shawnee Tribe, who received funds for 92 shelters, and the Citizen Potawatomi Nation, who received funds for 80 shelters (Brian Daffron, "Prepared for the Worst: Oklahoma Tribes Hope New Tornado Measures Are Enough," ICTMN, May 30, 2014, http://indiancountrytodaymedianetwork.com/2014/05/30/prepared-worst-oklahoma-tribes-hope-new-tornado-measures-are-enough-155077).

The Southern Ute Tribe of Colorado, consistent with its several efforts over the last two quarter century to increase tribal member participation (though not all such practices have been continued), was moving in winter and spring of 2014 to increase "community policing on the Southern Ute Reservation. It is important to us that that the police department knows our members and their issues," stated Tribal Chairman Jimmy Newton in his State of the Tribe statement, January 2014. The Southern Utes have also been working to increase employment of tribal members by the tribe's permanent fund: through reevaluating job requirements when positions come open, and for members with potential who have not yet attained qualification, through apprenticeships or becoming trainees. As of January 2014 of the fund's 659 employees, 190 were tribal members and 130 were members of other Indian nations (Chairman Jimmy R. Newton, "State of the Tribe: January 2014," Southern Ute Drum, February 7, 2014).

A study of the prevalence of Parkinson's Disease from 1995-2009 at the Indiana Health Service Shiprock, AZ Service Unit on the Navajo Reservation, in 2013, found a rate of 336 cases per 100,000 people, one of the worlds highest rates. The highest rate on any U.S. state is Nebraska with 229 per 100,000. The study is preliminary and has limits (Alysa Landry, "Study: Parkinson's disease higher among native populations," Navajo Times, January 30, 2014). The Navajo Nation Council voted to remove the sales tax on fresh foods, April 22, 2014, as it overrode the President's veto, but the council failed to override the President's veto of a sales tax on junk food (Alastair Lee Bitsoi, "Council votes to remove sales tax from healthy food," Navajo Times, April 24, 2014). The counties that comprise the Navajo Nation also have higher rates of sexually transmitted diseases (STD), specifically Chlamydia, gonorrhea and syphilis than the rest of the country, whose rates have been rising, according to the Centers for Disease Control (CDC) report for 2012. For Gonorrhea, the Navajo Nation counties were matched only by the City of Phoenix, AZ for the highest U.S. rates of infection (Alistair Lee Bitsoi, "Reservation sees high STD levels," Navajo Times, February 20, 2014/)

The U.S. Department of Health and Human Services published a feasibility study, in early June 2014, saying that Navajo Nation could operate its own Medicaid program, which would allow it to simplify many program procedures (Alysa Landry, "Fed report opens door for Navajo Medicaid Agency," Navajo Times, June 12,
The U.S. Department of the Interior signed off, May 16, on the Navajo Nation Leasing Regulations of 2013, which allow the Nation to lease property without BIA approval, streamline the process (Alysia Landry, "Interior Dept. signs off on streamlined leasing process," Navajo Times, June 12, 2014).

The Navajo Office of Management and Budget predicted that tribal revenue would be down in 2014, projecting about a 2% decline in the tribal operating budget to $172.6 million (Bill Donovan, "Tribal revenue expected to be down in 2014-15," Navajo Times, May 22, 2014). Navajo Nation President Shelly signed a council bill, passed April 22, 2014, establishing a five year, 300 million capital improvement plan for projects needed by the 110 chapters (Bill Donovan, "Nation allocates $300 million for capital improvements," Navajo Times, May 8, 2014). At the beginning of June, the Navajo Nation President signed a bill authorizing a settlement with the U.S. government of a case brought by the nation in 2006 for mismanagement of tribal funds, dating back to 1946, under which the U.S. government will pay Navajo Nation $554 million (Alastair Lee Bitsoi, "Shelly signs $554 million 'historical' trust settlement into law," Navajo Times, June 5, 2014).

The Navajo-Gallup Project to bring clean drinking water to parts of the Navajo Nation and other rural communities near Gallup, NM moved a step further, in April 2014, with the U.S. Bureau of Reclamation awarding a $9.6 million construction contract to build the Tohlakai Pumping Plant, the project's first pumping station ("$20M Awarded to Build First Pumping Plant for Navajo-Gallup Project," ICTMN, April 4, 2014, http://indiancountrytodaymedianetwork.com/2014/04/04/20m-awarded-build-first-pumpingsplant-navajo-gallup-project-154280). With 8000 Navajo households either having to haul water or rusk drinking contaminated water, about 24% of the Dine households and twice the 12% rate for Indian country as a whole, the U.S. Department of the Interior signed an MOU with the Navajo Nation to reduce the number of households without clean drinking water and sewer systems on the reservation in half by 2016, with the U.S. EPA, Department of Agriculture, Department of Housing and Urban Development, Department of Health and Human Services and the Indian Health Service all signing the Memorandum of Understanding (Alysa Landry, "Federal agencies work to improve access to water for Navajo nation," Navajo Times, April 18, 2014).

"Tribal Utility Bringing Broadband Wireless to Navajo Rez With $32M Federal Grant," ICTMN, January 8, 2014, http://indiancountrytodaymedianetwork.com/2014/01/08/tribal-utility-bringing-broadband-wireless-navajo-rez-32m-federal-grant-153024, reported, "Thanks to a $32 million grant from the National Telecommunications and Information Administration's (NTIA) Broadband Technology Opportunities Program to the Navajo Tribal Utility Authority, residents of the 27,000 square-mile Navajo Reservation will soon have access to a modern wireless communications system."

The Navajo Nation Attorney General issued an opinion, January 29, 2014, stating that members of the Navajo Nation Tribal Council do not have to resign if they are charged with a crime. On the principle that one is innocent until proven guilty, removal from office does not automatically take place unless and until there is a conviction (Bill Donovan, "DOJ: Council members are innocent until proven guilty," Navajo Times, February 6, 2014).

The Navajo Housing Authority (NHA) held a meeting with representatives of the 34 certified chapters (for local governance), January 17, 2014, to dialogue on working together to develop housing (Bill Donovan, "NHA meets with certified chapters," Navajo Times, January 23, 2014).

The Navajo Nation has partnered with animal rights groups to find homes for the 75,000 wild horses roaming the drying reservation, rather than selling them to slaughter houses as they are rounded up (Alastair Lee Bitsoi, "Shelly, humane group pen MOU on horses," Navajo Times, May 8, 2014).
"Wells Fargo to Donate 143 Acres of Land Near Eklutna to Preserve for Future Generations," ICTMN, June 5, 2014, http://indiancountrytodaymedianetwork.com/2014/06/05/wells-fargo-donate-143-acres-land-near-eklutna-preserve-future-generations-155178, reported, "Wells Fargo & Company is donating 143 acres of land adjacent to the Native Village of Eklutna [AK] to The Conservation Fund for permanent land and habitat preservation. The property is located approximately 25 miles northeast of Anchorage, in the heart of Dena’ina Athabaskan country where Alaska Native people have lived for thousands of years. A donation ceremony will take place on June 8 at 2:30 p.m. during the Native Village of Eklutna’s biennial Dena’ina Potlatch celebration in Eklutna."

"German museum refuses to hand back scalps to Native Americans," Survival International, April 29, 2014, http://www.survivalinternational.org/news/10211, reported, "A German museum set up to promote greater understanding of Native American culture is embroiled in controversy after refusing to hand back American Indian scalps to their modern-day descendants. The Sault Sainte Marie Tribe of Chippewa Indians from Michigan (USA) have urged the Karl-May-Museum Radebeul in Germany to return remains of their ancestors that have been on display there. The Sault Tribe – also known as Ojibwe – are part of the Anishinaabe Nation and have told the museum, 'It is not acceptable for those remains to be stored in a depot and not re-interred to the Earth for a proper burial.' Although the museum has now agreed to remove the items from display, they have pointedly refused to return them to the tribe, on the basis that it has not been proven which tribe the scalps originate from. The scalps are now apparently in storage in the museum. The museum, based in Radebeul near Dresden and named after the popular German adventure writer Karl May, possesses several scalps and spiritual items of the Anishinaabe (Chippewa) and other Native American nations. The Karl-May-Museum, named after the popular German adventure writer, aims to provide a 'genuine insight into the lives and craftsmanship of North American Indians'. It has been embroiled in controversy over its refusal to return scalps to a Native American tribe. Cecil Pavlat of the Sault Tribe said, 'Most museums who possess Native American Ancestral Remains and their Funerary Objects believe that there is not a scientific relationship between present day Tribal Nations and the prehistoric Tribal Nations. We believe that whether we are directly related or not, we the present day nations hold the responsibility of stewardship and accept the ultimate obligation to care for our Ancestors. We are at a point of open dialogue to present our point of view with the Karl May Museum. We will continue to pursue repatriation as this is the only acceptable solution.' Survival International wrote to the museum in March 2014, asking it to begin a dialogue with the Sault Tribe to return the remains to their rightful owners. Survival’s Director Stephen Corry said today, 'It's not good enough for the museum to hide behind the fact that the precise origin of some of these scalps is obscure: they ought to make some effort to find out. In any case, Native Americans clearly believe that the scalps should be returned to the USA and buried in a respectful manner, rather than sitting in a store cupboard in a museum.' Download Survival International’s letter to the Karl-May-Museum (German, pdf, 473KB) at: http://assets.survivalinternational.org/documents/1212/140325-letter-karlmay.pdf. Download the museum’s reply to the Sault Sainte Marie Tribe (pdf, 511KB): http://www.survivalinternational.org/news/10211.

Gale Courcy Toensng, "Passamaquoddy Tribe Amends Fishery Law to Protect Its Citizens From State Threat," ICTMN, April 8, 2014, http://indiancountrytodaymedianetwork.com/2014/04/08/passamaquoddy-tribe-amends-fishery-law-protect-its-citizens-state-threat-154365, reported, "The Passamaquoddy Tribe’s fishery law has been amended to implement individual catch quotas for the lucrative elver season that began on April 5. While the quota system conforms to a new state law, Passamaquoddy leaders stressed that the change was
made to both protect tribal citizens and conserve the tiny baby eels. 'We’re changing our tribal fishery law, and I’m not addressing state law at all,' Newell Lewey, a member of the Tribal Council and the tribe’s Fisheries Committee, told Indian Country Today Media Network. 'We amended our laws to reflect individual catch quotas. We didn’t want conflict. We vehemently disagree with the state in their approach to elver fishing.' The decision to amend the tribe’s fishing law comes after a roller-coaster legislative session that started out with high hopes that the tribe and state would reach an agreement over elvers fishing after a rancorous season last year. In 2013, state law enforcement agents had confiscated equipment from about 60 Passamaquoddy fishermen and charged them with various violations that were later tossed out of court. The controversy centered on the number of licenses issued." (For more on the tribal-state issues, see Tribal Government and State and Local Government Developments, above).

"Snoqualmie Indian Tribe Donates $275,000 to Landslide Relief," ICTMN, March 29, 2014," http://indiancountrytodaymedianetwork.com/2014/03/29/snoqualmie-indian-tribe-donates-275000-landslide-relief-154235, reported, in the instance of the Washington state landslide (reported in Environmental Developments, above), "The Snoqualmie Indian Tribe has donated $275,000 to landslide relief efforts, giving $50,000 each to the Darrington, Arlington and Oso fire departments, as well as to the Red Cross, Cascade Valley Relief Foundation and $25,000 to K-9 relief. Snoqualmie officials were inspired to donate after tribal members helping in the search efforts spoke of how wrenching the work was."

Several U.S. Indian nations have been attempting to have the Karl May Museum, in Radebeul, Germany, return Indian scalps that have long been on display, but the museum was continuing to hold them, as of March 2014. The Museum is dedicated to author Karl May, who in the early Twentieth Century wrote a series of popular novels depicting Native Americans favorably, inspiring a continuing large movement of hobbyists interested in traditional Indian ways. Tribal members were preparing to demonstrate at the museum’s May 30-June 1 annual Karl May Festival, if the scalps were not returned. Mark Worth, a former news reporter and activist for Transparency International, upon hearing of the scalps researched their origin and contacted the concerned nations (Red Haircrow, "Tribes Demand Return of Native Scalps From Karl May Museum in Germany," ICTMN, March 25, 2014, http://indiancountrytodaymedianetwork.com/2014/03/25/tribes-demand-return-native-scalps-karl-may-museum-germany-154152).

Economic Developments

Don Lake & Jerry Noonan, "Tribes Move to Form an Independent Tribal Accounting Standards Board, ICTMN, January 1, 2014, http://indiancountrytodaymedianetwork.com/2014/01/01/tribes-move-form-independent-tribal-accounting-standards-board-152902, after giving the complex legal accounting background, stated, "J Noonan Company, a certified public accountant, and Donald Lake, (Santee Sioux) CEO of N2N Business Services, LLC, a Native American-owned business, have joint-ventured the development of a Grantee Financial Management Training Guide for Native American Tribes. The Guide covers information on the formation of a separate organizational unit within a Tribe. The guide covers how to adopt a resolution to create a separate organization unit and draft auditor engagement letters for auditing services. The Guide contains a pre-audit Government Accounting Standards Board 34 “to do” checklist, Sample Government Accounting Standards Board 34 formats for financial statements, statements of Net Assets, footnotes to the financial statement, related supplemental reports such as the schedule of Catalog Domestic Federal Assistance (CDFA). The Guide also covers audit thresholds and scope information of the auditor’s compliance review and how to narrate post-audit responses to audit findings and recommendations along with preparation of a corrective action plans to eliminate future findings. In addition they have developed a tribal leadership manual and have been promoting an independent standard making body for native sovereigns. It is promoted as TASB (Tribal Accounting Standards Board). This independent accounting and reporting standards board would consist of tribal leaders, tribal treasurers, tribal accounts and independent certified public accountants that are interested in establishing separate
The Southern Utes of Colorado, according to their January 2014 State of the Tribe Report, have continued economic growth. The nation's growth fund, which has its own oil and pipeline companies, largely staffed by tribal members it has trained, recently has been focusing on finding and developing oil and gas production in the Gulf of Mexico and the Texas Panhandle, partnering with others to keep tribal risks low. The Southern Ute Red Willow Production Company has made nine finds in the Gulf and brought two on line. Total volume of oil and gas produced by the tribe increased in 2013, but will decline until the new wells come on line. The strategy has been to borrow money for new projects, and then pay them off as profits come in. An example is that the fund sold its interest in Panther energy and Red Willow's energy holding in the Anadarko Basin for a sizable profit, used partly to pay off debt, and partly to provide cash for the tribe. The Southern Utes also report increasing operating efficiency in a number of ventures, including its casino resort, lowering or eliminating certain losses, while over all increasing net income (Chairman Jimmy R. Newton, "State of the Tribe: January 2014," Southern Ute Drum, February 7, 2014). The Southern Utes opened a new hotel, SpringHill by Marriott in Oceanside, CA, February 11, 2014 (Ace Stryker, "Tribe poems new hotel in Oceanside, Calif.," Southern Ute Drum, February 21, 2014).

Jack McNeel, "Salish Kootenai Tribes Will Acquire Kerr Dam Via Arbitration, ICTMN, March 21, 2014, http://indiancountrytodaymedianetwork.com/2014/03/21/salish-kootenai-tribes-will-acquire-kerr-dam-arbitration-154114, reported, "Montana’s Confederated Salish and Kootenai Tribes (CSKT) will become the first tribes in the nation to own a major hydroelectric facility. CSKT recently completed arbitration meetings that will

accounting and reporting requirements for Tribally owned assets, liabilities and equities of sovereign Tribes. The mission of TASB would be to develop and publish accounting principles and methods that would promote sound financial reporting of separately and tribally owned assets, liabilities and membership equities. TASB would work toward an orderly transition from Government Accounting Standards Board 34 reporting, excluding federal and state contracts, grants and awards, and provide Indian tribes with meaningful accounting and reporting authority to plan, conduct, redesign, and administer programs, services, functions, and activities that meet the financial reporting needs of the individual tribal members who are interested in and could use the information in statements to hold the Tribal entity more accountable in the deployment of its own assets. For more information about the Guide, related training manuals and services, J. Noonan Company can be reached at 1-605-271-5075 or Jerry@tth.net and Don Lake can be reached at 1-605-695-1229 or donlake@sio.midco.net (www.N2Nbusiness.com).

The Moapa Paiute of Nevada, with one solar energy project producing electricity for several years, has received approval with some funding from the Department of the Interior for a second, Moapa Solar Energy Center Project, on 850 acres of tribal trust land. This is one of Interior grants to several tribes totaling $700,000 for various sustainable-energy initiatives. ("Moapa Paiute to Host 2nd Solar Project on Its Lands," ICTMN, May 29, 2014, http://indiancountrytodaymedianetwork.com/2014/05/29/moapa-paiute-host-2nd-solar-project-its-lands-155071).

"Utes Plan to Develop 1,000 MW Gas-Fired Power Plant on the Reservation," ICTMN, May 30, 2014, http://indiancountrytodaymedianetwork.com/2014/05/30/utes-plan-develop-1000-mw-gas-fired-power-plant-reservation-155070, reported, "The Ute Indian Tribe of the Uintah and Ouray Reservation, Utah, has announced its plan to undertake the development of a 1,000-megawatt natural gas-fired generation facility on the Uintah and Ouray Reservation." "The generation facility would utilize the tribe’s large reserves of natural gas. It will also create opportunities to introduce more sources of clean energy into the grid." "The plant is expected to generate up to 1,000 MW, which would serve to provide power for 850,000 homes annually. Development will also create up to 950 jobs at the peak of construction. In addition, the project is expected to contribute hundreds of millions of dollars directly to the area’s economy during the first 10 years of operation and will create indirect job opportunities in the development of pipelines, distribution systems and transmission infrastructure serving the project."

The Salish Kootenai Tribes will become the first tribes in the nation to own a major hydroelectric facility. CSKT recently completed arbitration meetings that will
allow them to purchase Kerr Dam on the Flathead River. The price tag for this purchase was set at $8,289,798 and the purchase will officially take place in September 2015."

USDA Rural Development awarded a $75,000 grant to the Acoma Business Enterprise, LLC (of Acoma Pueblo in New Mexico), through the Rural Business Enterprise Grant (RBEG) program (RBEG), which promotes development of small and emerging businesses in rural areas, to develop a comprehensive business plan and marketing study to create a Native Food Hub, which will be the first of its kind in the nation. Such a hub is needed because a great many Native American farmers find at the end of the growing season that they usually have an abundance of produce that was not being sold or utilized. A food hub will ideally offer a location where native producers can deliver their goods for processing and distribution to market ("Creating the First Native American Food Hub in the U.S., ICTMN, December 16, 2013, http://indiancountrytodaymedianetwork.com/2013/12/16/creating-first-native-american-food-hub-us-152733)."

The U.S. Department of the Interior announced on Friday March 14, 2014, grants to 19 Indian nations totaling $3.2 million under the federal Energy and Mineral Development Program Awards. $655,000 went to the Crow Nation for its Yellowtail hydropower project, intended to provide reliable, low-cost, renewable power to tribal members, part of $9 million for renewables, that also went to the Bad River Band of the Lake Superior Tribe of Chippewa, Bois Forte Band of Chippewa, Crow Creek Sioux Tribe, Eastern Band of Cherokee Indians, Fond du Lac Band of Lake Superior Chippewa, Ho-Chunk Nation, Pueblo de Cochiti, Shoshone Bannock Tribes, the Tule River Tribe and Blue Lake Rancheria, which received two grants. Mineral grant awards totaling $505,420 were granted to the Bois Forte Band of Chippewa, Hualapai Tribe, Moapa Band of Paiute Indians, Nez Perce Tribe, Spirit Lake Tribe and Standing Rock Sioux Tribe. oil, gas and geothermal projects of the Pueblo of Jemez, Jicarilla Apache Nation and Ute Mountain Ute Tribe collectively received $765,234 ("Crow and 18 Other Tribes Net $3.2 Million in Energy and Mineral Grants From Interior," ICTMN, March 14, 2014, http://indiancountrytodaymedianetwork.com/2014/03/14/crow-and-18-other-tribes-net-32-million-energy-and-mineral-grants-interior-154020)."

First Nations Development Institute was awarded a grant of $675,000 from the W.K. Kellogg Foundation of Battle Creek, MI, in late May 2014, to conduct a three-year project aimed at improving the economic stability of Native American parents, and thus bettering their children’s chances of success. The project’s prime focus is Native parents attending tribal colleges, with whom First Nations is partnering, along with Native community development financial institutions (CDFIs) to offer services that support financial capability and asset-building for the Native families. First Nations was preparing to launch a competitive application process for selecting the partner tribal colleges and CDFIs, who will work together to provide a tightly integrated system of identifying and delivering the services. The colleges will generally provide benefit screenings, relevant classes, financial aid guidance and social supports such as child care, while the CDFIs will generally provide secondary screenings, Volunteer Income Tax Assistance programs, Individual Development Accounts (IDAs) for both parents and children, and related financial services. For more information, visit www.firstnations.org ("First Nations Development Institute Awarded $675K for Native Family Empowerment Program," ICTMN, May 29, 2014, http://indiancountrytodaymedianetwork.com/2014/05/29/first-nations-development-institute-awarded-675k-native-family-empowerment-program-155068)."
surplus fruits and vegetables throughout the community via a mobile farmers’ market. The project aims to increase access to healthy food on the reservation while creating jobs and stimulating economic development. **Columbia River Inter-Tribal Fish Commission, Portland, Oregon, $28,125** to assist tribal fishers as they build new relationships with tribes to develop and expand market opportunities for salmon products. The project aims to increase opportunities for the fishers of the Columbia River tribes.

**Diné Community Advocacy Alliance, Gallup, New Mexico, $20,300** to assist the alliance in supporting the Healthy Diné Nation Act and Junk Food Tax, which was vetoed by the Navajo Nation president in February 2014. The act seeks to impose a 2 percent sales tax on sugar-sweetened beverages and junk food, and eliminate sales tax on fresh fruits and vegetables. **Lac Courte Oreilles Ojibwa Community College, Hayward, Wisconsin, $37,500** to build capacity and expand the college’s Sustainable Agriculture Research Station (LSARS). LSARS will increase healthy food access by providing a mobile farmers’ market, online and telephone food-ordering service, and EBT-SNAP purchases. **Lakota Ranch Beginning Farmer/Rancher Program, Kyle, South Dakota, $37,500** to establish an active gardening club on the Pine Ridge Indian Reservation. Fruits and vegetables harvested will be sold at a local farmers’ market to promote healthier food choices. **Ponca Tribe of Oklahoma, Ponca City, Oklahoma, $28,125** to build capacity and expand the local community greenhouse. The goal is to produce twice as many fruits and vegetables in the expanded greenhouse. Additionally, the funds will be used to host weekly diabetes health education and cooking classes.

**Pueblo of Nambe, Nambe Pueblo, New Mexico, $28,125** for its Community Farm Project expanding to create more traditional meals with locally grown, highly nutritious food items. Nambe Pueblo is a food desert with issues of access and affordability of fresh, local produce. The farm can expand with eventual creation of a marketplace on pueblo land, instituting practices such as composting and seed saving, and working to revitalize Indigenous crops, harvesting wild plants, and raising hormone-free, locally slaughtered meats. **Sac and Fox Tribe of the Mississippi in Iowa, Tama, Iowa, $37,500** to build capacity and expand the Meskwaki Grower’s Cooperative. The food co-op launched in 2013 and needs to expand to include a greenhouse, seed-saving program and food-preservation workshops, as well as increasing co-op membership. **Sustainable Molokai, Kaunakakai, Hawaii, $37,500** to launch the Molokai Food Hub, which will give the Native Hawaiian farming community better access and control over its local food system. The Food Hub will help accurately manage orders and monitor product quality.

**Taos County Economic Development Corporation, Taos, New Mexico, $37,500** to assist the organization in leading and coordinating the Native Food Sovereignty Alliance (NAFSA), including coordinating board meetings, proactively recruiting and growing the membership base, and moving the organization toward achieving its 501(c)(3) nonprofit, tax-exempt status. The organization will also coordinate development of a three-year strategic plan and a priority list of policy areas to be addressed. **Waimea Hawaiian Homesteaders' Association, Kamuela, Hawaii, $32,825** to continue to fund the “Farming for the Working class” project and will enable another 10 Native Hawaiian homestead families to start actively farming their fallow land. The program consists of hands-on farm training, paired with classroom-based learning and business training ("First Nations Development Institute Awards $400K to 12 Native Food-System Projects," ICTMN, June 3, 2014, http://indiancountrytodaymedianetwork.com/2014/06/03/first-nations-development-institute-awards-400k-12-native-food-system-projects-155129).


percent in February to $39.3 million compared to $38.5 million in February 2013, despite bad weather in winter 2014. Handle for the month was $479.3 million, up 3.6 percent from the $462.7 million wagered in February 2013. Foxwoods’ contribution to the Connecticut Special Revenue Fund for February 2014 was $10.5 million, bringing the cumulative contribution to the State since Foxwoods opened in 1992 to nearly $3.7 billion ("Foxwoods Reports February Slot Revenue Increase," ICTMN, March 14, 2014, http://indiancountrytodaymedianetwork.com/2014/03/14/foxwoods-reports-february-slot-revenue-increase-153998). "Foxwoods Partners With Irish Software Company for FoxPlay, Free-Money Gaming Site," ICTMN, February 18, 2014, http://indiancountrytodaymedianetwork.com/2014/02/18/foxwoods-partners-irish-software-company-foxplay-free-money-gaming-site-153628, reported, "The Mashantucket Pequot Tribal Nation, owners and operators of Foxwoods Casino Resort, is teaming with Irish-backed GameAccount Network, the London-based game developer and software firm, to offer simulated online gaming via computer and smartphone platforms to free-money players around the world. GameAccount will send promotional offers to potential players for Foxwoods’ virtual casino called FoxPlay with Foxwoods Resort Casino," "Foxwoods' simulated gaming remains a marketing tool for now, but the move is likely in hopeful anticipation of intra-state regulation in Connecticut in 2015."

"Ho-Chunk Inc. Subsidiary Gets $2.3 Million Federal Contract, ICTMN, March 18, 2014, http://indiancountrytodaymedianetwork.com/2014/03/18/ho-chunk-inc-subsidiary-gets-23-million-federal-contract-154048, reported, "All Native Solutions, a Ho-Chunk subsidiary in the corporation's Flatwater Group division, was recently awarded a $2.3 million contract with the Bureau of Indian Affairs to provide furniture, fixtures, equipment and related services to the Riverside Indian School in Anadarko, OK. The Flatwater Group—headed in Winnebago, Nebraska with additional offices in Bellevue, Nebraska and Arlington, Virginia—is the government products division of Ho-Chunk, Inc., the award-winning economic development corporation owned by the Winnebago Tribe of Nebraska."

The Passamaquoddy Nation of Maine was expanding its Maple Syrup production, in winter 2014, from 3000 to 60000 tree taps in a major attempt to improve tribal income (David Sharp, "Passamaquoddy bank on syrup for seet relief from poverty," News From Indian Country, April 2014).

The BTC Oyate Initiative Project of the Oglala Lakota Nation, based in Rapid City, South Dakota is using Bitcoin (BTC) in an effort to empower tribal members. Bitcon is a digital currency or cryptocurrency, that employs cryptography to control the creation and transfer of money. The nation's currency, the MazaCoin "will be as simple and easy to use as BitCoin of which it is a fork custom designed for the socio-economic needs of the Oglala Lakota," states MazaCoin on Twitter. Transactions are recorded by specialized computers and stored in a shared public database. The computer operators are called "miners," who are rewarded with transaction fees and newly minted bitcoins. The Oyate Project will assemble a small-scale "mining cluster" to generate bitcoins while providing the public a hands-on chance to learn about mining and how bitcoins are generated. "The btc generated will go to Crypto Currency Exchanges and trading and will be used to help train beginning American Indian traders on the basics of cryptocurrency trading, futures contracts, market strategy, CC pairs, etc. The project will produce a large scale promotional campaign to small business owners to facilitate their acceptance of bitcoin as a means of payment for goods and services. The initiator hopes that Bitcoin can become the Nation's primary means of trade and exchange, alleviating poverty in a community insulated from big bank-controlled federal regulators ("Can Bitcoin Alleviate Poverty on the Pine Ridge Reservation? Tribe Pursues its Own 'CryptoCurrency'," ICTMN, January 3, 2014, http://indiancountrytodaymedianetwork.com/2014/01/03/can-bitcoin-alleviate-poverty-pine-ridge-reservation-tribe-pursues-its-own-cryptocurrency).

The First American Design Studio, a new, Indian-owned firm that assists tribes in planning building projects with the goal of sustaining their communities, is receiving mentoring and support from one of the oldest and most established architecture firms in Minnesota, DS GW Architects ("DSGW to Mentor, Guide First American Design Studio," ICTMN, March 13, 2014, http://indiancountrytodaymedianetwork.com/2014/03/13/dsgw-mentor-guide-first-american-design-studio-153963).

Christina Rose, "Business Incubator to Boost Entrepreneurship on Pine Ridge, ICTMN, February 4, 2014, http://indiancountrytodaymedianetwork.com/2014/02/04/business-incubator-boost-entrepreneurship-pine-ridge-153411, reported, "More than 500 businesses were funded over the last 30 years by the Lakota Funds on the Pine Ridge Reservation in South Dakota. Determined to continue that trend, Lakota Funds, a community development financial institution, is now venturing into online certificate programs through the newly formed Building Native Business Industry Institute. At least 60 new businesses are expected to be created on Pine Ridge over the next three years as a result."

Education and Culture

Americans For Indian Opportunity's Ambassador's Program, a two-year equivalent of a masters degree in leadership training, is proving a good model for Indigenous leadership nurturing that has been spreading in the United States and Internationally. The program accepts participants who have been doing work in their Indigenous community, and includes a community project. Ambassadors begin by exploring their sense of identity - where their medicine comes from. A major piece in the process is taking part in participatory decagon making - which continues after graduation in joining in networking on AIO and Indigenous issues. With Ambassador alums now in every major U.S. Indian organization and in every federal program that works significantly with Indian nations and people, this has been a useful resource for Indian country. Other aspects of the program are Indigenous values, group bonding, skills building (e.g., public speaking), Indian 101 - including a group journey to Washington, DC to meet with Indian leaders and government officials, culture of oppression and anti-racism training, and global perspective encompassing a group international experience. A recent survey of Ambassador alumni noted that 60% of the respondents were interested in learning how to implement an AIO Ambassadors leadership development model in their communities. Asked for whom, they answered, for: youth: 61%, young adults: 70%, older adults: 24%, seniors: 9%. As to where: Tribe: 49%, urban Indian community: 36%, larger (including non-tribal) community: 9%, organization or institution: 27%, school classroom: 23%, state or region: 23%, other: 12%. 71% of respondents said they encorporate aspects or components of the Ambassador Program leadership model in their current work. 80% of respondents view the Ambassador Program leadership model as a tool for social justice movement building and community development, 70% of respondents current work or volenteering involves community development. For more information contact Americans for Indian Opportunity, 1001 Marquette Ave., NW, Albuquerque, NM 87102 (505)842-8677, laura@aio.org, www.aio.org (AIO, "Ambassadors Program Regeneration Initiative, Impact Study Preliminary Survey Results," December 2014).

North Dakota State University initiated a Masters in Public Health Degree Program, early in 2014, whose curriculum is designed to prepare graduates to work with the American Indian-Alaska Native health system. It is the first such graduate program (Dave Kolpack, "NDSU program specialized in American Indian Health," News From Indian County, April 2014).

"Investing In Early Childhood Education: NTU Expands Program and Curriculum," ICTMN, June 13, 2014, http://indiancountrytodaymedianetwork.com/2014/06/13/investing-early-childhood-education-ntu-expands-program-and-curriculum-155241, reported, "Navajo Technical University in Crownpoint, New Mexico has announced the hiring of Rhiannon Gishey, Ed.D. of Greasewood Springs, Arizona. Dr. Gishey will assist with the implementation of NTU’s recently accredited Bachelor of Science degree program in Early Childhood Multicultural Education and to eventually develop the program into a master’s degree."

Indian studies in colleges continue to grow after half a century, as six new American Indian or Native American Studies programs have been initiated. The University of Minnesota Duluth has launched a Master of Tribal Administration and Governance degree. The University of Oregon has added a minor in Native American Studies as part of the College of Arts and Sciences’ Ethnic Studies program. There is a new Southeast American Indian Studies Program at the University of North Carolina Pembroke. The San Manuel Band of Mission Indians has endowed a chair in Native American Studies at the University of Redlands in Redlands, CA. and the Poarch Band of Creek Indians, of Alabama, made a $500,000 donation to start a Native American Studies program at the University of South Alabama. (Tanya H. Lee, "50 Years Later Native American Studies Still Evolving: 6 New Programs, ICTNM, May 21, 2014, http://indiancountrytodaymedianetwork.com/2014/05/21/50-years-later-native-american-studies-still-evolving-6-new-programs-154845).

The Wamanoag Language (and culture) Reclamation Project has been running a summer youth camp at Mashpee, MA for three weeks each summer with language and cultural lessons and ancient and contemporary activities (Jennifer Weston, "Wopanaot8aok Pa$haneekamuq: Preparing for a Wamanoag Language School on Cape Cod," Cultural Survival, June, 2014).

Jenna Winton, "All Can Participate in Making Change: Revolutionizing Indigenous Media," Cultural Survival, March 14, 2014, http://www.culturalsurvival.org/news/all-can-participate-making-change-revolutionizing-indigenous-media, reported, "An opening song by Blackfeet Cherokee performing artist Maria Gladstone kicked off the Indigenous New Media Symposium sponsored by the School of Media Studies hosted at the New School in New York City on February 21, 2014. The event brought together prominent Native American and First Nations media makers and creative activists to discuss how new media is being used in Indigenous communities to educate, organize, entertain, and advocate. The panel addressed topics such as confronting the ongoing Native stereotypes in mainstream media, the resurgence of Indigenous ways through new media, and discussed how this new outspoken generation is using their artistic endeavors for cultural, economical, and political change."

The documentary film, Healing the Warrior’s Heart, produced by the Western Folklife Center, shows how some Native American healing traditions for reintegrating warriors back into the community may hold a key for healing veterans’ posttraumatic stress disorder ("Film looks at Native traditions to heal veteran's Post Traumatic Stress Syndrome," News From Indian Country, December 2013).

Chelsey McKnight and Tiffany Poole, "New Online Video Network Promotes Chickasaw History and Culture," Cultural Survival, January 16, 2014, http://www.culturalsurvival.org/news/new-online-video-network-promotes-chickasaw-history-and-culture, reported, "The Chickasaw Nation’s online video network, Chickasaw.tv, has been launched in a new, vibrant and dynamic platform. Chickasaw.tv is a high-definition, video-rich network created to increase awareness of the culture, legacy and continuing contributions of the Chickasaw people. The interactive, high-quality content is now available on all devices with enhanced functionality and a user-friendly experience. Chickasaw.tv is the first online video network of its kind by a Native American tribe, but this groundbreaking new resource is not just for Chickasaws—it is for anyone who would like to become better acquainted with the storied history and thriving culture of the Chickasaw Nation. Hundreds of interviews with tribal officials, historians, artists and elders were conducted to create the 5 channels and over 1,500 videos of in-depth profiles and stories available at www.chickasaw.tv. Interviewees include many notable Chickasaws such as U.S. Rep. Tom Cole and NASA astronaut John Herrington. Tribal historians and anthropologists complete the picture by bringing to life the Chickasaw spirit of determination and ability to overcome hardship. The new Chickasaw.tv features a beautifully designed and informational History & Culture channel. This one-of-a-kind educational tool brings to life the ancestors and historical events that shaped the Chickasaws’ past as well as the people who are dedicating their lives to preserving the Chickasaw cultural legacy for future generations." For more information about Chickasaw.tv, please contact: Chelsey McKnight, Marketing & Communications Manager: Chelsey@chickasaw.tv, or Tiffany Poole, Communications Specialist, Tiffany@chickasaw.tv.
The 13th session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) opened at the UN in New York, May 12, 2014, with an address by UN Secretary-General Ban Ki-moon noting that, while important progress had been made in advancing rights and expanding opportunities for indigenous peoples, many around the world still faced discrimination, exploitation and the disproportionate impacts of societal ills. “Forging win-win solutions for all is your responsibility and your challenge,” Mr. Ban declared. He stressed that its success would depend on the extent to which partners — States, United Nations agencies and others — worked together in identifying creative solutions to intractable problems. The Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples were also available to advance such efforts, he said, emphasizing the need for a collective action to make the 2007 United Nations Declaration on the Rights of Indigenous Peoples a “living document”. The upcoming World Conference on Indigenous Peoples, a high-level General Assembly event, offered yet another opportunity to involve indigenous peoples in solutions for a common future. Broadly agreeing, John Ashe (Antigua and Barbuda), President of the General Assembly, said the World Conference, to be held in September, would be the first of its kind in the context of the United Nations. An interactive hearing following the Forum’s current session would provide opportunities for dialogue between indigenous peoples and the United Nations system, he said, adding that its success would depend on how the current session was used. “At the end of the day, no one knows better than you the challenges you face and the importance of drawing maximum international attention to your situation,” he said. Martin Sajdik (Austria), President of the Economic and Social Council, said there was always a need to consider how the relationship between indigenous peoples and States could be adjusted or improved, adding: “The Council takes this work truly seriously.” Its 2014 Integration Segment, to be held later this month, would focus on sustainable urbanization, he said, adding that the Permanent Forum was an important member of the United Nations family whose recommendations on such topics would inform all parties. The Council was committed to its success. Following her election as Chair, Dalee Sambo Dorough said that issues on the Forum’s agenda included making sure that United Nations agencies responded to the human rights concerns and interests of indigenous peoples. It must initiate a discussion about the “false dichotomy” of limiting United Nations agencies to helping groups in developing countries while disregarding those equally marginalized in the so-called developed world. “Ultimately, the objective of the Forum is to ensure that indigenous peoples do have a ‘home’ within the United Nations,” she emphasized. There was an urgent need, particularly on the part of Member States, to take “bold and effective” actions to address the discrimination, racism, marginalization, extreme poverty and conflict faced by indigenous peoples across the globe. “Indifference to these urgent realities should not be tolerated,” she stressed. Thomas Gass, Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs, spoke on behalf of the Under-Secretary-General for Economic and Social Affairs, agreeing that it was vital that the United Nations support the small but significant efforts defined and implemented by indigenous peoples themselves. Much work remained to be done in safeguarding their rights, and many suffered poor access to health care and education, in addition to suffering high poverty levels. An estimated 600 indigenous languages had been lost over the last century, an average of one language every two weeks, he noted. The Forum voted for members of its Bureau for the thirteenth session, electing the following by acclamation: Mohammad Hassani Nejad Pirkouhi, Edward John, Gervais Nzoa and Maria Eugenia Choque Quispe as Vice-Chairs, and Valmaine Toki as Rapporteur. In the afternoon, the Forum held a panel discussion on the special theme of the 2014 session — “Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46”. With Forum Chair...
Delivering general statements following the panel presentations, speakers highlighted concerns and ongoing efforts to address a range of issues. Self-determination was a common theme, with Brazil’s speaker

“Development and progress must go hand-in-hand with progress for the indigenous peoples,” he said, adding that harmonized legislation would eventually become a reality in Mexico. He called for the World Conference to be held in the best possible conditions, a space in which to share challenging experiences as well as opportunities for building paradigms for understanding among all groups. It was also to be hoped that the post-2015 development agenda would encompass the relationship between Governments and indigenous peoples, he said, emphasizing that despite the long and arduous road ahead, progress had and could continue to be made. Mr. JOSEPH said his country’s Māori people did not enjoy self-determination, but they did have political influence and had pursued rights, including the right to development. They comprised some 15 per cent of New Zealand’s population and 20 per cent of its 110 parliamentarians. A growing Māori economy contributed $36 billion to gross domestic product, and they governed their own education systems. Yet the picture was not that “rosy”, he cautioned, saying that a “disconnect” between transactional and transformational governance had resulted in lagging statistics in terms of health, education and crime rates. Unlike the “corporate” tribes of Alaska and the Band-Council-led indigenous groups of Canada, New Zealand’s land councils existed without full self-determination. Māori governance needed more political space to allow tribes to resolve issues themselves, for example. Legal structures were also a challenge, many focusing on economic development, he said, recommending legislative structures similar to those in the United States, where indigenous peoples enjoyed political immunity. Mr. GARCIA said that, during recent workshops involving peoples of the Amazon, they had been asked what legacies from their ancestors could guide good territorial governance today. They had respect for territorial boundaries, control over decisions, sovereignty, food security, control over education and collective rights recognized by current treaties. Self-determination meant indigenous peoples could govern themselves by their own norms and manage their resources without foreign or external meddling. However, a stable legal order was needed in the twenty-first century, he emphasized. At a parallel event, groups from Asia, Africa and Latin America had agreed that the resources of indigenous peoples were coveted by international companies, which made governance in their territories difficult. In dealing with the planet’s current health, the world was looking to indigenous governance as a model, yet comments by States were almost always pejorative. For instance, they had begun to use the tool of poverty as a means of political and ideological domination in relation to water and food supply. They also forced indigenous peoples to abandon the ways in which they had administered their heritage. For instance, many young people who had left their communities to “escape” that “poverty” had, in fact, lost their way, he pointed out. Aggressive policies had affected indigenous self-esteem, with some Governments seeing tribes in the context of charity rather than through the lens of rights, he said, adding that the State often regarded self-determination in a restrictive manner. Ms. DOROUGH said very few countries had mastered the principles of good governance. “We all know what bad governance looks like,” she said, emphasizing that failure to achieve good governance could have devastating consequences. It applied not only to Governments, but also to corporations and institutions, including those for indigenous peoples. Respect for and protection of human rights was essential, and thus, good governance must be in line with the Declaration, which affirmed the distinct status and human rights of indigenous peoples, she said. For good governance to be achieved, she said, the human right to an effective remedy must also be realized, as must public awareness and legal reforms. In that context, she urged States to create impartial, incorruptible police forces and independent judiciaries. Further, self-determination was a prerequisite to the exercise and enjoyment of all other human rights, she said, one that must be recognized for indigenous peoples in order to promote all their individual and collective human rights. Delivering general statements following the panel presentations, speakers highlighted concerns and ongoing efforts to address a range of issues. Self-determination was a common theme, with Brazil’s speaker
saying that a fine balance must be reached between indigenous peoples and the States in which they lived. While the Declaration’s Article 46 provided indigenous peoples with the right to self-determination, it should not be “interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations…which would dismember or impair…the territorial integrity or political unity of sovereign and independent States”. Speakers for some indigenous caucuses expressed different views. A representative of the Global Indigenous Women’s Caucus said Article 46 should not be interpreted as an obstacle to ongoing efforts to attain goals set forth in other articles and in the Declaration as a whole. A representative of the Global Indigenous Peoples’ Caucus agreed, adding that treaties and agreements must be upheld in order for indigenous peoples to fulfill their right to self-determination under the Charter. States must repudiate colonial doctrines, he said. Indigenous peoples must take control of their treaties and climate change issues must be addressed in terms of good governance, he added. Given the critical importance of self-determination, a representative of the North American Indigenous Peoples’ Caucus recommended that the Forum call for a study to identify remedies that would protect the right of indigenous peoples to exercise freely their right to defend their lands and peoples. On a similar note, some speakers emphasized that the environment played a crucial role in good governance. A speaker from the Secretariat of the Convention on Biodiversity said governance was crucial for attaining protected-area objectives and determined the sharing of relevant costs and benefits. It was also the key to preventing or resolving social conflicts. Some Member States, attending as observers, described their national policies on subjects ranging from education to land rights. Mexico’s representative said his country had taken important steps to build a rights-based society, focusing on programmed and actions aimed at eradicating hunger and improving health, education and sanitation. Canada’s speaker recognized her country’s past failures and highlighted its current efforts, including self-determination agreements for First Nations communities.

The 3rd and 4th UNPFII sessions, May 13, continued the consideration of good governance, considering three studies — the Discovery Doctrine, sexual health and reproductive rights and an optional protocol to strengthen the United Nations Declaration on the Rights of Indigenous Peoples. Government representatives outlined special measures to address indigenous peoples’ needs, with several pointing to constitutional provisions that supported their rights. South Africa’s speaker said his country was based on diversity and had, in 2009, established a dedicated Department of Traditional Affairs to deal exclusively with indigenous affairs, including leadership, governance and the administration of justice. Finland’s representative said that good governance also meant the protection of linguistic rights, and his country had adopted the Sámi Language Act to enable those people to enjoy services in their own language. Nicaragua’s delegate cited the passage of an autonomy law, which had sought to transform relations with indigenous peoples and peoples of African descent. The country also had created multi-ethnic dialogue forums, provided support to indigenous initiatives and allocated budgets for autonomous governments. However, an indigenous parliamentarian from Nicaragua said his Government could do more, echoing the sentiment expressed by several indigenous speakers, who expressed dismay with their Governments. Forum member from Bangladesh, Raja Devasish Roy, agreed that, while progress had been made in some countries, more dialogue was needed to yield more positive results. A representative of the International Public Organization Foundation for Research and Support of Indigenous Peoples of Crimea called on the Forum to find a solution by diplomatic and peaceful measures to the conflict in Crimea involving Tatars, Karays and Krymchaks. Noting that Ukraine and the Russian Federation had abstained from voting on the Declaration, he asked the Forum to ensure the physical safety and recognition and observance of the rights of indigenous people in Crimea. Forum member from Estonia, Oliver Loode, expanded on that concern, saying the situation in Crimea was today, perhaps, the most urgent global indigenous issue. The situation of Crimean Tatars was particularly disturbing, as they were now required to apply for resident permits should they choose not to take up Russian citizenship. If they chose not to apply, they could be declared illegal aliens on their own land, which violated the Indigenous Peoples’ Declaration. He said there must be a way that Crimean Tatars could live with dignity in their homeland, including, for example, by allowing dual citizenship. He asked the Forum to make recommendations on the issue and called on the world community, the United Nations and its agencies, as well as indigenous groups to pay close attention to the Tatars’ situation and support them. Presenting the study on the Doctrine of Discovery, particularly its impacts on
indigenous peoples and the means to redress the wrongs, was Edward John, Forum member from Canada, who said the analysis had concluded that the Doctrine, in its many manifestations, represented “the nefarious underbelly of colonization”. While the Doctrine was not well understood, its resilience was embedded in the laws, policies and practices of colonizing cultures. It had been used to justify the exploitation, enslavement and subjugation of indigenous peoples, thereby providing a foundation for genocidal approaches against them. While the findings had been discredited by courts, churches and human rights bodies, more must be done, not only to repudiate it, but to take actions to redress its impacts. Recounting his experience at a residential school run by the Catholic Church, he said his language and culture, having been deemed inferior and “savage”, eventually died, as part of a deliberate Government policy. Today, those truths were being made public across Canada. The Prime Minister last year had admitted that the programmed had aimed to isolate children from their family’s influence and assimilate them into the dominant culture. He urged that the Doctrine be replaced by contemporary human rights standards, including a principled approach to redress, which would return sovereignty to indigenous communities through decolonization processes. Jurisdictional space for indigenous peoples’ self-determination must also be established. Some speakers provided detailed examples of a pressing need to address land disputes. A representative of the Oglala Lakota Nation, spoke on behalf of five North American indigenous peoples’ groups — Coastal Band Chumash Nation, Indigenous Peoples’ Council on Biocolonialism, American Indian Movement of Colorado, Fourth World Center for the Study of Indigenous Law and Politics and Sacred Places Institute for Indigenous Peoples. He said no State had the right to protect the integrity of a territory it had seized illegally and then deny the right to self-determination. Pointing out that the United States’ Vice-President Joseph Biden had recently confessed that no nation had a right to grab land from another, the speaker said “we agree”, noting that the United States had continued to occupy the Oglala’s Black Hills and had refused to engage in talks over land disputes. He urged the Forum, as well as the Economic and Social Council and the United Nations as a whole to repudiate the deliberate State practice of “Christian discovery” and called for a special rapporteur to eliminate that Doctrine wherever it was embodied in State law or practice. He also recommended that the General Assembly request an advisory opinion of the International Court of Justice on the enforceability of treaties between indigenous people and States. Introducing the study on an optional protocol to the Declaration, Megan Davis, Forum member from Australia, recalled it had been written in response to a recommendation by the Arctic Caucus concerning provisions in the Declaration pertaining to land, territories and resources. Despite ongoing discussions about launching a mechanism to monitor the Declaration’s implementation, the study had found that, while the Forum, the Special Rapporteur and the Expert Group all had contributed to enforcement, each had significant commitments and workloads preventing them from functioning as a cohesive oversight body. She said the Alta Declaration, adopted at the 2013 preparatory meeting for the World Conference on Indigenous Peoples, had recognized the value of creating a new body to promote, protect, monitor, review and report on the Declaration’s implementation; it was to be established with the full and equal participation of indigenous peoples. The issue had received attention thanks to the work of the Special Rapporteur, who had observed, during his country visits, a lack of knowledge and understanding about the Declaration and the issues facing indigenous peoples. Raising awareness among Government actors was crucial, she said, adding that an oversight mechanism could be empowered by an optional protocol. When the floor opened for discussion, representatives of indigenous groups and Governments alike presented their experiences with governance, from the local village level, to the municipal, national and international levels. Indigenous speakers pressed States to acknowledge that governance was central to self-determination and sustainable development in indigenous communities. Many urged Governments to strengthen governance structures in indigenous communities to ensure that they were culturally legitimate, as well as to seek the free, prior and informed consent of indigenous peoples on any reforms that directly or indirectly impacted governance in their communities. With broad agreement among indigenous speakers that self-determination was critical to governance, the lack of respectful relations between indigenous communities and Governments was a major impediment. The governance processes must build, not diminish, community capacity. On that point, a representative of the Australian Human Rights Commission said Aboriginal peoples’ ability to self-govern had been impeded by the application of the terra nullius doctrine and the lingering effects of colonization. Legislation that had forced their removal from lands had disempowered them by denying them the right to
make decisions about their lives. Non-indigenous governance sought to manage economic risk, whereas indigenous peoples’ focus was on maintaining cultures and identities. Echoing another common theme, a Forum member from the Philippines called for a review of discriminatory laws that further marginalized indigenous peoples. She also emphasized the importance of holding States accountable for human rights violations. In the same vein, a representative of the Asia Indigenous Women’s Network said “good laws do not necessarily mean good implementation”, and she recommended that government practices align with the Declaration. Similarly, a Forum member from the Russian Federation said that, while times had changed, with the struggles of the 1990s producing advances for indigenous peoples in many countries, problems persisted. In response, many indigenous groups in her country were governing themselves or lived in autonomous districts run by local self-government, which was a start to addressing the challenges of economic development. Now, there was a need for a monitoring mechanism on a global level to report on violations against indigenous peoples, she said. However, a representative of the Russian Federation, attending as an observer, held that an optional protocol to a non-legally binding document was not feasible. Further, a monitoring mechanism was ill-advised since the Human Rights Council was a more appropriate forum. Ms. Davis, responding to the Russian Federation’s representative, argued that the existing mechanisms did not address indigenous peoples’ concerns about implementation. On the mischaracterization of the Declaration as a non-legally binding document, she said the report outlined international law as it applied to General Assembly declarations. Clearly, to some speakers, an optional protocol would clarify the Declaration’s ambiguities. A representative of the Indigenous Peoples of Africa Coordinating Committee pointed to the absence of an instrument for dealing with land issues on the continent. As an example, he said Africa’s indigenous peoples’ lands and resources were facing immense threats in the form of extractive industries, agricultural expansion and climate change, areas largely governed by State-designed policies that failed to recognize their rights to land, resources and traditional livelihoods. A representative of the Arctic Caucus favored an optional protocol that embraced the rights to self-determination, self-government and autonomy, without prejudice to people living under foreign occupation or other international arrangements. It should be among the outcomes of the World Conference on Indigenous Peoples, a high-level event to be held at Headquarters in September. Forum member from Bolivia, Maria Eugenia Choque Quispe, introduced the report of the international expert group meeting on sexual health and reproductive rights, with regard to articles 21, 22(1), 23 and 24 of the Declaration. The study showed that indigenous peoples suffered disproportionately from a lack of access to those rights and services. Many countries had yet to recognize sexual and reproductive rights for indigenous peoples, a problem exacerbated in poor and marginalized communities. The collection of disaggregated data was also difficult, because basic health care — such as childbirth and midwifery services — often was not available in remote areas, and if they were, they did not take into account indigenous culture, or provide staff who understood indigenous languages. She said participants examined development models based on extractive industries, which directly impacted indigenous peoples’ sexual health and reproductive rights. They called on the Forum to consider such issues, as well as on States to adopt legal and normative measures, and allocate resources to correct those health inequalities, the causes of which included the sometimes triple discrimination faced by women. States also should offer free health services in indigenous languages, subject to the free, prior and informed consent of indigenous peoples. For its part, the United Nations should document the impacts of environmental violence on indigenous communities. Some speakers were concerned about contamination linked to extractive industries. A representative of the International Indian Treaty Council pointed to an example of “environmental violence”, which, the Council believed, was sanctioned by international law. The United States, for example, manufactured and exported pesticides that were banned in that country, which negatively had impacted reproductive health and caused sometimes fatal illnesses in indigenous communities in Ecuador, Guatemala, Mexico and Nicaragua. She called for a legal review of internationally banned chemicals and for a halt to the export and import of banned and unregistered pesticides from countries prohibiting their use. She urged United Nations entities to conduct a study in partnership with indigenous peoples’ organizations to document the linkages between environmental violence and sexual exploitation, and to evolve concrete recommendations to guard against that. To address persistent patterns of discrimination and exclusion, a representative of the United Nations Population Fund (UNFPA) said recent indigenous peoples’ claim for culturally appropriate sexual and
The 5th Meeting, May 14, focused on the resolution of land claims. Devasish Roy, a Forum member from Bangladesh, presented a study on best practices and examples in respect of resolving land disputes and land claims, focusing on two case studies: their resolution in the Philippines and in the Chittagong Hill Tracts of Bangladesh. In Bangladesh, he said, the Chittagong Hill Tracts Land Commission had jurisdiction over all sorts of lands except “reserved forests” settled in the name of the Government. The Commission resolved disputes in accordance with the laws and customs of the region. While there were no appeals of its decisions, a judicial review by the Supreme Court could be pursued. In the Philippines, the 1997 Indigenous Peoples Rights Act covered ancestral domains, self-governance, social justice, and the cultural integrity of indigenous peoples. While the Philippines had one of most advanced references to free, prior and informed consent, there had been complaints that that process had been “faked”, as it followed format only rather than spirit. Outlining recommendations, he urged both countries to initiate legal, administrative, logistical and other reforms to address “dysfunctionalities” in the models. For the Philippines, that meant repealing the 1995 Mining Act, while for Bangladesh, it meant amending the 2001 Land Commission Act, in line with the advice of the Chittagong Hill Tracts Regional Council, and devolving full administration authority to district councils. More broadly, he urged other Governments to study the models for “implementable ideas”. The United Nations and financial institutions could promote the models as ways to resolve land claims and disputes involving indigenous peoples. As for Bangladesh, along with transferring full land administration authority to Hill District Councils, he urged cancelling commercial leases to non-residents; revoking notifications to create new “reserved forests”; and providing executive support to the roles of traditional Circle Chiefs, Headmen and Karbaries (Village Chiefs). The presentation touched on many of the basic rights and legal prerequisites being discussed under the Forum’s special theme of good governance. When the floor was opened for debate, indigenous representatives described how issues associated with land — forced displacement, military occupation and dispossession by large-scale extractive projects among them — affected their territories, which were often rich in natural resources. Several speakers decried that the laws, policies and very institutions established to promote and protect their rights were in fact responsible for eroding, and in some cases, destroying them. In that context, a representative of the Bangladesh Indigenous Peoples Forum said the land disputes in the Chittagong Hill Tracts were among the most contentious between Bangladesh and the indigenous peoples. Despite the signing of the 1997 peace accord, there had been a number of arson attacks on indigenous homes over the last 16 years, many of which were attributed to land disputes. Charges that law enforcement officials had failed to protect indigenous people — and played a silent role in the violence — had forced people to flee their ancestral homes and made the lives of those who remained deeply insecure. Along similar lines, a representative of the African Caucus (Tribal Link) pointed out that indigenous peoples on the continent had inherited colonial systems of land tenure and individual property rights, which had allowed dominant groups to expropriate ancestral lands over centuries. Individual property rights were inconsistent with traditional systems of collective occupancy. As such, indigenous peoples did not have the legal tools or resources to assert their ancestral rights, which had led to abuse of communities and negative impacts on the environment. A representative of the Coordinator of Indigenous Organizations of the Amazon River Basin (COICA) said that in declaring “protected areas” — which covered 1.6 million square kilometers or 29 per cent of the River Basin — Governments had not obtained the free, prior and informed consent of indigenous peoples prior to such decisions. Encroachment on indigenous territories, including through programs such as the United Nations Reducing Emissions from Deforestation and Forest Degradation (REDD) initiative, was another problem. The issue of free, prior and informed consent received attention, with several speakers calling for genuine respect for that process. In that connection, a representative of the Cordillera Peoples Alliance said the National Commission of Indigenous Peoples in the Philippines had been used to perpetrate massive natural resource extraction, land grabbing and abuse of collective land rights. To date, it had approved 251 large mining projects, most of which had excluded the free, prior and informed consent of indigenous peoples. Further, 44 indigenous peoples had been killed since July 2010, while others who had asserted their land rights faced threats to their lives. She urged the dismantling of the Commission. Some speakers offered suggestions on how Governments could...
remedy increasingly dire situations. A representative of the Kamakakuokalani Center for Hawaiian Studies at the University of Hawaii urged the Forum to press the United States to recognize Hawaiians as indigenous people, rather than as a racial category. He also recommended the convening of a world conference on decolonization. Government representatives, speaking as observers, weighed in on how their countries handled land issues, with New Zealand’s delegate noting that an ongoing treaty settlement process in the country was providing claimants with opportunities to reach agreements with the Crown. Claimant groups could purchase surplus Crown lands and innovative negotiations had resulted in an increase in settlements achieved over the last four years. Likewise, said the Philippines’ representative, the National Commission on Indigenous Peoples focused on customary laws and practices, while the Indigenous Peoples Rights Act guaranteed their rights and protection, including the right to self-determination. Commenting on the day’s contributions, Joan Carling, a Forum member from the Philippines, expressed disappointment at the low level of Government participation in the debate, stressing that it would have enriched the discussion. There was a clear need for national grievance and redress mechanisms, and for fostering national dialogue, she said. Kara-Kys Arakchaa, a Forum member from the Russian Federation, responded to interventions made yesterday by the representative of the Crimean Tatar people, stressing that the Russian Federation had adopted a law in 1991 on the rehabilitation of persecuted peoples in the Soviet Union, including the Crimean Tatars. Under that legislation, full rights had been restored to those people and individual citizens had received — and continued to receive, since the Republic of Crimea was currently in the Russian Federation — compensation for persecution by the former Stalin regime. On that same topic, Aisa Mukabenova, another Forum member from the Russian Federation, said Crimea’s declaration to join the Russian Federation was legitimate. The first steps had been taken, including recognition of the Tatar language as equal to Ukrainian and Russian, and the representation of Tatars in the leadership of Crimea. The political will was already in place, she added.

The 6th and 7th UNPFII meetings, May 15, focused first on Asia, which had the highest concentration of indigenous and tribal peoples in the world — more than 150 million — yet many were disproportionately vulnerable to poverty, marginalization and human rights violations, as Governments prioritized economic development over respect for traditional cultures, lands and identities. The panel featured presentations by Joan Carling, Forum member from the Philippines; Sumshot Khular, Community Action and Research for Development; Antolenna Cordone, International Fund for Agricultural Development (IFAD); Sochea Pheap, Asia Indigenous Peoples Pact; Victoria Tauli-Corpuz, newly appointed United Nations Special Rapporteur on the rights of indigenous peoples; and Indira Simbolon, Asian Development Bank. Forum Chair Dalee Sambo Dorough acted as moderator. Introducing the panel, Ms. Carling recalled that two thirds of the world’s 370 million indigenous peoples lived in Asia. Among pressing concerns were legal reforms, compliance with land rights and reports of extrajudicial killings in some countries. While the current level interaction with indigenous peoples, Governments and United Nations agencies needed to be bolstered, positive steps had been taken, including Japan’s recognition of the Ainu as an indigenous group and a recent decision by a Nepalese court to include indigenous people in shaping the Constitution. Climate change was another area of concern, with events such as last year’s Haiyun typhoon, which left indigenous groups outside the aid net. Focusing on South Asia, Ms. Khular said the subregion was home to 160 million indigenous peoples, yet only a few countries recognized them, with some claiming there were none. In Nepal, where a new constitution would be promulgated and ratification of International Labor Organization Convention No. 169 had taken place — the indigenous were campaigning for self-government to gain control over their social, cultural and political development. In India, the 1958 Armed Forces Special Powers Act had been used to subdue indigenous peoples’ movement for self-determination, resulting in arbitrary killings, cruel and degrading treatment and forced disappearances. She urged recognition of the right to self-determination and the repeal of laws that allowed the militarization of indigenous territories. Ms. Cordone said IFAD’s investment in Asia, its largest, stood at $1.87 billion, financing 62 projects in 19 countries. Thirty-five of those projects supported indigenous peoples in 10 countries. The Fund’s policy on Engagement with Indigenous Peoples recognized their cultural heritage and right to free, prior and informed consent. There was also the Indigenous Peoples Assistance Facility, which financed projects designed and implemented by them. By titling community forests, the Fund aimed to improve indigenous peoples’ right to access to and management of those areas. To increase the Fund’s
effectiveness, she urged the inclusion of well-being indicators in its projects; capacity building for project-implementing agencies and indigenous communities alike; and a focus on indigenous food systems. Next, Mr. Sochea said indigenous peoples faced non-recognition of their identity as distinct peoples with collective rights. While all Members of the Association of South-East Asian Nations (ASEAN) had voted in favor of the Declaration on the Rights of Indigenous Peoples, those peoples remained invisible in the bloc’s Human Rights Declaration. Indonesia’s Constitution, for example, respected customary rights only when they were in line with State principles, while Malaysia’s recognition of indigenous peoples was incomplete, as in the case of Sarawak natives, and non-inclusive, as in the case of the Orang Asli. Dialogues with indigenous peoples should be initiated at local, national and regional levels to improve their legal recognition. The Declaration should be incorporated into national legal frameworks, and mechanisms should be established to ensure indigenous peoples’ participation in matters affecting their lives. Ms. Tauli-Corporus said extractive-industry investments often negatively affected indigenous peoples and their territories. Some States had halved poverty in line with the Millennium Development Goal at the expense of indigenous peoples, driving up their poverty rate, as was the case in Viet Nam. Poverty eradication efforts must be more sensitive to indigenous peoples’ needs and dialogue with Governments must focus on a balance between bolstering economic growth and protecting indigenous peoples’ rights, while finding sustainable solutions to climate change. Calling on States and United Nations agencies to support disaggregated data to show a clearer picture of the realities and role in sustainable development, she said indigenous peoples were one solution to the problem. Rounding out the panel, Ms. Simbolon said the Asian Development Bank had approved loans for many projects that were in some way linked with indigenous communities. As such, the Bank had focused its efforts on addressing concerns raised by indigenous peoples themselves. Considerations were made in assessing the impact on their communities, since more than one third of over 300 projects in 2013 had affected them. In addition, the Bank had held workshops for clients and had implemented other innovative initiatives, including reviews of education curricula to reflect indigenous groups. Strengthening the capacity of clients and Governments was among the tools used to improve understanding of the issues. When the floor was opened for debate, indigenous speakers said traditional lands, territories and resources in Asia were systematically exploited in the name of economic development, and that the process of free, prior and informed consent had been denied. A representative of the Asia Caucus said “our land has been the continuous victim of commercial gains”, emphasizing that, in Viet Nam, ethnic Thai had been removed to make way for a hydroelectric dam, while in Cambodia, land grants of forests for mineral extraction had forced many to relinquish their traditional livelihoods. In the Philippines, indigenous peoples who objected to mining projects had been met with militarization of their areas. Along similar lines, a representative of the Asian Indigenous Women’s Network cited the extrajudicial killing of five women and six children in the southern Philippines — all in the struggle against extractive industries. A representative of the Asia Pacific Youth Network said the killing of an indigenous youth leader in the Philippines had shown how the military was undermining the right to life. He urged United Nations agencies to help stop large mining operations, and the World Bank to stop funding such projects. Other speakers urged Governments to repeal laws and policies that did not recognize distinct indigenous identities. Still others sought recognition of indigenous peoples in reconstruction efforts following natural disasters, including a representative of the Global Indigenous Women’s Caucus who pressed United Nations agencies to monitor the situations of unrecognized indigenous peoples and collect data so as to monitor the flow of indigenous peoples into urban areas. Government representatives, attending as observers, responded to those concerns and outlined national perspectives, with China’s delegate noting that, while his country did not have indigenous issues per se, it firmly supported the promotion and protection of basic human rights. Efforts to promote and protect indigenous peoples should be continuous, he said, adding that their concerns should be part of the post-2015 agenda in order to redress historical injustices. The representative of Bangladesh said all citizens were indigenous in his country, emphasizing the importance of listening to the voices of all stakeholders in the Chittagong Hills Tract region, as the Government had to ensure its actions did not create an unwarranted divide or tension among different communities. Bangladesh took a “zero tolerance” approach to alleged violence against women in the region, added the speaker. Malaysia’s delegate cited measures taken to widen indigenous peoples’ access to health, education and other services. Public hearings on land rights had allowed indigenous groups to reach out to the Government on the issue, and work was ongoing to
ensure that all citizens were registered, especially in remote areas. All ethnic groups in Thailand enjoyed equal rights, said that country’s representative, noting that the challenge of equal access to health and education was due, in part, to a lack of resources. The Government would try to address that and other issues raised today. Viet Nam’s delegate discussed efforts to address concerns of the 54 ethnic groups in his country, among them, a policy to promote equality and mutual respect of all ethnic groups and laws that had been improving over time to meet the social and development national policies. More broadly, Debasish Roy, a Forum member from Bangladesh, raised the issue of terminology, such as “ethnic minorities” and “bumiputra”, noting that the most important legal term was “indigenous peoples”. While ILO Convention Nos. 169 and 107 referenced both indigenous and tribal peoples, and used different indicators, rights applied equally to those groups. In the afternoon, the Forum held a comprehensive dialogue with United Nations agencies and funds, with Nicola Brandt, United Nations Children’s Fund (UNICEF), introducing the report of the 2013 meeting of the Inter-Agency Support Group on Indigenous Peoples’ Issues (document A/C.19/2014/9). Among issues discussed were efforts under way towards the World Conference on Indigenous Peoples and the post-2015 development process. Following her presentation, indigenous speakers took issue with policies of the United Nations and other global organizations that, while aiming to support their rights, in fact harmed them. On that point, a representative of the African Caucus urged the World Bank, African Governments and the private sector to disclose all information about the creation of the Bank’s “Billion Dollar Map”, intended to map Africa’s mineral resources through aerial services, and include indigenous peoples in related decisions, as most of the continent’s mineral wealth was concentrated in their territories. The majority of African countries had supported the Declaration’s adoption, with no objection to the term “indigenous”, he added. A representative of Alianza Mesoamericana de Pueblos y Bosques said Governments did not allocate sufficient funds, or earmark them specifically for indigenous peoples, pressing them to do so. For their part, United Nations agencies, specialized groups and intergovernmental organizations, attending as observers, provided an overview of efforts and plans for future action. Traditional practices, such as pastoralism, must be recognized, said a representative of the Food and Agriculture Organization (FAO) on behalf of the United Nations Environment Programme (UNEP), International Union for Conservation of Nature and Natural Resources (IUCN), IFAD and the International Labor Conference. He said pastoralism — a sustainable practice long seen as a simple, archaic threat to the environment — had, in fact, proven more resilient to climate change than sedentary agricultural systems in dry and fragile ecosystems. The post-2015 agenda was an opportunity to harness pastoralism as a sustainable practice in a way that would recognize land access and rights, and fair trade, as well as raise awareness of differences between grain-fed and stable animals. Government representatives described national efforts — including budget allocations — to address indigenous concerns, with some emphasizing that they took a human rights-based approach to such issues, and others conceding that discrimination, land grabbing and natural-resource exploitation were problems to be addressed.

The 8th meeting, May 16, considered the somber condition of children caught in bitter land disputes and urged solutions. Against a backdrop pockmarked by cultural disintegration, “suicide clusters” and family displacements from extractive industries, speakers in the Permanent Forum on Indigenous Peoples urged prompt and concerted action to reverse those trends and improve the lives of indigenous children and youth worldwide. Ta’Kaiya Blaney, a 13-year-old from the Sliammon Nation in Canada, speaking on behalf of Native Children’s Survival, American Indian Law Alliance and Seventh Generation Fund for Indigenous Peoples, urged the Forum to establish an Indigenous Children’s Fund to “ensure the survival and well-being of we, the indigenous children and youth, now and for the generations to come”. During the half-day discussion on children and youth, Ms. Blaney described poverty-stricken communities, noting that some lacked access to clean water. Suicide was rampant, as “every month there is at least one funeral in my community”, she said, adding that “suicide and death is such a frequent visitor that in the heart of our reservation there is a death-bell that tolls the number of times in accordance to the deceased age, whether they were an elder or child”. Describing a childhood caught in a bitter land struggle between her nation and the Canadian Government — which had resulted in the loss of 97.7 per cent of Sliammon Nation territory — she said indigenous youth were products of communities that had for centuries faced poverty, cultural extinction, inadequate health care and education, infant mortality, drug abuse, language loss and suicide. A
representative of the Australian Human Rights Commission said the problem of self-harm and suicide that had begun decades ago had now “exploded” into an epidemic, with “suicide clusters” reported in some communities. The speaker called on States to improve data collection to better gauge the epidemic and to work with indigenous groups to build resilience. Suicide-prevention programs were sorely needed in many communities, agreed a representative of the Indigenous Peoples of the Pacific Caucus and Metis National Council. To address the related staggering number of high-school drop-outs in Hawaii, she said the Forum should request its Special Rapporteur to examine the situation. She also called for the creation of a native Hawaiian school board. “As youth, our future is being threatened in multiple ways,” said a representative of the Global Indigenous Youth Caucus, expressing concern about the continued marginalization of young people and the identity crisis and sexual, physical and psychological violations, which led to the suicides. “Breaking the silence” was the first step in creating systemic solutions together, she said, adding that “interventions are needed before more indigenous youth are lost”. She also sought the greater participation of young people in the Forum, to assist in finding a balance between customs and western culture. Also imperative was to halt the use of pesticides on indigenous lands, as those were causing birth defects and child deaths. She agreed collective actions were badly needed before more indigenous youth and children were lost. With that, she urged the Forum and other United Nations bodies to lobby for increased support and for the inclusion of indigenous concerns in the post-2015 agenda. A representative of the Disability Caucus recommended that issues of children and young people with disabilities also be included both in the Forum’s recommendations and in the next global development agenda. Inclusion in the education system was crucial, as was combating negative stigmas that underestimated the children’s needs and roles in their communities. “We wish for their voices to be heard as rights holders,” she said, emphasizing that decisions taken here on their behalf would affect their lives as adults. Alvaro Esteban Pop, a Forum member from Guatemala, introduced the report on the living conditions of indigenous children and adolescents in Mesoamerica and compliance with their rights (document E/C.19/2014/5), saying that widening cultural shifts, the illicit drug trade, trafficking and contract killing were threatening new generations of the “young” region — 52 per cent of Guatemala’s population were under age 20 and 37 per cent of Nicaragua’s under age 14. He also pointed out that indigenous peoples often ranked below average in health and education sectors and, in some cases, young people simply were absent from demographic data. He called on Governments to provide disaggregated data to ensure that children and youth benefited from resources earmarked for them. Offering Government perspectives, participating delegates, attending as observers, outlined national measures to improve educational access for indigenous youth and, more broadly, to preserve the many and diverse indigenous cultures throughout their countries. Several stressed that education was essential to preserving national identity. Citing gains, a representative of the Russian Federation said 98 per cent of indigenous youth over age 15 were educated, with 40 per cent in vocational training and only 2 per cent lacking primary education. Of the 277 languages and dialects, 89 languages were used in the education system. Some regions had established nomadic schools, covering primary and secondary education. Along similar lines, Australia’s representative cited a “remote school attendance strategy”, which had established offices in more than 100 remote communities to improve attendance. School attendance officers — indigenous peoples from within the communities — were working with parents to increase ownership of and participation in the program. El Salvador’s delegate described a center for cultural development that taught indigenous children the Nahuatl language and cosmovision, which reflected a Mesoamerican view of the world. Meanwhile, Chile had spearheaded a Decalogue for indigenous children, said that country’s delegate. It outlined various rights, including the right to learn in indigenous languages; to strengthen beliefs, traditions and cosmoversions; and to appeal when rights were not respected. Intercultural management units also had been established to preserve the rights of the Mapuche, the speaker added. In another new approach, Guatemala had created a Cabinet of Indigenous and Intercultural Issues, which, said that country’s speaker, would implement development policies and focus on administration related to service provision and environmental protection, among other issues. Judicial officials in Mexico were learning about indigenous customs and the multi-ethnic judicial systems with a view to exchanging best practices to improve the administration of electoral justice, a representative from that country said. However, Juan Luis Martínez Martínez, an indigenous parliamentarian from Mexico, told the Forum that electoral reform had resulted in a failure to guarantee the representation of
The 9th and 10th meetings of the Indigenous Forum, May 19, encompassed an intense debate on the level of Indigenous participation in the World Conference on Indigenous Peoples. Indigenous peoples must be able to participate fully, equally and effectively in all stages of the upcoming high-level General Assembly meeting to address their most important concerns, speakers said today as the Permanent Forum on Indigenous Issues debated — at times forcefully — the essential elements for contributing to the unprecedented event. In one of three presentations by those involved in steering negotiations, Crispin Gregoire, Adviser of the President of the General Assembly, recalled that in 2010, the Assembly had decided to convene a high-level plenary meeting — the World Conference on Indigenous Peoples — from 22 to 23 September 2014, with the goal of sharing perspectives and best practices for realizing those peoples’ rights. In 2012, a “modalities resolution” was adopted, specifying organizational arrangements and conferring on the Assembly President responsibility for organizing the Conference. “The President has been attentive to provisions of the modalities resolution and understands the importance of consensus by both Member States and indigenous peoples as regards the content of the outcome document, themes of round-table and panel discussions and effective participation of indigenous peoples in the process,” he said. As none of the proposals for formulating the outcome document enjoyed agreement, he presented a road map by which the President would convene an “open and inclusive” consultation with States and indigenous peoples, assisted by two advisers each from those stakeholder groups. The President would invite States and indigenous representatives to share their ideas on content, Mr. Crispin said. He would then prepare a “zero draft” of an outcome document, with assistance from the advisers. A follow-up consultation would be held for parties to share their views, and a revised draft document would be prepared, to serve as the basis for advancing negotiations. The President would hold the first consultation on or before 29 May. The interactive hearing called for in the modalities resolution would be held in June, with a date to be communicated by the end of the week. Alili Keskitalo, President of the Saami Parliament of Norway, said indigenous peoples would study that proposal carefully before taking a final position. The World Conference offered a “tremendous” opportunity for the United Nations to promote the Declaration on the Rights of Indigenous Peoples, as well as replicate the process which had led to the text’s 2007 adoption: an open and inclusive dialogue among States and indigenous peoples. The Saami Parliament had worked with Mexico, she said, to facilitate discussions on the modalities for the conference, which had resulted in the 2012 resolution for indigenous peoples to participate at the Assembly level. Since then, indigenous peoples had engaged in the preparatory process. The 2013 Indigenous Preparatory Conference for the World Conference, held in Alta, Norway, had produced a text that would serve as their contribution to discussions on the outcome document. With some exceptions, indigenous peoples were ready to engage in the World Conference process, provided that it ensured their full and effective participation. Hjalmar Dahl, co-chair of the Global Coordinating Group, explaining that the Group was tasked with coordinating indigenous peoples’ preparatory activities for the high-level meeting, said until recently, it had comprised seven geopolitical regions, as well as the Indigenous Women’s Caucus and the Indigenous Youth Caucus. Recent developments, however, had prompted the North American Indigenous Peoples’ Caucus to withdraw, and the Group now must formally meet and agree on a process to determine a new name. The “modalities resolution” had not been fully realized, he said, as organizational matters, such as the interactive hearing and drafting of a final outcome, were pending. “The lack of progress is clearly frustrating for indigenous peoples,” he said, adding that the resolution “must be implemented in such a way as to uphold the principle of equal participation”. As States appeared reluctant to change, he pressed the President to urgently carry out his work to ensure indigenous peoples’ full and equal participation in the process. With that in mind, he reiterated support for Mirna Cunningham and Les Malezer to serve as indigenous advisers to the President. When the floor was opened for debate, indigenous speakers implored Governments and the United Nations itself to respect their right to full, direct, equal and effective participation throughout all stages of the preparations and in the high-level event itself, in line with the 2012 “modalities resolution”. Yet, there were shades of difference in positions, with some stressing they would not accept anything less and others emphasizing their readiness to work with the Assembly President to arrive at a consensus solution. In that context, the representative of the North America Indigenous Peoples Caucus called for cancellation of the
Conference, as the Assembly President, in his 26 February 2014 letter, had made clear that equal and effective participation would not be allowed. The Caucus had called on Mexico to cancel its planned technical meeting on the outcome document, and it had done so. It now called on the Forum to cancel any preparatory or advisory meetings for the Conference. “Nothing was said today that substantially changes the [Assembly President’s] memoire,” she stressed. Echoing that call, the representative of the Indigenous Peoples Council on Biocolonialism, speaking for 10 organizations, questioned how the high-level meeting could be inclusive when the Assembly President had held a weekend meeting with three indigenous peoples to discuss changes to the modalities. She opposed the appointment of Ms. Cunningham and Mr. Malezer on grounds that their status was inherently unequal to that of the State advisers and that they were not consensus candidates. Also, the informal interactive hearing would not have an official record, meaning that taking on board recommendations of indigenous peoples would be on a voluntary basis by States. The representative of the Indigenous Network on Economies and Trade called the high-level meeting “an insult”, as it would deny an opportunity to devise an action plan for repairing 500 years of colonialism. Rather than a serious United Nations conference, it would be a “hurried genuflection at the altar of indigenous rights”, perpetuating a reality that had left 370 million people at the bottom of the ladder as global genocidal forces squeezed them socially, culturally and politically in their struggle for survival. The representative of the National Congress of Australia’s First Peoples added that unless indigenous peoples had the chance to validate the outcome document before its adoption at the World Conference, it would never be accepted globally. States that opposed equal participation were showing contempt for indigenous rights and disregard for the United Nations Charter. Other indigenous speakers took a more moderate view, expressing their desire to open dialogue with States in order to understand their concerns. The representative of the Pacific Caucus said his delegation would continue to work with the United Nations and States to ensure a meaningful contribution. Likewise, the representative of the African Caucus recognized the President’s efforts to reach a compromise. Concerned by the lack of interest among African States, he urged them to review their positions, especially as Uganda might preside over the Conference. In meetings with South Africa, Burundi, Namibia, Chad, Democratic Republic of the Congo and Cameroon, the Caucus had found “positive views” regarding Conference preparations, he noted. A number of speakers today recalled that the adoption in 2007 of the Declaration on the Rights of Indigenous Peoples had been the result of an inclusive, transparent dialogue. They said the World Conference offered a chance to continue that practice and strengthen trust in a spirit of partnership and respect. Several, including from the Asian Caucus, supported the 2013 Alta Declaration as a draft negotiating document for the Conference, while others, including from the Central and South American and the Caribbean Caucus, supported the appointment of Ms. Cunningham and Mr. Malezer as advisers to the President. Also weighing in on the issue were more than 20 Government representatives, attending as observers, some of whom supported existing guidelines for indigenous peoples’ participation in the Conference and others calling for full and active inclusion in the process based on the Rights Declaration. The representative of the Russian Federation said current rules and General Assembly resolutions, including resolution 66/296, must guide Conference procedures and, accordingly, indigenous peoples’ views should be reflected in informal intergovernmental consultations and in the outcome document. Some representatives supported the Assembly President’s proposal for an inclusive process, such as Mexico’s delegate, who said the modalities resolution was the appropriate road map for an acceptable Conference outcome, while Sweden’s delegate noted with concern the lack of progress in terms of holding an inclusive informal consultation process. “Participating in decision-making processes is of fundamental importance for the realization of the rights of indigenous peoples and is a core element of the Declaration,” she asserted. Representatives of several other States agreed, including from Paraguay, Canada and Denmark on behalf of Greenland. El Salvador’s speaker said the prevailing view of “nothing about us without us” should be applied to Conference procedures, while Chile’s representative said “a historic debt has not yet been paid back to indigenous peoples” and their inclusion was essential to the Conference’s success. Finland’s speaker underlined that failure to fully include indigenous peoples would jeopardize the legitimacy of the Conference and its outcome document. Ecuador’s representative called on Member States to include indigenous peoples in their delegations. Taking that call to heart, Australia’s representative said her country was considering sending a high-level delegation and was examining support for indigenous delegates to participate in Conference proceedings. Echoing a widely held view, the United States’
representative said despite varying views on the meaningful participation of indigenous peoples, the arrangement ultimately must satisfy them. More broadly, Brazil’s delegate advocated for reform of international institutions tasked with safeguarding indigenous peoples’ rights. Special attention should be paid to the Forum, which was among the smallest United Nations human rights bodies. He proposed expanding its membership to 20 from 16, adding that indigenous rights would be better addressed if they remained under the mandate of the High Commissioner for Human Rights, rather than with an Under-Secretary-General for Indigenous Peoples, as proposed by the Alta text.

The 11th and 12th meetings, May 20, of the Permanent Forum on Indigenous Issues was a day-long consideration of human rights, with considerations of Fighting racial discrimination and striving to be acknowledged by States were among the challenges facing indigenous communities worldwide, requiring more collaborative efforts to effect meaningful change. “Do not lose hope if you do not see immediate results,” said Jose Francisco Cali Tzay, Chair of the Committee on the Elimination of Racial Discrimination and one of five panel members addressing the Forum. “This is a long struggle.” A range of expert panelists from legal to regional spheres provided global snapshots of the implementation of the United Nations Declaration on the Rights of Indigenous Peoples against a historical backdrop of violations, from land appropriation to systemic abuse. In some regions, indigenous peoples were still fighting for recognition, as was the case in Africa, where many States flatly rejected the “concept” of indigenous peoples, said Soyata Maiga, Chair of the Working Group on Indigenous Populations/Communities in Africa. Yet, the struggle for human rights had seen some triumphs, said Emilio Alvarez, Executive Director of the Inter-American Commission on Human Rights, noting a landmark case that would award 400,000 hectares on the borders of Argentina, Bolivia and Paraguay to 60 indigenous communities. That could set legal precedence for future land rights cases worldwide, he said. Also providing overviews of their work were panelists Wilton Littlechild, Chair of the Expert Mechanism on the Rights of Indigenous Peoples, and Kenneth Deer, Member of the Board of Trustees of the Voluntary Fund for Indigenous Populations. Government representatives attending as observers described their efforts, while indigenous delegates shared their views and concerns, providing examples of challenges, from new technologies that threatened the lives, health and survival of indigenous communities to breaches of land treaty agreements. Also weighing in was a representative of the International Labor Organization (ILO), speaking as Co-Chair of the United Nations Policy Board of the United Nations Indigenous Peoples Partnership. He underscored indigenous peoples’ significant place as rights holders under international human rights law. The Partnership’s work to support legal and policy reform, and improve access to justice had led to the development of seven national decrees in the Republic of the Congo, the reform of two national laws in Cameroon and the drafting and review of 16 new local/municipal decrees and laws on indigenous peoples in Bolivia, Central African Republic, Nicaragua, Indonesia and Cameroon. A representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) said indigenous peoples should also have a place in discussions on a post-2015 development agenda. For its part, the Office had worked to forge partnerships between indigenous peoples and States and had produced a manual for national institutions on the Declaration. During the afternoon meeting, the Special Rapporteur on the Rights of Indigenous Peoples presented his report, which he explained was gleaned from studies on good practices, country reports, human rights violations and thematic areas, as well as from visits to Canada, Panama and Peru. During the ensuing dialogue, Government speakers and indigenous peoples’ organizations offered perspectives on some of the issues raised about their countries and territories. The day’s session began with a panel on the Implementation of the United Nations Declaration on the Rights of Indigenous Peoples, which featured presentations by: Wilton Littlechild, Chair of the Expert Mechanism on the Rights of Indigenous Peoples; Kenneth Deer, Member of the Board of Trustees of the Voluntary Fund for Indigenous Populations; Jose Francisco Cali Tzay, Chair of the Committee on the Elimination of Racial Discrimination; Soyata Maiga, Chair of the Working Group on Indigenous Populations/Communities in Africa; Emilio Alvarez, Executive Director of the Inter-American Commission on Human Rights. Forum Chair Dalee Sambo Dorough acted as moderator. Updating participants on the work of the Expert Mechanism, established in 2007, Mr. Littlechild said it would hold its seventh session in Geneva in July and he invited all to register. Over the past year, it had met to discuss the Declaration’s implementation, the World Conference on Indigenous Peoples and the post-2015 development agenda. The Mechanism also had examined
related issues, including women’s rights and sexual health and was studying others, including historical injustice and the promotion and protection of indigenous peoples in disaster scenarios, and in that connection, disaster risk reduction efforts. Mr. Deer noted that the Voluntary Fund for Indigenous Peoples, established in 1985, aimed to provide indigenous people from all regions the resources and capacity to participate in United Nations’ processes and mechanisms. In cooperation with non-governmental organizations, the Fund also had helped indigenous peoples’ representatives to target their advocacy and make constructive interventions tailored to each United Nations event. In 2013, 66 travel grants had been awarded to allow indigenous representatives to participate in meetings of the Forum, Expert Mechanism and Human Rights Council, among others. However, it was imperative that the Fund received sustained and increased support from Governments and other donors, he said. Mr. Tzay encouraged greater collaboration between the Committee and Forum, as many indigenous peoples continued to face prejudice and racism. He implored indigenous representatives to remain steadfast in their common quest. “Do not lose hope if you do not see immediate results,” he said, adding, “this is a long struggle”. The Committee had developed thematic debates and States parties had submitted periodic reports. He reiterated his hope that the Forum and Committee could improve coordination and invigorate their complementary work. Ms. Maiga said that, since the Working Group’s establishment in 2004, it was still trying to convince States and stakeholders of the concept of indigenous peoples and their existence in Africa. Even though Heads of State and Government of the African Union had adopted a report on the matter, many African States flatly rejected the existence of indigenous communities within their territories, she said, citing as examples the Pygmies of the Great Lakes region, the Toubou of Mali and the Amazigh of North Africa. The Working Group had appealed to States parties to the African Charter to uphold human rights based on reports of violations. It also had conducted missions to more than a dozen States and raised awareness among stakeholders. However, she added, the Group’s work was threatened by the lack of collaboration by some States and limited financial resources. Cooperation between the Forum, the Special Rapporteur and other relevant international stakeholders should be regularized and institutionalized to avoid duplication of efforts. Mr. Alvarez said that, since 1972 the Inter-American Commission on Human Rights had stressed the legal obligation of States to protect indigenous peoples and their territories. Since then, the Commission created a post of Special Rapporteur to respond to new challenges, including extractive industries and the current development model. He said that, despite instruments to protect their rights, including petition systems and public hearings, troubling issues persisted, including in connection with the “first contact” of indigenous peoples living in remote areas and the killing of indigenous women in Canada, the United States and the Caribbean. However, in several countries, courts had set precedence with their decisions involving the killing of indigenous leaders, confrontations with Governments, land disputes and the sexual abuse of indigenous women. A potentially landmark ruling was pending in a case involving the borders of Bolivia, Paraguay and Argentina, which would give 60 indigenous groups title to 400,000 hectares of land. Indigenous speakers expressed concern that some States were not engaging with the Declaration in ways that created meaningful change in their lives. While States affirmed that their policies and programs were generally in line with the Declaration, they were urged to audit laws, policies and programs to substantiate that claim, prioritizing the removal of discrimination and inequality and amend all such provisions. On that point, the representative of the Aboriginal and Torres Strait Islander Social Justice Commissioner at the Australian Human Rights Commission said the challenge for indigenous peoples was to translate the human rights standards set out in the Declaration into purposeful actions and outcomes, both for themselves in exercising self-determination and for Governments that hesitated to embrace the Declaration as a framework for improving indigenous peoples’ opportunities. Agreeing, a representative of the Disability Caucus said the rights of indigenous peoples with disabilities also needed to be addressed. For many speakers, the non-recognition of collective rights to lands and resources was the root cause of many human rights violations. A representative of the Asia Indigenous Peoples Caucus called on States in that region to withdraw military troops from indigenous territories and to swiftly establish an effective mechanism for prosecuting and convicting State and corporate perpetrators of human rights violations. They also urged legal recognition of indigenous communities. The African Caucus’ representative said measures must be taken to address the many laws created during colonization, which had established States as the overseers of land and natural resources and had excluded indigenous peoples. Breaching existing treaties was cited as another concern. A
representative of the Aboriginal Rights Coalition, speaking for 564 tribes, demanded that the United States’ Government repay more than $630 billion; they insisted that the building of the Keystone XL pipeline on their lands would be prevented. Among other issues raised, a representative of the Pacific Caucus asked the Forum to recommend Hawaii’s re-inscription on the list of non-self-governing territories and called on the Economic and Social Council and General Assembly to support the establishment of a World Conference on Decolonization. Environmental threats was another area of great concern, she said, calling for free, prior and informed consent and regular impact assessments of the use of geoengineering technologies, such as the spraying of silver iodide into the atmosphere to increase cloud cover, soil carbon enhancement and other unnatural interventions carried out on lands, oceans, forests and space. Government representatives, attending as observers, discussed the practical application of the Declaration in their strategic planning and service delivery, with some stressing it was an important reference point for meeting the aspirations of such large and diverse populations. Denmark’s representative said that, despite expressions of commitment to the Declaration, much remained to be done. “We simply need to advance its implementation,” she said, pressing States and United Nations’ actors not to shy away from tackling the challenges hindering that process, including adherence to positions about the status and content of the Declaration that weakened their commitment to it. The instrument had legal significance, was founded in human rights and played a role in reconciliation. The challenges, some Government representatives said, had been in translating its provisions into domestic legislation, policies and actions. That was especially true for addressing the needs of the 800,000 Brazilians who identified themselves as among the more than 300 different peoples, said Brazil’s delegate. The Government had included indigenous peoples in the design and implementation of policies that affected them, notably through the National Indigenous Policy Commission, and especially in the areas of health care and education. Challenges centered on preventing non-indigenous peoples from intruding in the 688 indigenous territories, which made up the largest swath of indigenous lands in the world. Building an inclusive society was a goal in El Salvador, that country’s delegate said, where a process to recover indigenous cultural diversity was under way, as past policies had made those peoples invisible. A department had been created to monitor discrimination. Other notable efforts included a housing policy being developed jointly with indigenous peoples that respected their world view, as well as the publication of the first Nahuatl-Spanish dictionary. Devashish Roy, a Forum member from Bangladesh, recalling 15 May remarks by the representative of Bangladesh about the Chittagong region, urged the use of terminology accepted by the Forum. The term “ethnic minority” was no longer used. A dialogue took place with James Anaya, Special Rapporteur on the Rights of Indigenous Peoples. In his last statement to the Forum before the end of his mandate in June, he said he had refined his working methods in each area under his supervision — good practices, country reports, human rights violations and thematic areas — to orient them towards building constructive dialogue among indigenous peoples, Governments, United Nations agencies and others. In those innovations, he said he had sought to move beyond reacting to alleged human rights violations to assisting in the development of concrete proposals and programs to advance indigenous rights. Discussing his final three country reports, he said the report on Canada highlighted that the Government’s relationship with indigenous peoples had been guided by a well-developed legal framework. Yet, daunting challenges remained, including insufficient measures taken at the municipal and other levels, unresolved treaty and aboriginal claims, the vulnerability of indigenous women and girls to abuse, and high distrust among indigenous peoples towards the Government. His report on Panama, based on a July 2013 visit, cited the country’s advanced legal framework for indigenous peoples, he said, noting that the system had provided considerable protection for their rights, notably vis-à-vis lands and territories. Yet, there was a fragile foundation for problems related to guarantees for indigenous peoples to their lands and resources. His report on Peru, based on a December 2013 visit, stressed that indigenous peoples had suffered negative social and environmental impacts from extractive industry projects. High distrust had led to protests and clashes. Despite that, indigenous peoples had not completely rejected extractive industrial activities, but rather, had urged that their rights be respected. The same was true around the world, he said, as indigenous peoples had suffered devastating impacts from extractive industries. Yet, with an eye towards the future, the interests of those two parties were not always contradictory. In many cases, indigenous peoples had been open to dialogue as long as it was done in ways that respected their rights. More understanding between States and industrial players was needed, as were
new business models that respected indigenous peoples’ human rights. Essential to all his work, he said, was advocacy for the implementation of the Declaration, whose adoption had been an historic moment of recognition of peoples who continued to suffer “wide-spread and systemic” deprivation of their human rights. The Declaration painted a vision of the world in which their individual and collective rights were respected. While the text was a significant achievement, it was also a challenge for the global movement to advance rights. On one hand, it embodied a significant level of consensus. On the other, it was a reminder of the long way to go to seeing those rights firmly embedded in State practice at national and international levels. With that, he described the characteristics of the indigenous rights movement, saying it was, first and foremost, a force to enlighten. “There is a great deal of ignorance about indigenous peoples in the world,” he said, which bred attitudes that must be changed. Deeper education was needed to bring about a social and political climate that would bring to life the rights enshrined in the Declaration. Another characteristic, he said, was the movement’s pragmatic tendency in the search for solutions, as had been seen in the 1970s to gain access to the United Nations, and eventually, a permanent presence in the Organization. Finally, there was the optimism that had animated the Iroquois and Haudenosaunee, or Chief Deskaheh, when he travelled in 1923 to the League of Nations in hopes of a response that would achieve justice for his people. That same optimism was seen today, in the indigenous peoples’ appeal to imagine a day when the rights enshrined in the Declaration would be honored. Indigenous groups and their Government counterparts, who were attending as observers, participated in an interactive dialogue on pressing issues. In response to the Special Rapporteur’s report, Peru’s representative said it was important to keep in mind that his country was based on mining. What was done badly in the past was now being corrected. In 2011, Peru had enacted a law on the right to prior consultation for indigenous peoples and implemented regulations — making it the first country in the world to have done so. The scope of information provided was essential to reaching a mutually beneficial agreement. Implementing public policies required intersectoral work, and Peru had made gains, including maintaining a database of indigenous peoples that included 52 groups and translating materials into indigenous languages. Addressing the report’s section on her country, Panama’s representative said immediately after the Special Rapporteur’s departure, the Vice-Ministry of Indigenous Affairs was created to ensure the highest level of cooperation with the State and the seven ethnic groups living in the country. Panama was committed to stepping up its efforts, to implementing laws and programs on indigenous issues and to strengthen those peoples’ rights. Canada’s representative said her Government recognized the challenges faced by many aboriginal peoples in the country, including the particularly unique logistical challenges posed by its geography. She said the Government acknowledged the Special Rapporteur’s report and was currently reviewing the recommendations. Responding to conditions in Canada, a representative of the International Indian Treaty Council, speaking on behalf of the Confederacy of Six First Nations and Ermine Skin Cree Nation, said the report could become a blueprint for the Canadian Government. However, since the visit, there had been a number of developments, including the refusal of some nations to sign treaties and the recent resignation of the National Chief of First Nations. Additionally, the Canadian Government had put on hold negotiations over an education act. A meeting of emergency chiefs would take place in May and they would keep the Special Rapporteur informed. He strongly supported the call for an inquiry into missing and murdered aboriginal women. At the same time, said a representative Assembly of First Nations of Quebec and Labrador, the Special Rapporteur’s report had correctly noted that “it was difficult to reconcile Canada’s well-developed legal and policy framework with the crises faced by so many First Nation citizens”. Those crises included protecting land from extractive industries, missing and murdered women, health and education. Speaking for the First Nations Summit, a representative said Canada must protect indigenous rights and meaningfully consult with communities on potentially environmentally damaging projects that violated their rights. It was not a matter of whether a tankard spill would occur, but rather when it would occur. His nation’s rights to land and to harvest food would be threatened by tankard traffic, originating from the Alberta tar sands, traversing his nation’s waters. Calling on Canada to protect indigenous rights, he said the Crown’s proposed approach treated indigenous consultation as an afterthought and not a dialogue-oriented process. A representative of the Indigenous World Association said the proposed education legislation was unacceptable. Last week, a parliamentarian called indigenous leaders “rogue chiefs”, he said, asking if that had the effect of promoting xenophobia. Scant consultation with the Mohawk
Nation was a norm on border issues, he said, particularly those regarding the Akwesasne reservation, which straddled the Canadian and United States’ border. Responding to those interventions, the Special Rapporteur said that, on each visit, he had seen committed public servants dedicated to overcoming difficult issues. Acknowledging concerns voiced by indigenous groups from Canada, he expressed hope that his recommendations would be implemented. Those were not intended to spur confrontation; they were made in the spirit of advocacy. Replying to a question about how the recommendations could be implemented, he said indigenous peoples should conduct a dialogue in their countries and press for implementation themselves. Raising awareness about the Special Rapporteur’s reports was also essential, he added. Asked for his view about a suggestion that the General Assembly establish a position of a high-level official for indigenous peoples, given the existence of three competent mechanisms, he said a better way to approach the issues was needs-based and ensuring that existing mechanisms were fully staffed and resourced. As for how he could cooperate more with Governments to implement the Declaration, he said that he had worked with indigenous peoples on developing proposals, which had been extremely time consuming. Perhaps a high-level position for indigenous issues could be staffed accordingly to facilitate those efforts, he suggested. The Forum members raised their concerns. Alvaro Esteban Pop, Forum member from Guatemala, said stocktaking and healing wounds needed to be addressed before moving forward and future opportunities and risks needed to be identified. Forum member from the Russian Federation, Kara-Kys Arakchaa, said the session’s outcome document should include both negative and positive experiences, and both should be discussed at the World Conference on Indigenous Peoples. Forum member from Bolivia, Maria Eugenia Choque Quispe, pointed out that certain knowledge gaps existed in areas such as extractive activities, as well as between national and international standards. Forum member from Burkina Faso, Mariam Wallet Aboubakrine, said alarm was spreading through the Forum and the Special Rapporteur’s work over the human rights of the Touareg peoples in Mali, and she called on all participants to respond accordingly. Incoming Special Rapporteur Victoria Tauli-Corpuz said that she would keep in mind the comments made today as she shaped a road map for the future.

The 13th Meeting of the Forum, May 21, shifted its attention to safeguarding Indigenous people and including Indigenous input in shaping the post-2015 development agenda. While progress had been made in achieving the Millennium Development Goals, indigenous peoples were disproportionately represented in those still unfulfilled, especially poverty reduction, speakers in the Permanent Forum on Indigenous Issues said to, urging that a multicultural vision of humanity guide the formulation of the post-2015 development agenda and that their voices be respected in each crucial stage of deliberations. Taking up ongoing priorities, the Forum heard presentations by five experts involved in fields that aimed, directly and indirectly, to improve indigenous peoples’ situations around the world, whether through project finance, targeted policy interventions or political representation in the intergovernmental process to devise the sustainable development goals. On that point, Csaba Korosi (Hungary), Co-Chair of the Open Working Group on Sustainable Development Goals, provided an update on the process, noting that there would likely be 16 or 17 Goals. Among them, 14 had garnered “very broad support” among States and all other partners, including poverty eradication, food security, hunger, health, education, gender, water, energy, economic growth, sustainable consumption and production, oceans and seas, ecosystems and biodiversity. Two areas required “very profound political deal-making”, national implementation, and the creation of inclusive societies, he said. The outcome for a third focus area — climate change — would depend on last-minute deliberations, as many States argued it should not be a stand-alone Goal. The “zero draft” would refer to traditional knowledge, as well as access to decision-making and natural resource management. Because terms such as “vulnerable groups” meant “indigenous peoples”, and States would apply the Goals to national conditions, he urged indigenous peoples to work with their Governments to determine how the Goals would be turned into action on the ground. Along similar lines, Robert Borrero, on behalf of the Indigenous Peoples Major Group, said the United Nations was building on the momentum of the Millennium Development Goals to formulate an ambitious post-2015 agenda. The Millennium Goals had been criticized for keeping indigenous peoples invisible, especially since they had been sidelined in their formulation and were generally unaware of the process. The lack of disaggregated data related to implementation was another concern. Recalling that the
outcome document of the 2012 United Nations Conference on Sustainable Development had set the basis for
genagement on the post-2015 agenda, he said States had launched an all-inclusive process to outline the
new goals. The mandate of the Open Working Group called for input from civil society, and indigenous peoples
participated through the “major groups” category. The High-level Political Forum on Sustainable Development
held other opportunities for indigenous peoples’ participation, but the modalities had not yet been confirmed. Joan
Carling, a Forum member from the Philippines, said the Second International Decade of the World’s Indigenous
People sought to strengthen international cooperation in the areas of culture, education, health, human rights,
environment and socioeconomic development. It aimed to promote the inclusion of indigenous peoples in the
design and implementation of legal and other processes; to advance their full and effective participation in
decisions affecting their lives; to define culturally appropriate development policies; to adopt policies for
indigenous peoples’ development; and to establish strong monitoring of the implementation of international legal
and operational frameworks. **Noting that indigenous peoples were still not formally recognized in many
places and had lower human development indicators, she said that for outcomes to bring real change, a
paradigm shift was required, which would foster an inclusive, equitable agenda. Providing a gender
perspective, Agnes Leina, Indigenous Peoples of Africa Coordinating Committee, described the outcome of
the Global Conference of Indigenous Women, held from 28 to 30 October 2013 in Lima, Peru. The outcome
offered a framework through which to channel efforts for eradicating the violence, poverty and racism
facing indigenous women. It also outlined a political stance and an advocacy road map. Indigenous women
advocated for their inclusion in all consultations at national and international levels. They also had pledged
to strengthen coordination with civil society and seek resources to address the post-2015 goals with
culturally relevant indicators, she said. Moreover, they would advocate for States to eliminate inequality;
ensure free, prior and informed consent; acknowledge the Declaration on the Rights of Indigenous Peoples
as an international standard for achieving sustainable development; include culture as a fourth pillar; and
acknowledge indigenous peoples’ holistic framework for sustainable development, which included a human
rights-based approach. The strong impact of violence on indigenous women also must be acknowledged.
Rounding out the presentations, Gervais Nzoa, a Forum member from Cameroon, described the Forum’s Small
Grants Program, which provided financial support to indigenous peoples’ initiatives, and focused on
capacity-building, empowerment and policy processes. The maximum grant size was $10,000 over one
year. The Forum Bureau, which acted as the advisory group for the program, would urge donor States to
do more. In addition to the program, he said, there was also the Trust Fund for the support of Forum
members, which facilitated their participation at international meetings. A key challenge, however, was
mobilizing financial resources, and he thanked Denmark, as a main contributor. Recalling that, in 2005, the Fund
had received $149,542, he said that, by 2014, that amount had dropped to $129,311. To date, the following
countries had contributed: Algeria, Canada, China, Cyprus, Denmark, Ecuador, Estonia, Germany, Japan, Libya,
Luxembourg, Mexico, Peru, Philippines and Suriname. In the floor discussion, a number of speakers called for
indigenous peoples’ distinct recognition in the post-2015 goals, including Mohammad Hassani Nejad Pirkouhi,
Forum member from Iran, who said it seemed unfair to categorize indigenous peoples among marginal groups,
when, instead, they should be viewed as inspiring groups. A representative of the Asia Indigenous Peoples
Caucus, on behalf of the Asian Indigenous Women’s Network and Tebtebba, agreed, calling on the Forum and Member
States to ensure the post-2015 agenda recognized the distinct identities of indigenous peoples and not as
“vulnerable groups”. She suggested targets for protecting indigenous peoples’ rights and well-being and for
Governments and businesses to keep indigenous peoples’ lands intact and safe from “development
aggression projects”, such as extractive industries. Current realities about skewed successes in achieving the
Millennium Development Goals must be addressed, said José Angelino Caamal Mena, an indigenous
parliamentarian from Mexico. The Government had reported national progress in areas including gender equity
and access to primary education, yet more than 80 per cent of indigenous people in his country lived in poverty,
more than 6 per cent of children lacked access to education and one third lacked access to water and sanitation.
While “The Future We Want” concept had intended to be a road map, mechanisms must be put in place to
implement that concept. Proposing the centrality of inter-cultural and sustainable human development in
guiding future actions, he urged all States to establish public policies to guarantee indigenous peoples’ rights
to achieve “full-fledged development”. On a similar note, another indigenous parliamentarian from Mexico,
Carlos de Jesús Alejandro, said many States lagged behind in implementing the Indigenous Rights Declaration. A unilateral blueprint for development had often left indigenous peoples aside, with infrastructure works, such as roads and dams, and exploration and mining exploiting indigenous lands. Far from listening to indigenous peoples with regard to land use, authorities were arresting them, he said. Instead, States must shape policies to be in line with the Declaration, respecting the rights to free, prior and informed consent over land issues. Describing his view of what the new set of sustainable development goals should look like, a representative of the Asia Pacific Indigenous Youth Network urged Governments to stop large-scale mining, repeal laws allowing the entry of extractive industries on indigenous lands and take a human rights-based approach to development. Self-determined and sustainable development should begin at the village level. Development aid should serve indigenous communities as a debt repaid for colonialism, he said, and indigenous peoples should become active stakeholders in the post-2015 development discussions. For their part, many Government representatives, attending as observers, voiced support for including indigenous peoples’ aspirations in sustainable development goals and the post-2015 development agenda, with Mexico’s speaker saying no one should be left behind in that process. He said traditional knowledge had struck a clear balance between the environment and development, with indigenous women playing a critical role. As such, the outcome document of the World Conference on Indigenous Peoples should be linked to an inclusive post-2015 agenda, he added. Similarly, Brazil’s delegate said special attention should be given to the integrity of the local environment in any development strategy that concerned indigenous peoples. His country’s National Policy for Environmental and Territorial Management of Indigenous Lands was a key tool in the pursuit of sustainable development goals and could be a model for other countries. Entities of the Organization also weighed in, with the Permanent Observer to the United Nations for the International Development Law Organization noting that the Forum’s basic principles on equality, non-discrimination, sustainability, culture and identity fuelled his organization’s work. The rule of law was not an abstract concept, but a concrete platform from which to fight discrimination and exclusion, he said. A representative of the United Nations Environment Program underlined the importance of “sustainable pastoralism” as an important tool for development that should be included in the post-2015 discussions. Pastoralists should not be seen as victims but as part of the solution, she said, recommending that United Nations agencies bring pastoralism into the post-2015 fold. A representative of the Food and Agriculture Organization Regional Office for Latin America and the Caribbean, speaking on behalf of the Regional Inter-Agency Group, said that although there had been unprecedented progress in terms of rights, more must be done. He hoped the post-2015 discussions would involve indigenous peoples and their concerns. Summing up a strong sentiment expressed by many of the day’s speakers, the representative of the International Public Organization Foundation for Research and Support of Indigenous Peoples of Crimea said the world had been split into two parts: one that observed indigenous peoples’ rights and another which officially — or unofficially — followed a policy of non-recognition and oppression. “The main goal is to achieve the factual and legal equal rights for indigenous peoples of the world,” he declared, “without any exceptions and reservations.”

The 14th and 15th meetings of The Indigenous Forum, May 22, had a strong focus on the need for equal participation by Indigenous peoples. Protecting indigenous traditional knowledge, creating inclusive political systems and halting Government land grabs should be among the priorities guiding the future work of the United Nations Permanent Forum on Indigenous Issues, delegates heard from numerous speakers. A number of indigenous organizations issued strong calls on the United Nations and Governments alike to make room for them at the decision-making table. In an strongly worded appeal, a representative of the American Indian Law Alliance, Seventh Generation Fund, called for permanent observer status for indigenous peoples, at the United Nations, based on the outcome of the 2013 Preparatory Meeting for the World Conference on Indigenous Peoples, held in Alta, Norway. “We are equal to all peoples and nations,” she said, drawing attention to entities that had been given that status in the work of the General Assembly, such as the Permanent Observer Missions of the Holy See and the State of Palestine. Agreeing, a representative of the Global Indigenous Youth Caucus called for permanent observer status for indigenous peoples through their own traditional authorities. Indigenous peoples did not refer to themselves as members of civil society or non-governmental organizations, she added, encouraging the Forum to facilitate discussion whereby
indigenous participants could approach States with questions, comments and clarification requests. Some speakers deplored the escalation of human rights violations due to corporate operations, especially by extractive industries, as well as the militarization of their communities. On that point, the representative of the Asia Indigenous Peoples Caucus cited Government anti-insurgency operations that had led to extrajudicial killings of indigenous leaders. Those asserting their rights over their lands, territories and resources were often tagged as supporters of armed groups fighting their Governments. Forum member from Guatemala, Alvaro Esteban Pop, said that indigenous peoples were not asking for permission to exercise their rights, but were demanding that States respected them. Introducing a report on indigenous peoples’ participation in democracies and electoral processes in Latin America under the United Nations Declaration on the Rights of Indigenous Peoples (document E/C.19/2014/6), he stressed the need to create inclusive systems that reflected multi-ethnic and multicultural realities. Despite progress towards political inclusion, as well as the existence of international instruments, there were challenges indigenous peoples must overcome to make political processes effective, including constitutional reform. With that in mind, there was no legitimate future for States if they failed to recognize other decision-making mechanisms, including traditional legal systems, he said. Elifura Isaya Laltaika, Executive Director of the Association for Law and Advocacy for Pastoralists, sounded a similar note when she introduced a study on the African region’s challenges to protecting traditional knowledge, genetic resources and folklore. The text recommended, among others, that the World Intellectual Property Organization (WIPO) should focus on African indigenous peoples’ participation towards adoption of a legally binding outcome document that reflected their demands. African States were encouraged to provide training for officials and staff on indigenous peoples’ knowledge, including about sustainable development. A representative of WIPO said the study would indeed contribute to ongoing negotiations as indigenous peoples’ traditional knowledge embodied significant innovation and creativity. Throughout the day, many speakers picked up the thread of political participation, describing other forms of disenfranchisement from processes that should be open to them. A representative of the Disability Caucus pointed to the right to suffrage for indigenous persons with disabilities, noting that many countries did not have a birth registry for them, which negated their existence vis-à-vis the State and made it impossible for them to acquire an identity card in order to vote. Josefina Garcia Hernandez, an indigenous parliamentarian from Mexico said while there had been several legal and other reforms over the last 20 years, more changes were needed to ensure that countries were truly inclusive, notably through enforcement of laws that respected the traditional knowledge and cultural history of indigenous communities. Another speaker, representing the Mejlis of the Crimean Tatar People said his home was becoming “the frontline of international confrontation”, where Crimean Tatar were subjected to new conditions against their will. He said Tatars must be officially recognized as the indigenous peoples of Crimea and fully involved in all processes, including at the United Nations and the Organization for Security and Cooperation in Europe (OSCE); measures must be taken to ensure their immediate safety and that of their leaders and representative bodies. “We have no other homeland to turn to,” he stressed, noting that last week, Crimean authorities had denied them the right to assemble, under the pretext of security concerns. “We will not keep silent. We are aware of our rights to freedom of speech, conscience and peaceful protest.” In response, a representative of the Russian Federation, speaking as an observer, said today’s discussion was devoted to working methods, and as the previous statement was not part of the agenda, it should not be reflected in the report. Intervening, Forum Chair Dalee Sambo Dorough said that since delegates had already heard an update on the Crimean Tatar’s situation, his statement and that of the Russian Federation delegate would indeed be reflected in the meeting’s proceedings. Expressing frustration at an unsuccessful attempt to initiate dialogue with Governments, a representative of Yamasi said indigenous peoples’ political participation depended on their ability to debate with the colonial Powers that had subordinated their rights through fraud and corruption. Another recalled that, at the meeting on 20 May, the Forum Chair had suggested that the United States’ Government discuss with Yamasi reparations with regard to the Oglala and a $2.6 billion embezzlement case related to the Pine Ridge Indian Reservation. The speaker said her attempt to do so had been rejected. Forum Chair Dorough again stressed the need for dialogue between organizations and Governments. She urged the United States’ Government and Yamasi to engage in a dialogue. “There’s nothing that prevents you from demonstrating mutual respect consistent with the decorum of this Forum,” she added. Throughout the day, Government representatives,
Devasish Roy, a Forum member from Bangladesh, said discussions among delegates over the last two weeks on the Declaration affirmed that the indigenous peoples were equal to all peoples. Weighing in on the matter, United Nations adhered to principles of non-state relations between indigenous peoples and States were unable to recognize the rights of indigenous peoples and President’s failure to take decisive action and said that the impasse clearly demonstrated that Member States cooperation, with respect for and recognition of the minimum international human rights standards embraced by the Declaration, genuine good governance can become a reality.” We are peoples, human beings with rights, not issues,” he said, urging the Economic and Social Council to approve the proposed change prior to the World Conference in September. The Forum also considered a draft agenda for its fourteenth session.

The 16th and final meeting of the UN Permanent Forum on Indigenous Issues, May 23, sent nine draft reports to the Economic and Social Council containing proposals, recommendations and five draft decisions, including a call for the General Assembly President to act swiftly to ensure the fullest participation of indigenous peoples in all aspects of the World Conference set for September. “We know that, with Member State cooperation, with respect for and recognition of the minimum international human rights standards embraced by the Declaration, genuine good governance can become a reality,” said Permanent Forum Chair Dalee Sambo Dorough, as she provided an overview of the thirteenth session, held under the theme of “Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46”. She highlighted discussions on the sexual health and reproductive rights of indigenous peoples, and more broadly, human rights. Such issues must be addressed in a substantive and “intellectually honest” fashion, she said, stressing: “Our common desire is to respect our past, gain recognition and respect for our present status and rights, and promote those rights to ensure our future.” Speaking on behalf of the Assembly President, Crispin Gregoire, his Special Adviser, updated the Forum on preparations for the World Conference on Indigenous Peoples, saying that Member States had not reached a consensus on two proposals with regard to indigenous peoples and the Conference. The President would, next week, announce his intentions for future actions in the lead-up to the high-level event. Before Forum members took action on the texts, Government delegates exchanged views on a current impasse over the scope of indigenous peoples’ participation in the World Conference on Indigenous Peoples — with many speakers calling for speedy resolution of the matter. Mexico’s speaker said his delegation was profoundly concerned about the manner in which the World Conference had been planned. Mexico and the group of countries supporting the Conference accepted the agenda proposed by the President of the General Assembly. As yet, his delegation had not received any instructions on how to proceed in the matter and appealed to the President for solutions. Expressing support for his statement were the representatives of Norway, Denmark (on behalf of Greenland), Guatemala, Finland, Bolivia, Australia, New Zealand, Nicaragua, Sweden, Panama and the United States. In response, a representative of the indigenous Global Coordinating Group called on all Member States to honor the modalities resolution (resolution 66/296) with regard to the Conference. She regretted the President’s failure to take decisive action and said that the impasse clearly demonstrated that Member States were unable to recognize the rights of indigenous peoples and represented a serious setback for relations between indigenous peoples and States. “We are not demanding anything new, we simply wish that the United Nations adhered to principles of non-discrimination and the recognition of our rights,” she said, noting that the Declaration affirmed that the indigenous peoples were equal to all peoples. Weighing in on the matter, Raja Devasish Roy, a Forum member from Bangladesh, said discussions among delegates over the last two weeks attending as observers, addressed a range of issues. Responding to findings in the report on democracies and electoral processes, Ecuador’s speaker said the document had failed to reflect, or poorly referenced, some positive developments, which was unacceptable. He reiterated his Government’s support for the Forum’s work and recommendations and reiterated its commitment to indigenous peoples’ rights, as well as to the upcoming World Conference. Among those elaborating on national developments was Argentina’s representative, who highlighted State initiatives and laws that renewed and protected indigenous peoples in such areas as bilingual education and land ownership and management. Chile’s speaker said national policies must be rooted in the Declaration to ensure that decisions impacting indigenous communities would never again be taken without them. His country’s ambitious agenda was based on respect and rights, with an emphasis on rectifying that historical exclusion. Some Government speakers pointed to areas that needed a sharper focus, such as South Africa’s delegate. Urging greater awareness of pertinent issues, he recommended that the Forum support, among other things, a study on land rights. Chief Wilton Littlechild, Chairperson of the Expert Mechanism, recalled the various proposals and changes in the name of the Forum and title of the Special Rapporteur. Today, indigenous and Government speakers alike broadly supported the body’s proposed name change to “Permanent Forum on the Rights of Indigenous Peoples”, with some saying the new title more accurately reflected its scope. “We are peoples, human beings with rights, not issues,” he said, urging the Economic and Social Council to approve the proposed change prior to the World Conference in September. The Forum also considered a draft agenda for its fourteenth session.
had spiraled into alarm over the Conference. Given the best of circumstances, if the interactive hearing took place in June, per the modalities resolution, a clear road map was needed that placed indigenous peoples in the “co-driver” seat. That would not mean they would steer proceedings for an outcome document, but that indigenous peoples and States would steer together. If the General Assembly were to reopen or weaken the resolution, it would be a “serious disservice” to indigenous peoples, undermining their confidence in the United Nations system. If Member States agreed to the resolution, then the process should be moved forward, he said. When it proceeded to action, the Forum approved, as orally revised, its draft report on the World Conference on Indigenous Peoples (document E/C.19/2014/L.8). The Forum recommended that the President of the General Assembly take immediate steps to ensure the equal, direct and meaningful participation of indigenous peoples throughout all aspects and processes of the Conference in order to achieve an inclusive, constructive and comprehensive outcome that would genuinely promote the full and effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples. Throughout the thirteenth session, held under the theme of “Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46”, participants explored issues of self-determination, political participation and non-discrimination that formed the essence of indigenous peoples’ ability to participate in decisions affecting their lives, notably pertaining to land and natural resource administration. In a wide-ranging text containing draft recommendations on the special theme (document E/C.19/2014/L.2), the Forum noted that transparency, responsiveness, consensus-building and equity were key aspects of good governance, yet indigenous peoples faced obstacles to exercising their rights in terms of “substance, content and procedure”. Whether considered individually or as a whole, the principles of good governance had been achieved by very few countries. “The rights of indigenous peoples must not be empty rights,” the Forum asserted in the report. Self-determination, as the basis of good governance, meant that indigenous peoples were equal to all other peoples, the Forum stated. Indigenous forms of governance must be supported as they often complied with indigenous peoples’ identity, customs, rituals and rights to their territories, it stated, calling for more coordination between the Office of the Special Adviser on the Prevention of Genocide, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and indigenous peoples through their representative institutions. In the area of health, the Forum, by the report, reaffirmed the rights of indigenous peoples to the highest attainable standards of health, including sexual and reproductive health and reproductive rights. It recommended that entities, including the United Nations Children’s Fund (UNICEF), collaborate with indigenous groups in all regions to develop guidelines for culturally safe sex education practices. The United Nations system should work with indigenous young people to address homophobia and transphobia, with a view to addressing the resulting issues of mental health, suicide and shame. The Forum approved a set of five draft decisions, highlighted by a text on matters calling for action by the Economic and Social Council or brought to its attention (document E/C.19/2014/L.10). By draft decision I, the Council would authorize an international expert group meeting on the theme “Dialogue on an optional protocol to the United Nations Declaration on the Rights on Indigenous People”, to be based on the study prepared on that topic (document E/C.19/2014/7). It would focus on land, territories and resource rights, along with the rights contained in the Declaration, notably those on self-determination, self-government and autonomy. By draft decisions II and III, respectively, the Council would decide that the fourteenth session of the Forum would be held at United Nations Headquarters, from 20 April to 1 May 2015, and approve its provisional agenda. Draft decision IV would have the Council decide that further discussion was needed on the change of the Forum’s name to “Permanent Forum on the Rights of Indigenous Peoples”, while draft decision V would have it decide that a one-day meeting for the Forum would be organized to discuss methods of work. Approving a concise text on human rights matters (document E/C.19/2014/L.7), the Permanent Forum, reiterating its previous recommendations, recognized the need to review existing laws and constitutions based on international human rights norms and standards, especially related to persistent forms of racial discrimination in the context of indigenous peoples. It urged States to conduct an independent audit of their constitutional and other laws, policies and programs to assess their consistency with the Declaration. It also urged all Member States and United Nations agencies and country teams to initiate indigenous human rights training in their institutions and activities. By its report on the Asian region
(document E/C.19/2014/L.3), the Forum expressed concern that most of its recommendations made to Asian States during its sixth session had yet to be implemented, and that climate change mitigation and adaptation measures, such as nuclear power plants and windmills, were being built in indigenous territories without the free, prior and informed consent, or the full participation of indigenous peoples. It recommended that States immediately begin the demarcation process of those lands, in line with customary laws, and ensure that such territories in Asia be free of State military interventions. By a draft report on United Nations agencies (document E/C.19/2014/L.4), the Forum recommended that United Nations agencies convene a high-level meeting with representatives of indigenous women, underscoring the need to strengthen collaboration with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) in order to finalize a road map, including concrete actions and specific outcomes within their next strategic plan. The Forum also recommended that the International Fund for Agricultural Development (IFAD) convene platforms for dialogue with countries, United Nations agencies and private sector actors to find solutions to improve the economic empowerment of indigenous peoples. Also by the draft report, the Forum recommended that United Nations agencies review their policies, which presently allowed them to assist only indigenous peoples in developing countries, and to urgently revise such policies to ensure that all indigenous peoples, in developed and developing countries, had access to resources, technical assistance and other support from all United Nations agencies and funds. Approving a draft report on children and youth (document E/C.19/2014/L.5), the Forum addressed the poverty and inequality facing indigenous youth, urging States to generate statistics disaggregated by ethnicity, gender, indigenous identity, language skills and self-identification to allow for a more accurate assessment of whether indigenous children were benefiting from funds earmarked for them. It called on States to improve their data collection on self-harm and suicide among indigenous children and youth, and to fund and deliver training in suicide prevention and mental health awareness to all teaching and non-teaching staff in all indigenous schools. It also urged them to implement articles 11 and 13 of the Declaration, particularly with regard to the revitalization of indigenous peoples’ languages, while calling on the General Assembly to proclaim an international year of the world’s indigenous children. By a draft report on the Forum’s future work (document E/C.19/2014/L.9), the Forum appointed individuals to conduct studies on a range of issues, including traditional knowledge, natural resource and green energy development, and the situation of indigenous children with disabilities. Further, it recommended that States review their official histories and national curricula to include heroes and personalities of indigenous peoples from their perspectives. Where genocide and/or mass violations of human rights of indigenous peoples had occurred, the Forum recommended that States assumed their responsibilities to ensure, through relevant post-conflict mechanism, that such atrocities were prevented in the future. Finally, the Forum approved a draft report summarizing proceedings of its thirteenth session (document E/C.19/2014/L.6). At the close of the meeting, a number of speakers delivered statements, including Ukraine’s representative, who announced that his Government had decided to support the Indigenous Rights Declaration. His Government recognized the need to advance legislation of indigenous peoples, so they could play an active role in national affairs. By joining those who supported the Declaration, Ukraine aimed to work towards the protection of indigenous peoples, including the Crimean Tatars. Mustafa Cemíloglu, an indigenous parliamentarian from Ukraine and leader of the Crimean Tatars, said at the start of the year, his homeland had been annexed to the Russian Federation, violating the Budapest Memorandum. The Crimean Tatars had shown no armed opposition to the occupiers, but would work towards a solution through peaceful means and he counted on support from the international community and the Forum. In response, a representative of the Russian Federation said Mr. Cemíloglu did not represent all Crimean Tatars. He recalled that 80 per cent of the Crimean peninsula had taken part in the referendum, with large numbers of Crimean Tatars. The Mejlis of the Crimean Tatar Peoples represented a minority of those peoples, he said. Thanking the Forum and delegates for their interventions were Myrna Cunningham Kain and Les Malezer, indigenous representatives appointed to serve as the indigenous advisers to the President of the General Assembly with regard to the World Conference on Indigenous Issues. The Forum officially closed its session with a traditional prayer. Forum documents, statements by speakers, background information and other materials relating to the 13th Forum session are available via: http://undesadspd.org/IndigenousPeoples/UNPFIISessions/Thirteenth/NewsandMedia.aspx.
Chirapaq, "Indigenous Women Request UN to Nominate an Indigenous Facilitator for World-Level Meeting," February 4, 2014, http://www.culturalsurvival.org/news/indigenous-women-request-un-nominate-indigenous-facilitator-world-level-meeting#sthash.sccloOBI.dpuf, reported, "On January 28, 2014, Indigenous Women of the Americas requested John Ashe, President of the United Nations General Assembly, to designate an Indigenous delegate who, together with the states’ representative, will facilitate the process of the World Conference on Indigenous Peoples to be held this September in New York. Leaders of the Continental Network of Indigenous Women of the Americas – ECMIA have joined the petition made by Indigenous organizations throughout the world to ensure their representation at this meeting where there will be an analysis of progress made and challenges faced in the recognition and exercise of the rights of their peoples. By means of a letter made public, their members pointed out that this nomination ‘will intensify the commitment of the United Nations to dialogue and democratic participation’. In this communication, the representatives of ECMIA reminded Ambassador Ashe that this kind of joint facilitation was successfully employed at previous sessions of the United Nations. The Indigenous Peoples have already elected John Henriksen of the Sami people of Norway to play this role, a decision which it is hoped will likewise be taken into consideration. "(We) are confident that (Ashe) will come to a decision that will strengthen the good relations built up over the past thirty years," they concluded. The letter to John Ashe, president of the UN General Assembly is available at: http://www.scribd.com/doc/202855305/Letter-to-John-Ashe-president-of-the-UN-General-Assembly.

Jenna Winton "International Experts Meet to Discuss Indigenous Sexual Health and Reproductive Rights," Cultural Survival, February 2, 2014, http://www.culturalsurvival.org/news/international-experts-meet-discuss-indigenous-sexual-health-and-reproductive-rights, reported, "On January 15-17, 2014, the United Nations held the first International Expert Group Meeting on Indigenous Peoples’ Sexual Health and Reproductive Rights. The meeting was held specifically to discuss Articles 21, 22 (1), 23 and 24 of the United Nations Declaration on the Rights of Indigenous Peoples. Among those present at the meeting at the United Nations headquarters in New York were six Indigenous experts from around the world: Clive Aspin is Maori from New Zealand. He is a founding member of the International Working Group on HIV and AIDS and a Board Member of INA, Maori, Indigenous, and Pacific AIDS Foundation. Larisa Abrutina is Chukchi from Russia and served as the Vice President for Health of the Russian Association of Indigenous Peoples of the North (RAIPON) and presently is a specialist in the Office of Indigenous Peoples of Chukotka, Office of the Governor and the Government of Chukotka. Mirna Cunningham Kain is Miskita from Nicaragua. Being the first female Miskita doctor, with the victory of the Sandinista Revolution she began work in the Ministry of Public Health. When the armed conflict began Ms. Cunningham Kain once again returned to Waspam as a community health organizer, and later, to become the first female Miskita governor of the autonomous region’s regional government. She was a member of the Permanent Forum on Indigenous Issues from 2011-2013 and served as a Chair of the Forum from 2011 to 2012. Jessica Dansforth is the founder and executive Director of the Native Youth Sexual Health Network. She is also the National Youth Coordinator at the Canadian Aboriginal AIDS Network. Currently she is a board member of Women on Web/Women on Waves and SisterSong: Women of Color for Reproductive Justice. Agnes Leina is the founder and executive director of I’llaramatak Community Concerns. She has worked for the past eight years as a women human rights activist, fighting all forms of discrimination against women, at the regional, national and international levels. Tuku Talukder is from the Chakma Community in the Chittagong Hill Tracts of Bangladesh. She is the Executive Director of the NGO Himawanti. She is involved with the NGO Green Hill and with several networks, such as Chittagong Hill Tracts Women Organization’s Network and Women Against Violence in Elections Advisory Group. Experts addressed subjects concerning sexual health unique to Indigenous communities. Among others, subjects discussed were vulnerability to HIV infection, harmful traditional practices, coming of age ceremonies, sexual violence, and the effects of racism on Indigenous sexual health. The sexual health and reproductive rights of Indigenous Peoples are challenged by underlying social and economic determinants including poverty, lack of education, loss of traditional lands and languages, institutionalized racism, and sexual violence. Indigenous women all over the world suffer from sexual violence. According to the 2009 State of the World’s Indigenous Peoples, Indigenous women are 2.5
times more likely to be raped or sexually violated than women in general in the United States. This is most likely undercounted as many Indigenous women believe they will be met with indifference, inaction and are often blamed for the incident by authorities. On the gap in maternal health, rates of child mortality are significantly higher among Indigenous Peoples compared to the non-Indigenous populations. Child mortality rates for children years 1-4 years-old in 2005 were twice as high for Native Americans than for the total population in the United States. This trend is also seen in Australia, New Zealand, Canada, and Latin America. One of the issues contributing to poor health service reaching Indigenous populations is the mistrust of health services. Clive Aspin discussed how this issue affects the spread of HIV, “Many of these factors contributed to high levels of mistrust of health services which in turn appears to be a major contributing factor to the high rates of late testing for HIV among Indigenous Peoples and the subsequent poor health outcomes. Factors associated with vulnerability included: childhood sexual abuse had been experienced by women, high levels of stigma and discrimination experienced by Indigenous MSM, poor access to services, and high levels of injecting drug use among Indigenous populations.” Aspin stated the importance of creating a cultural sensitive atmosphere for health care. “Indigenous Peoples and communities need to have access to supportive education and testing environments which recognize and respect Indigenous cultural values.” Other recommendations suggest active discouragement of harmful practices, such as Female Genital Mutilation (FGM), should also be an integral component of primary health care. In nine countries 85% of women undergo FGM. “Prevalence rates vary greatly according to geographical location, but national boundaries are not as important as other factors such as: education, socioeconomic classes, ethnic identity,” said Agnes Leina. In his statement to the Expert Group Meeting, UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, commented on the effects of discrimination in the health care system. “Undoubtedly, stereotypes and discriminatory attitudes toward Indigenous Peoples figure into the poor health of members of their communities. In this regard, Indigenous representatives have informed me that there is an overall lack of health-care professionals who speak or understand local Indigenous languages, which can frustrate basic services delivery and can result in improper diagnoses. Health services are not always provided in culturally appropriate ways....At the same time, I have heard Indigenous people express a strong desire to access educational opportunities that would prepare them for professional health care positions to help close the health service gap resulting from cultural disconnects.” The UN Declaration on the Rights of Indigenous Peoples states that Indigenous individuals have an equal right to the enjoyment of the highest attainable standards of physical and mental health. Many of the recommendations of the UN Permanent Forum on the Rights of Indigenous Peoples emphasized the urgent need to incorporate adequate cultural perspectives into health policies, programs and reproductive health services for Indigenous populations. In recent years, culturally sensitive reproductive health policies, programs and guidelines have been developed. Some governmental health systems are beginning to understand, respond to and engage more with Indigenous Peoples’ ideas of health and the traditional medicinal knowledge and conceptual context that links their biological, spiritual and emotional lives. The final report and recommendations of the Expert Group Meeting will be submitted to the thirteenth session of the UN Permanent Forum on Indigenous Issues, in May 2014. For more information, visit: http://undesadspd.org/IndigenousPeoples/EGM2014SexualHealthandReproductive..."

Alyssa Macy, International Indian Treaty Council, " Jose Francisco Cali Tzay Elected as President of UN Committee on the Elimination of Racial Discrimination," February 4, 2014, http://www.culturalsurvival.org/news/jose-francisco-cali-tzay-elected-president-un-committee-elimination-racial-discrimination, reported, "Francisco Cali Tzay, Mayan Kaqchikel from Guatemala, was elected on February 3, 2014 to a two-year term as President of the United Nations Committee on the Elimination of Racial Discrimination (CERD) on the first day of its 84th session. Cali Tzay is the first Indigenous expert to hold such a position in the UN system. The CERD is the Treaty Monitoring Body for the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and one of nine International Human Rights Treaties within the UN system. The ICERD is legally-binding for the 175 countries (State parties) which have ratified it to date. The CERD was the first Treaty Monitoring body to be established within the UN System and is responsible for reviewing the compliance of all State parties with the provisions of the ICERD. It also makes recommendations as to how States should change their policies and practices to comply with their obligations."
under the ICERD to eliminate racial discrimination in their countries."

Regional and Country Developments

Elisabeth Malkin and Paulina Villegas, "Enemies of Mexican Drug Gangs Pose a Security Challenge," *The New York Times*, January 13, 2014, [http://www.nytimes.com/2014/01/14/world/americas/enemies-of-mexican-drug-gangs-pose-a-security-challenge.html?src=me](http://www.nytimes.com/2014/01/14/world/americas/enemies-of-mexican-drug-gangs-pose-a-security-challenge.html?src=me), reported on Mexico. "Inside the heavily guarded colonial state government building in Michoacán on Monday, a solemn lineup of officials vowed that the federal government would restore authority to a region that has descended into lawlessness. But a couple of hundred miles away, in Michoacán’s agricultural lowlands, pickup trucks filled with armed men calling themselves self-defense forces have been careening down country roads for the past week, advancing on towns encircling the region’s main city, Apatzingán. They have promised to seize the city, the stronghold of the Knights Templar, the state’s powerful drug gang. Security analysts have said, however, that these self-defense forces themselves are murky and may even include members of other gangs. The turmoil in Michoacán — where vigilantes have been battling cartel gunmen on village streets — poses one of the biggest security challenges for President Enrique Peña Nieto, whose focus since taking office a little over a year ago has been on the economy." "The Mexican interior minister, Miguel Ángel Osorio Chong, said Monday that the federal government would take charge of security in the “Tierra Caliente,” the region around Apatzingán. “Rest assured that we will contain the violence in Michoacán,” he said, flanked by the secretary of defense and the state governor, who had conceded that the state and local police could not re-establish order. "Over the last several days, the government has been sending more and more federal troops and police into the state, in the western part of the country. But Hipólito Mora, one of the leaders of the self-defense groups, told the local news media that first the government must arrest the leaders of the Knights Templar. 'We will hold out,' Mr. Mora told the newspaper El Universal on Monday. 'I agree that one day we will have to lay down our weapons, and I would love to go back to work.' He added, 'But the government should recognize that this is their failing.' 

"The complexity of the problem lies in the fact that no one knows who is involved in the conflict anymore," said Esteban Barragán, a professor at the Center for Rural Studies at the College of Michoacán in Zamora. 'Who is a genuine vigilante, and who is a member of the Knights Templar cartel or who is just taking advantage of the chaotic situation for a personal vendetta?' The vigilantes organized to protect their communities from high levels of violence, that up until now, the government has not stemmed. When the army arrived in the first village, the people - who in this region have long resisted the government - resisted in an escalating struggle, with the local people first shouting, then throwing rocks to try to turn back the troops, who first fired into the crowd, killing at least two and wounding others. Then the army backed off leaving the government with a dilemma. Whether to move on the people the government has long been blamed for failing to protect, or stay out and leave a bad situation. [It would seem that a third party negotiated agreement on a plan is needed, possibly brining about some sort of joint patrol arrangement, with vetting of and training for a local police force responsible to the communities] (Randall C. Archibald, "A Quandary for Mexico as Vigilantes Rise," *The New York Times*, January 15, 2013, [http://www.nytimes.com/2014/01/16/world/americas/a-quandary-for-mexico-as-vigilantes-rise.html?src=me](http://www.nytimes.com/2014/01/16/world/americas/a-quandary-for-mexico-as-vigilantes-rise.html?src=me)).

Neil Harvey, "The political significance of Zapatismo," Americas Program, January 28m 2014, [http://app.streamsend.com/c/20441557/116707/jqRxY60/iKs8?redirect_to=http%3A%2F%2Fwww.cipamericas.org%2FArchives%2F11282](http://app.streamsend.com/c/20441557/116707/jqRxY60/iKs8?redirect_to=http%3A%2F%2Fwww.cipamericas.org%2FArchives%2F11282), reports. "Twenty years after the rebellion, we can say that, against the current, the Zapatistas have maintained this peaceful struggle to create other forms of living and thinking. Today, they continue to defy a Mexican political system, which, despite changes in the parties that hold power, conserves many elements of the authoritarianism that existed prior to 1994...."
Here are four things you can do to respond to this deadly attack on the Zapatistas: 1. Get the facts. Almost all of the mainstream media are grossly distorting the facts about this violent ambush; however the Zapatistas have published a detailed description in Spanish of the attack (http://r20.rs6.net/tn.jsp?e=001Sl30PENK988ZdkCIOkuLKGcuYMr9WW1yILGU_n_ZfaYaRR3VHRadKXBUv qoA7c_1L09DZcOnoHN1d7xZ1HVfAg__7HxkQCQsmss7TNvO50e2XZE9R6WopAHI80WEhx8yFSHcDUM CX8mE9YrMn94VZiOOTEwHt5P9zAm2G269sSnAfEhBPVqym3MeFvZH9caNeWP0mOZ1PRkgfKTe- GVCYHEFiu4eLy9dER4pBCUTZXPvVQVpht3rGihUFS5WrdmHp7t5B8JU1yXEucaQii4TRr_pLwSlubC9lQR2 cy4_HSffYJVkPPEaMn_3h_DVoS9WjVICoOhp3JowrGOS_CyI2yn87yOD1ObaP70VHYHQpCEG-V_-_ FsL_ihpbpGL6-0kKjQ6eszUtvAv8CLUY0HdOjukt1OBpFLjkwZsaEk=) and mediators from the independent human rights organization Fray Bartolome de las Casas have published an eye-witness account (http://r20.rs6.net/tn.jsp?e=001Sl30PENK9884T79XzqxLwURODWz6cnwM0IMDjh- 2QVmbmBlyML29Sdap5La2Xi4jVwIwRbRmbavfO76oONpmF89fp99EL1ge1sJL3IMMYC7VKPg4LPAIUTnfy JXt6OY1q8m4-uGpFKwQIPF5yU-JBkre_ojOWTNSAbfxALBS9WWA8cgaNzz1p8BwcpwFYPbDb2rt7noM=) which supports the Zapatista version of events. There's also a detailed Spanish language article (http://r20.rs6.net/tn.jsp?e=001Sl30PENK988ideonHicAgKcn2tZ_MwJFkG6oGgEe_MrJIp260jDRJIp21IP) in the Mexican daily La Jornada and here's an English translation of that same article (http://r20.rs6.net/tn.jsp?e=001Sl30PENK988jK0VrsntZ_XiSog5ZJzQy_zwsEznTMR59uAqwqYSu3rStOwWfn3 ROLldlgaZm0Klk0f1RgdEl- 2eWMCQHKrj4xpCyQW7odDBYcj1FqXaOreXJixcYszGf08TsbcHdZqTLDdxiplHaV4FPBr0pHyxkGMSGA PFQGmfvGK1Oqdf5mclrjMt1TRjV-tVC-IZb0bs-sd1PSrXDSjufxm6_Hy8c)." "Some key points to know and remember about the ambush in La Realidad include: * Unarmed Zapatistas were ambushed on the evening of May 2, 2014 near the caracol of La Realidad. Mainstream media are falsely reporting the incident as a "confrontation" between Zapatistas and others while publishing 20 year old photos of armed Zapatistas. This was not a confrontation; it was a unilateral attack against unarmed bases of support of the EZLN. * Those directly responsible for the attack are members of the organization CIOAC-H. The most recent Zapatista communication states that "The paramilitaries (...) are paid, organized, directed, and trained by the three levels of bad government in order to divide and provoke us (...)." * Immediately preceding this ambush, the Zapatistas and local community members began a peaceful mediation process, supervised by the Chiapas-based human rights organization Fray Bartolome de las Casas, designed to address increasing aggressions against the Zapatistas (including the cutting off of their water supply and the retention of a vehicle delivering medical supplies). * Zapatista Good Governance Council in La Realidad has turned this issue over to the General Command of the EZLN so that it is "investigated and justice is done." "The Zapatistas believe this attack in La Realidad is part of a broader strategy of counterinsurgency warfare against indigenous Mayan peoples of Chiapas, Mexico."
in Zapatista communities, the media has ignored them. It snuggly predicted that the movement was moribund and would soon merit nothing more than a folkloric footnote in the history of the inexorable advance of global capitalism. The return of the Institutional Revolutionary Party (PRI) to power in 2012 seemed to reaffirm the idea that Mexico was 'back to normal.' When nearly 50,000 Zapatistas marched in silence on December 21, 2012, they challenged the official line that their movement had all but died. The EZLN communiqué was brief and to the point: 'Did you hear that? It is the sound of your world crumbling. It is the sound of ours resurging.' "It may have been ‘just family,’ but the Zapatistas have a wide extended family. Thousands of supporters and students, mostly youth from Mexico and abroad attending La Escuelita (the Little School), fanned out to the Caracoles to join in ceremonies and all-night dancing. The Little School was launched in August to teach ‘freedom according to the Zapatistas.’ Students paired up with tutors from among movement members and were placed in families throughout Zapatista territory. Classes consist mostly of accompanying Zapatista families during their daily chores and long talks over beans and tortillas. The experience opened up the Zapatista experience to outsiders, who were encouraged to ask questions of their host families. It also enabled the organization to hold up a mirror to itself — to see itself through the eyes of the students, reflect on the ground covered, and get to know other communities.

What reporters missed as they snuck into celebrations closed to the press is the significance of 'autonomy.' Zapatistas say the word with pride, much as you’d talk about your children or grandchildren. These communities have moved steadily off the traditional power grid. Disappointment at the Mexican government’s betrayal in rejecting its own signature on the San Andres Accords of 1996 led to a decision to de-prioritize pressuring institutions and instead build from below. Imagine communities where local officials rotate to avoid accumulating power, political parties have no role or presence, and state and government programs — long used to buy off advocates for a more equal society — are banned. Much of the food is produced by the community, cooperatives do buying and marketing, and decisions are made collectively rather than being imposed by a state. The Zapatistas have attempted to resurrect this model, practiced for centuries in indigenous Mexico prior to the Spanish conquest. Comandante Hortensia addressed the crowd in Oventic. 'We’re learning to govern ourselves according to our own ways of thinking and living,' she said. 'We’re trying to move forward, to improve and strengthen ourselves — men, women, youth, children, and old people.' She added that 20 years ago, when the Zapatistas first said ¡Ya basta! ('Enough!), 'there wasn’t a single authority that was of the people. Now we have our own autonomous governments. It may have be good or bad, but it’s the will of the people.' The Zapatistas acknowledge that progress in improving material conditions has been slow and hampered by obstacles and errors. But they express deep pride in what has been built, in 'their' organization. Local health clinics — often poorly stocked and precariously staffed — use natural medicines made by community cooperatives and have special areas where trained midwives attend childbirth. Schools with rudimentary equipment teach in the indigenous languages of the communities, focusing on understanding the world the children live in and basic concepts of freedom, equality, and cooperation. The organization of defense and production in the communities shows discipline and commitment. The anniversary revealed that at 20 years old, this military-political organization that defies easy categorization is what a democracy should be: an ongoing effort at building a better life collectively. When Zapatistas came together from communities throughout their lands to celebrate, the main achievement they marked was the survival of the organization itself — after 20 years of attacks, they’re still there, running their own communities, raising new generations of Zapatistas, and carrying on the dialogue with the outside world that has enriched both sides. Communities have survived the moment in a long distance race when the runners pass the baton. Youths make up a large part of the Zapatistas’ base, representation, and more and more, leadership. Educated in the Zapatista school system and raised in Zapatista communities, a new generation is beginning to take on positions of authority. Their eagerness to assume the collective identity of their organization is another mark of the staying power of the autonomy experiment. The role of women has also transformed visibly — not just in the number of women in leadership positions, but also in aspects of daily life, such as increased male participation in housework and childcare, and sanctions against violence towards women. The shift from downtrodden alienation to indigenous self-government makes a huge difference in their lives, even as poverty remains. In evaluating the two-decade experience, most criteria ignore these subjective factors. By opening up the communities to participants in La Escuelita, the Zapatistas did something governments almost never do: let the people publicly evaluate the experience themselves. Returning students recounted the experience enthusiastically, describing how their hosts revealed a world that wasn’t perfect by a long shot, but a world where each person mattered and each effort, each
achievement, and each mistake was their own." "The solid continuity of Zapatismo was joined by a portent of change, the sense that yet another phase of one of history’s most unclassifiable revolutionary movements had begun. As visiting students from all over the world joined together with veterans of the movement and younger members of the community, new possibilities shimmered under the moon of a new year. Contact with a new generation of supporters proved that the indigenous autonomy movement continues to attract people from all over. For now, the schools will continue. The Zapatistas have also jump-started the dormant National Indigenous Congress, holding an event in August where hundreds of indigenous representatives described the situation in their lands."

ICG, "Justice on Trial in Guatemala: The Ríos Montt Case," Latin America Report N°50, September 23, 2013, http://www.crisisgroup.org/en/regions/latin-america-caribbean/guatemala/050-justice-on-trial-in-guatemala-the-rios-montt-case.aspx, warns, "Within ten days, Guatemalan courts made and unmade legal history. The trial and conviction of former dictator José Efraín Ríos Montt on 10 May 2013 for genocide and other human rights violations was an extraordinary achievement for a justice system that must grapple simultaneously with the legacy of a vicious internal conflict and the contemporary scourges of gang violence, corruption and illegal drug trafficking. Victims had barely finished celebrating, however, when the Constitutional Court annulled the verdict in a confusing decision that raised questions of outside interference. Widespread impunity for past and present violence continues to have a corrosive effect on the country’s democracy. Failure to renew the trial for mass atrocities against Ríos Montt and pursue justice for the victims of violent crime would undermine its halting progress toward rule of law, including a strong independent judiciary. The case against Ríos Montt and former director of military intelligence José Mauricio Rodríguez Sánchez has been passed to a new tribunal, though legal challenges make its renewal uncertain. If and when proceedings resume, the new judges will have to rehear testimony regarding massacres, rapes, torture and the forced displacement of Maya-Ixil communities in 1982 and 1983, when Ríos Montt was the de facto head of state. Prosecutors charged both retired generals with genocide and violations of international humanitarian law, arguing that they targeted the Ixil people for extermination to deprive guerrillas of support. Though the tribunal convicted Ríos Montt, it acquitted his co-defendant. Thanks to decades of work by victims associations, human rights investigators and forensic anthropologists, prosecutors could draw on abundant oral, documentary and physical evidence. An attorney general with a background in human rights work, Claudia Paz y Paz, pushed the case forward, along with other high-profile prosecutions of both ex-government officials and organized crime figures. The UN-sponsored International Commission against Impunity in Guatemala (CICIG) helped engineer creation of the high-risk court that heard the case, providing specially trained and vetted judges with extra security. The result was a largely exemplary public trial, including testimony from more than 100 victims, plus experts from both sides, and opportunities for cross-examination. Images broadcast on national television of the ex-dictator facing witnesses from one of the poorest indigenous communities vividly demonstrated the principle that all citizens are equal before the law. But what happened in the courtroom was only part of the story. Defense attorneys filed more than a dozen petitions to delay or derail the proceedings. The Inter-American Commission on Human Rights has repeatedly warned that procedural actions are used in Guatemala to obstruct justice in human rights and other high-profile cases, fuelling perceptions that justice is for sale and making victims less likely to cooperate with authorities. As the trial reached its conclusion, powerful interest groups intensified their campaigns against the process. An “anti-terrorist” foundation led by military veterans attacked human rights advocates as guerrilla collaborators in the media. The business chambers warned that the trial was fomenting polarization and immediately after the conviction demanded that the Constitutional Court annul the verdict. President Otto Pérez Molina, a retired general himself, repeatedly stated his view that the military never committed genocide, though he promised to respect the judicial process. When the Constitutional Court short-circuited the appeal process and threw out the verdict on 20 May in a poorly explained decision, it appeared to many that the judges were responding to political pressure. Although the court technically cancelled only part of the trial, their decision forced the original three-judge panel to withdraw, sending the case to a new tribunal. These new judges must now be allowed to work without interference, weighing carefully both prosecution and defense arguments. Although Ríos Montt authorized summary military proceedings as dictator, he has the right to a fair trial, like all defendants under democratic
Molina's National Dialogue System. From that group, four were elected to participate in a series of meetings hosted by the President Otto Perez Molina. Indigenous communities in northern Huehuetenango have united to form a permanent assembly with representatives from each community. Q’anjobal, Chuj, and Akateka peoples have joined together to defend their traditional territories against transnational projects. Eight representatives Dialogue with President Perez Molina, reported, “Eight Indigenous communities in northern Huehuetenango have joined together to defend their traditional territories against transnational projects. Q’anjobal, Chuj, and Akateka peoples have united to form a permanent assembly with representatives from each community. From that group, four were elected to participate in a series of meetings hosted by the President Otto Perez Molina’s National Dialogue System. The representatives have met once with President Perez Molina and governo. But the victims also have rights. The Ixil people have already waited 30 years for justice. Will a new tribunal be able to reach an evidence-based verdict that sticks? Or will the process drag out, and the trial end in confusion and controversy again, casting doubt on Guatemala’s ability to prosecute powerful defendants? Whatever the answer, it will send a powerful message about rule of law under the country’s still fragile democracy. Guatemala will face another test of its judicial system in 2014, when it begins the process of selecting nominees for a new Supreme Court and other appeals tribunals and either chooses a new attorney general or gives Paz y Paz another term. Political authorities should act urgently to ensure that candidates are selected on merit in a transparent process that enhances the prestige and independence of judges. At stake is the ability to deal with not just past abuses, but also the crime and corruption threatening democracy today.” ICG recommends, "To combat impunity and ensure accountability for human rights violations: To the government: 1. Provide effective protection, when requested, to all judges, prosecutors, co-complainants, attorneys and witnesses in human rights cases. To the Supreme Court and other courts, judges and the attorney general: 2. Expedite a new trial for the former military president, José Efraín Ríos Montt, and his ex-director of military intelligence, José Mauricio Rodríguez Sánchez. 3. Continue to prosecute all persons believed responsible for massacres and other violations of international humanitarian law, including those committed by guerrilla forces. 4. Reject patently frivolous or repetitive motions that serve only to delay and complicate trial proceedings and impose sanctions on attorneys who engage in such tactics. To strengthen judicial institutions: To the government: 5. Reiterate commitment to an independent judiciary by taking specific actions, including: a) endorse publicly the attorney general’s efforts to bring both ex-military officers and ex-guerrillas to justice for human rights violations; and b) provide full support for investigations by the International Commission Against Impunity in Guatemala (CICIG) in its final two years, so that it can aggressively pursue criminal conspiracies within the government and protect key institutions – especially within the justice sector – from further penetration. To Congress: 6. Strengthen the relevant laws so that: a) nominating committees are required to select candidates, including those aspiring to become attorney general and judges, on merit, as determined by objective qualifications and accomplishments, and are provided with the resources necessary to verify and publicize their findings; b) the nominating process is open and transparent, subject to monitoring by civil society and the media, and includes input from underrepresented groups, such as indigenous peoples; and c) would-be candidates are required to reveal how they finance their campaigns, and reasonable limits are placed on the cost and duration of these efforts. 7. Begin a serious debate on how to reform the law regulating amparos (petitions to remedy violations of constitutional law or procedure), so that these instruments are used only for the protection of fundamental rights, including due process, and not as a mechanism for delaying or obstructing justice. To the Supreme Court and the attorney general: 8. Guarantee the constitutional principle of autonomy of all judges and prosecutors; refrain from using transfers or other administrative measures to punish them for their decisions; and apply only such disciplinary procedures with respect to them as are approved by law.

Claudia Paz y Paz, the Guatemalan Attorney General who prosecuted former military officers, including former dictator Roos Montt, involved in the genocide of the country's civil war and who went after organized crime and had the highest was dismissed by the Guatemalan Constitutional Court, a decision condemned by human rights organizations, who are concerned that the country was beginning to turn around in breaking away from the drug trade and criminal acts of impunity, which may be lost if the decision stands (Elisabeth Malkin, "Guatemala Court Rules Against Official," The New York Times, February 7, 2014).

"Campaign Update: Guatemala– Representatives Dialogue with President," Cultural Survival, January 27, 2014, http://www.culturalsurvival.org/news/campaign-update-guatemala-representatives-dialogue-president#s3ash.z4xhoGBx.dpuf, reported,"Eight Indigenous communities in northern Huehuetenango have joined together to defend their traditional territories against transnational projects. Q’anjobal, Chuj, and Akateka peoples have united to form a permanent assembly with representatives from each community. From that group, four were elected to participate in a series of meetings hosted by the President Otto Perez Molina’s National Dialogue System. The representatives have met once with President Perez Molina and
twice with his assistants to address issues arising from transnational mining, logging and hydro electrical projects within Indigenous territory that have proceeded despite community opposition and without due consultation with communities. The region has been fraught with conflict over the past few years, marked most notably by a military invasion throughout three weeks in May 2012, after private security guards from a Spanish hydroelectric company Hidro Santa Cruz shot and killed a Q’anjobal community leader outspoken against the mine and protests broke out. Since then, communities in the surrounding area have renewed their opposition to external projects licensed by the government that violate the right to their ancestral territories. Alfredo Baltazar Pedro, a Q’anjobal community leader and participant in the dialogues with the president, believes these conversations are making progress. “We have achieved a verbal acknowledgement from the president that he will cancel all mining projects within our territories, he announced.” Baltazar explained the president’s position in the meetings. “He told us that these companies arrived without respect for rules and regulations, and licenses, and they will have to start from scratch to convince communities. If the communities say yes, they yes, but if don’t agree with a project, neither will I.” The collective bargaining power of the permanent assembly was demonstrated last week when three community leaders were released from custody after being detained on charges brought by Hidro Santo Cruz. The three men, Adalberto Villatoro, Arturo Pablo y Francisco Juan Pedro, were detained in Santa Eulalia after voluntarily presenting themselves in response to arrest warrants. By that afternoon, a team of lawyers and community organizers were able to have them released and charges dropped. Over a dozen Indigenous activists in northern Huehuetenango have been detained in imprisoned over the last two years as part of a strategy by Hidro Santa Cruz and the government to criminalize community leaders."

As the struggle for community radio by Indigenous peoples in Guatemala continues, "With the Generous Donations from Cultural Survival Supporters, Radio San José is Motivated to get back on the Air," Cultural Survival, May 7, 2014, http://www.culturalsurvival.org/news/generous-donations-cultural-survival-supporters-radio-san-jose-motivated-get-back-air#sthash.CUvOxITV.dpuf, reports, "On Saturday, May 3, 2014, our Community Radio Project team in Guatemala had the pleasure of visiting Radio San José, of San José, San Marcos, to deliver funds that we raised to help their community radio get back on the air. Radio San José was raided on February 27th of this year. Andony Godinez Perez, a 20-year-old radio volunteer was recording his youth program at the time of the raid, and was arrested and incarcerated over a month. We sent out personal emails to supporters and friends of Cultural Survival, asking for individual donations to help the radio. One of the radios founders, Roelio, assured us, ‘We are trying our best to get back on the air, but the most important issue right now is helping Andony and his family’. Andony’s family spent thousands of dollars on legal fees, and our friends at Radio San José wanted the money that we raised to go directly to the family. With the help of our supporters we were able to raise $1,320 towards our goal of $12,300 to help Andony and his family. As well, with the generous support of the Swift Foundation, we were able to buy a new computer for the radio to enable them to get back on the air."

Amnesty International, September 24, 2013, http://petitions.moveon.org/sign/drop-bogus-charges-on?mailing_id=15520&source=s.icn.em.cr&%3Br_by=1135580&r_by=757715, reported that as the Presidential election approaches in Honduras, in November 2013, there had been increased government attacks against human rights defenders, including Indigenous people whose rights, especially to land, the government has been violating. Amnesty had called on authorities in Honduras to drop spurious charges against three indigenous leaders, Bertha (Berta) Cáceres, Tomás Gómez and Aureliano Molina. If the three leaders were imprisoned, Amnesty said it would consider them prisoners of conscience.

fight for Río Blanco and a member of the COPINH. Her husband Roque Domínguez and 12 year-old son Paulo Domínguez are also community activists and were also victims of the attack. On March 9, 2014, at around noon, María returned to her home after participating in school picnic. While she was making her way home, her husband Roque called repeatedly to make sure that she was alright, due to the constant threats she had been receiving. During the fourth call, María told Roque that she was being surrounded by seven men. At the moment, her husband left the house in search of his wife with their son Paulo. When they found her, she already had been badly wounded. She was slashed with a machete and had been hit with sticks and rocks by the group. Her husband tried to reason with her attackers, pleading that they not kill his wife. Meanwhile, her son was trying to help his mother when one of the attackers slashed the boy with a machete, cutting off his ear and slashing his face. The attack on the husband also left him with grave wounds. The three family members were left in a delicate state."

"María, Roque and Paulo, had all participated very actively in the defense of the rights of the Lenca people. Leading up to the attack, they were being threatened and harassed for this work. Among the attackers were sympathizers of the hydroelectric project Agua Zarca. They have been hostile towards the Santos Domínguez family because they are members of COPINH and because they are activists for Indigenous rights. COPINH pleads that the authorities do not leave this crime unpunished, as was the case for Tomas García, who was killed by a Honduran soldier, as well as many other cases of aggression and violence against the Lenca people of COPINH in Río Blanco. The fight to protect the Lenca territory and Indigenous autonomy has gone on for approximately one year. COPINH demands justice and a stop to the violence and threats against the right to life, the individual and collective rights of the Lenca people from Río Blanco. All three victims are quickly recuperating in the public hospital." Six Tolupane activists returned to their mountain homeland in Honduras, in March 2014, six months after three fellow activists, protesting mining, illegal logging, and damming of a river, were assassinated by hired guns of a mining company. The Inter-American Commission of Human Rights ordered the Honduran government, in December 2013, to protect the Tolupane people from the violence that has seen dozens of Indigenous activists killed in the past decade ("Tolupane Refugees Return to Homelands Under Protection," Cultural Survival, June 2014).

"Rossy Gonzalez Inspires Community Radio Stations in Panama and Costa Rica to Use the Radio to its Full Potential," Cultural Survival, March 26, 2014, http://www.culturalsurvival.org/news/rossy-gonzalez-inspires-community-radio-stations-panama-and-costa-rica-use-radio-its-full, reported, "Two members of our Free, Prior and Informed Initiative (FPIC) team in Guatemala travelled to Panama and Costa Rica for three weeks this month to spread the word about the program to Indigenous communities in the two countries. Although their main purpose was promoting knowledge about Free, Prior and Informed Consent, Rossy Gonzalez, a producer for our FPIC program and former radio volunteer with community radio station Radio Ixchel, took the opportunity to share about the community radio movement in Guatemala and the impact that community radios have the potential to make in Indigenous communities. Rossy explained, 'in Panama and Costa Rica, because community radio is legal, it seemed like their wasn't the same kind of motivation to use it in the way that we do in Guatemala. There was a lack of participation from women and a lack of good, critical programming…They laughed at the fact that our community radios in Guatemala speak out against the government.' So Rossy decided that she would tell the story of Radio Ixchel to remind these radio staff of the power of community radio. 'I wanted to get them to think about why they started their community radio in the first place, I wanted to motivate them to improve their programming and to get more women involved.' Rossy explained to the radios, many of whom had no women announcers, about Radio Ixchel's 15 female radio volunteers, out of the 20 volunteers in total. According to Rossy, it was a big surprise for these radios to hear about these numbers. Although there were women present at the radios, most of them held supportive roles rather than protagonistic ones. Rossy explained, 'I felt that I needed to motivate these women to pick up the microphone…if they don’t make their own decisions, others will end up doing it for them, and that isn’t what we want.' According to Rossy, some of the radios are already doing great work. Radio Cultural Buenos Aires, in Costa Rica have Indigenous radio personal who create programs surrounding issues in their communities. They air programs about human rights, violence in the family, and they even have the participation of police who speak out against violence and drug trafficking. However, Rossy wanted to push the radios to make critical, conscious programming the rule rather than the exception. A first step towards this goal was that each radio received our programming on
Free, Prior and Informed Consent, to broadcast on the air so that their Indigenous communities are informed about their rights. According to Rossy, "Airing these programs is a good start towards having socially conscious radios, but they need to start thinking of radio as a tool for their communities, and only then will they start using it as such."

Lawrence Reichard, "Panama’s Barro Blanco Dam Threatens Ngöbe People," Cultural Survival, March 13, 2014, http://www.culturalsurvival.org/news/panamas-barro-blanco-dam-threatens-ngobe-people, reported on his late February 2014 visit to the Indigenous hamlet of Kia in the Panamanian province of Chiriqui. "The Ngöbe people have inhabited the banks of the Tabasara for—in their words—forever, and if the Barro Blanco hydro project goes through, 460 of them will lose their homes, their villages, their livelihoods, their entire way of life, and what they call their paradise. The Ngöbe say at least another 3,500 of their people will be "indirectly" affected, losing fishing grounds, subsistence farming and hunting lands, and good, clean, clear drinking water. Not to mention the complete underwater burial of petroglyphs the Ngöbe say are sacred and gifts from God." "In an environmental impact assessment (EIA) the Panamanian government said a total of five Ngöbe people would be affected the Barro Blanco project, and it offered compensation in the amount of $2,000 for every affected head of household. Not one member of the Ngöbe nation was consulted in the drafting of the government’s EIA. When the Barro Blanco project was expanded beyond the parameters of the EIA, public outcry forced authorities to call a public meeting to discuss the project and its impact on local communities. But the meeting was held in a mestizo community unaffected by the project and the Ngöbe were not informed. When Ngöbe protesters showed up outside the meeting, only five of them were allowed to enter the meeting hall and they were not allowed to speak. The government’s figure of five people affected by the dam is a mystery. In Kia alone I counted eight children and two adults. I was told that more of the village’s adults were camped out at a protest camp downriver—and according to a UN report, Kia is the smallest of three villages to be inundated by the Barro Blanco dam." "Construction on Barro Blanco is already 50-60 percent complete, and it has already begun to displace about 150 mestizo campesinos who live downriver from Kia. According to Clementina Perez Jimenez, a Ngöbe leader, dam construction has already led to fish washing up dead on the banks of the Tabasara, something she says never happened before." "The dam is being built by GENISA - Generadoras del Istmo (Generators of the Isthmus), a Honduran company linked to Luis Kafie, reportedly the wealthiest man in Honduras and a man accustomed to getting what he wants. And the project is being financed by the Dutch FMO Bank, the German DEG Bank, and the Central American Bank for Economic Integration, all quasi-public banks whose websites all trumpet their unshakeable, rock-solid commitment to social and environmental responsibility. And so it goes. Panamanian law used to clearly and unambiguously prohibit the selling of any land within the Ngöbe-Bugle Comarca (reservation), which at 2,690 square miles is more than twice the size of Rhode Island. But much of Panama’s hydro capacity crosses reservation lands, and faced with a growing need for electricity and growing foreign, mostly Canadian, interest in mineral extraction on reservation land, the government came up with an ambitious plan to build 30 new hydroelectric dams, and a pliant national assembly dutifully loosened restrictions on the acquisition and use of reservation land. Ngöbe resistance to Barro Blanco has been militant. Several times the Ngöbe have succeeded in completely shutting down the Panamerican highway, which, with only a short interruption in the Darien jungle of Panama and Colombia, stretches from Alaska to Chile and is the economic lifeline of Panama. But such protests have been met with force by Panamanian authorities, and so far three protesters have been killed. The government has issued several deadlines to leave the land that will be inundated by Barro Blanco, but the Ngöbe have dug in their heels, establishing a protest camp in the forest between Kia and the dam that is at times home to as many as 100 protesters."

"Colombia’s most recently contacted tribe violently forced from homes," 25 April 2014, http://www.survivalinternational.org/news/10207, reported, "Nukak Indians in Colombia have been forced from their homes by illegal armed groups, in the latest attack against the country’s most recently-contacted tribe. Eight Nukak families were evicted from their land in Colombia’s south-east San José del Guaviare region. They have now taken shelter in temporary camps. The Nukak’s existence only became widely known in
1988, when around 40 members of the tribe surprised colonists by turning up in their newly established town inside the Nukak’s ancestral territory. Following the contact, half of the Nukak succumbed to outside diseases such as flu and malaria. Despite a successful campaign by Survival, National Indigenous Organization ONIC, and others to create an indigenous reserve for the Nukak, their forest has been overrun by illegal armed groups and coca-growers, and land-mines are thought to litter the area. The once-nomadic hunter-gatherer Indians have been largely reduced to sedentary refugees, who rely on state handouts for their survival. Colombia’s bloody conflict between illegal armed groups (now funded primarily by the cocaine trade) and government forces has destroyed the lives of tens of thousands of indigenous people. According to ONIC, 35 Colombian Indians are displaced from their homes every day, and one indigenous person is killed every 40 hours."

William Neuman, "Colombia Says It Has Begun Peace Talks With Rebels," _The New York Times_, June 10, 2014, http://www.nytimes.com/2014/06/11/world/americas/colombia-announces-peace-talks-with-rebel-group-days-before-election.html?ref=todayspaper, reported, "The government of Colombia announced on Tuesday that it had begun exploratory peace talks with a second rebel group, just days ahead of a hotly contested presidential election that could hinge on how voters perceive the efforts of President Juan Manuel Santos to end decades of guerrilla warfare. Backers of Mr. Santos’s opponent, Óscar Iván Zuluaga, immediately criticized the announcement as a political maneuver. Mr. Santos started negotiations with the country’s largest rebel group, the Revolutionary Armed Forces of Colombia, or FARC, in late 2012. Government negotiators have said they have reached agreements on several central issues with the FARC, including programs to alleviate rural poverty and ways for the group to take part in the political process. A final agreement, however, remains elusive." 

William Neuman, "Colombian President Re-elected After a Race Challenging His Peace Negotiations," _The New York Times_, June 15, 2014, http://www.nytimes.com/2014/06/16/world/americas/colombian-president-juan-manuel-santos-re-elected.html?ref=todayspaper, reported, "Voters elected President Juan Manuel Santos to a second term on Sunday, giving him a chance to complete peace negotiations with rebel groups that could end decades of guerrilla war. But the strong challenge mounted by his more right-wing rival, Óscar Iván Zuluaga, a fierce critic of the peace effort, highlighted the distrust that many Colombians have for that process and the government’s ability to negotiate a fair accord." 

"Campaign Update: Belize-- Government Approves Extension to US Capital Energy Despite Court Ruling," _Cultural Survival_, April 14, 2014, http://www.culturalsurvival.org/news/campaign-update-belize-government-approves-extension-us-capital-energy-despite-court-ruling, reported, "Tensions reached a feverish pitch on April 11, 2014 between Sarstoon Temash Institute for Indigenous Management, U.S. Capital Energy and government. On April 3, 2014, Justice Michelle Arana handed down a major decision in favor of SATIIM as well as five Mayan communities bordering the Sarstoon-Temash National Park, in a suit brought against the Government of Belize and U.S. Capital Energy. SATIIM successfully argued that government should have first sought the free, prior and informed consent of the indigenous community before granting permits for exploratory work, including oil drilling, on Mayan communal lands. That judgment, nonetheless, has been interpreted differently by all parties involved in the suit. While Justice Arana did not quash the existing permit awarded to U.S. Capital, SATIIM contends that when the license expires at the end of April the oil company would have to consult with the buffer communities before applying for a renewal. On the other hand, U.S. Capital, based on its interpretation of the ruling, maintains that it will proceed with exploratory activities within the national park. This evening, News Five confirmed that government is approving the extension of U.S. Capital’s permit to continue works inside the protected area. In fact, in his capacity as Attorney General, Minister Wilfred Elrington provided legal counsel on the matter, advising that the recent judgment does not apply to an existing permit; more specifically, U.S. Capital’s concession to drill for oil within the Sarstoon-Temash National Park. The decision by government to renew the contract without consulting with the indigenous community has raised the ire of SATIIM which says that it will take all necessary actions to thwart U.S. Capital’s efforts." Earlier, "Belize: Our Life, Our Lands-
Respect Maya Land Rights," Cultural Survival, February, 2014. http://www.culturalsurvival.org/take-action/belize-our-life-our-lands-respect-maya-land-rights/belize-our-life-our-lands-respect, reported, "With over 90 protected areas, Belize has earned a reputation for conservation. Its magnificent barrier reef, tropical rainforests, and ancient Maya temples make it a popular eco-tourism destination. But just how deep is its commitment to protecting its natural resources and Indigenous Peoples? Not deep enough to safeguard its second largest national park, and the Indigenous Maya and Garifuna peoples who live there, from oil drilling. In Southern Belize, Sarstoon Temash National Park holds within its 42,000 acres the most pristine rainforest in the country. Recognized as a wetland of “international importance” by the Ramsar Convention, it is home to many endangered species, including the jaguar, manatee, neotropical river otter, and Hicatee turtle. Its primary forests have been attributed by National Geographic as remnants of the ancient Maya’s agroforestry systems, and today continue to be sustainably maintained by the Maya peoples of Southern Belize. The Supreme Court of Belize ruled in 2007 and again in 2010 that the Maya who have ancestrally cared for these forests shall hold the legal titles to these lands. This court ruling, along with national and international laws, mandates that Indigenous peoples must give their free, prior and informed consent before any development project that may affect them. But that right has been trampled on again and again by the Texas-based oil company US Capital Energy, which received a concession from the Belize government to extract oil in Southern Belize beginning in 2001. In further flagrant violation of the Maya land rights under national law, the UN Declaration on the Rights of Indigenous Peoples, and recommendations by the Inter American Human Rights Commission, the government has now granted the oil company permits to move to the second phase of exploratory drilling in the park and on Indigenous territories. US Capital Energy has so far cut over 200 miles of seismic trails for oil exploration in the national park and on communities’ traditional lands, also causing forest fires destroying 400 acres, including the unique ecosystem of the sphagnum moss, the last of its kind in Central America. The 21,000 Indigenous people in the region are fighting to defend their traditional lands, including the national treasure of the Sarstoon Temash National Park, against this short-sighted land grab. As Gregory Ch’oc of the Sarstoon Temash Institute for Indigenous Management explains, ‘The government is counting on our regional isolation, our poverty, and our relative lack of power to continue marginalizing and discriminating against us and violating our rights. Therefore, we are urgently calling allies of the earth’s biodiversity and Indigenous Peoples to take a stand with us and support our struggle.’"

"Ak’Kutan Radio, the Only Community Radio in the Toledo District of Belize, Expands Their Coverage," Cultural Survival, March 26, 2014, http://www.culturalsurvival.org/news/akkutan-radio-only-community-radio-toledo-district-belize-expands-their-coverage, reported, "Ak’Kutan Radio, the only Indigenous community radio station in the Toledo District of Belize, has just undergone renovations that are enabling them to reach more communities than ever before. They recently purchased a new radio antenna that is about 100 feet tall, and strategically placed it at the top of a large hill. Radio volunteer Sarah Priscie commented, ‘We have to climb 107 steps everyday to get up to the radio.’ The strategic placing of the radio at the top of this hill has allowed the radio to reach many new communities that they were not able to reach before. As well, the radio upgraded from a 100-watt radio transmitter to an 1000-watt, which makes an enormous difference in their coverage and the sound quality. Sarah happily listed off a number of communities that they are now reaching: Silver Creek, Big Falls, Indian Creek, Mango Creek, and Pueblo Viejo. The list goes on and Sarah mentions that she believes they might even be reaching Guatemala with their new and improved coverage. Other opportunities come with this investment as well. According to Sarah, ‘Organizations have more interest in broadcasting with us now that we are reaching the whole Toledo district. Just this morning we had a nurse come to talk for an hour and a half about tuberculosis.’ Another organization is discussing the possibility of developing a program to create awareness about climate change and preservation of the environment with the radio staff."

"Campaign Update: Peru–Free, Prior, and Informed Consent a Major Theme of UN Special Rapporteur’s Visit to Peru," Cultural Survival, January 9, 2014, http://www.culturalsurvival.org/news/campaign-update-peru-free-prior-and-informed-consent-major-theme-un-special-rapporteurs-visit, reported, "James Anaya, the UN Special Rapporteur on the Rights of Indigenous Peoples, dedicated his official visit to Peru this December to learning about the situation of the country’s Indigenous Peoples, especially with respect to the right to Free, Prior, and Informed Consent regarding development projects and the effects of extractive industries on
Indigenous Peoples in voluntary isolation and initial contact. He met with government officials, Indigenous leaders, and corporate representatives in Lima, as well as in diverse towns and villages affected by resource extraction. Throughout his statement upon conclusion of the trip, Anaya comments on both positive advances and continuing situations of destructive development throughout Peru. Anaya notes that one major advance since his 2009 visit was the development of Peru’s Prior Consultation Law, one of few domestic laws attempting to protect the right of Indigenous Peoples to consultation before their lands and resources are exploited. However, Anaya points out, the law is hotly contested by many Indigenous groups, which do not believe it protects their rights to the degree it should; he recognizes that the challenge now is to ensure consultations take place 'in a way that meets relevant international standards.' Indigenous leaders reiterated throughout his visit that 'they are not opposed to development, but any development should be in accordance with their rights' and should be preceded by genuine consultation processes. Anaya emphasizes that progress will depend on the development of trust among Indigenous Peoples, the State, and developers. As an example of the destruction caused by development, Anaya highlights widespread oil contamination in the region of the Pastaza, Marañon, Tigre, and Corrientes river basins in Loreto, to which Cultural Survival recently made an investigative trip. Anaya observes 'serious environmental problems' resulting from the oil drilling that has taken place there over the last 40 years, first by the US-based company Occidental Petroleum and, since 2000, by the Argentine PlusPetrol. Unaddressed oil spills have egregiously polluted Indigenous territory there, including food and water sources. In 2013, the Peruvian Ministry of the Environment declared a State of Emergency in two of the basins, but, Anaya says, 'it is necessary for the Government and the company to make greater efforts to ensure the remediation of Lot 1-AB without delays due to a lack of clarity regarding which particular corporation is responsible.' The contamination caused by petroleum exploitation 'over the last four decades represents a critical situation that must be attended to with the urgency it deserves.' Consultation, however, would not be enough in this case. The Indigenous communities of the four river basins have stated that they will not engage in a prior consultation process for an oil concession PlusPetrol is pursuing for 2015 until five preconditions are met. Environmental remediation must take place; the communities must receive official title to their land; there must be greater government involvement in there region; the communities must be compensated for destruction caused by 40 years of oil exploitation; and the communities must be compensated for current and future use of their land. Anaya 'agree[s] that these conditions are just and conducive to a productive process of consultation regarding a possible new oil concession in the area.' He comments that 'an important step' is that in October of 2013, the government established a round table with government, company, and Indigenous representative to attempt to come up with a solution. The Special Rapporteur goes on to observe that strides are being made in other parts of Peru. On PlusPetrol's Lot 88 in Cusco, the company is using improved practices, which, according to the company and the government, have caused no 'degradation of biodiversity nor contamination of waters or soils in the area' in its 12 years of operation there. Yet, Anaya says, 'another issue is the social and human impact that the project can have' especially since 75% of Lot 88 is within an Indigenous reserve. Thus, Anaya recommends that the government does 'a thorough study, with the participation of all interested parties and competent experts, regarding the presence and conditions of the voluntarily isolated indigenous peoples or groups in the area of Lot 88.' He considers that the government must respect Peru’s obligation to ILO Convention 169 and other international agreements and complete a consultation process that takes into account all affected indigenous peoples in the reserve and consider their particular situations and vulnerability before making a decision about expanding the project. He also calls for immediate provision of basic health, education, water, and other services which should be provided by the State and which certain communities are currently lacking. A Special Rapporteur’s official signifies a national government’s willingness to engage, as the government must invite the Special Rapporteur in order for the visit to occur. Thus, Anaya’s visit to Peru is an important step. It gave Peru’s diverse Indigenous communities an opportunity to raise their voices at the international level. We will stay tuned for Anaya’s subsequent reports and statements on the status of Indigenous Peoples’ rights in Peru."


"Indians accused over 'Devil’s Bend' killings go on trial," Cultural Survival, May
Fifty-three people go on trial in Peru today, charged in connection with violent clashes between indigenous protesters and police five years ago that left thirty-three dead. The violence erupted in June 2009 after more than 50 days of nationwide protests led by Peru’s Amazon Indians over government plans to strip the Indians of their rights, and open up the Amazon to oil drilling and mining. The clashes took place in Peru’s northern Amazon town of Bagua, after police confronted indigenous protesters who had peacefully blockaded a highway at a place known as “Devil’s Bend” for almost two months. Twenty-three police officers, five Indians and five civilians were killed and more than 200 injured during the incident, according to a report by Peru’s Ombudsman. Unofficial reports have claimed the death toll was much higher. Amongst those charged is Alberto Pizango, the president of Peru’s Amazon Indian Organization AIDESEP. The prosecution has called for Pizango to be imprisoned for life for ‘inciting violence’. Since the clashes, several of the government’s controversial decrees have been repealed. In 2011, Peru’s President Ollanta Humala approved a law designed to guarantee indigenous peoples’ right to free, prior and informed consent to any projects affecting them and their lands. However, since then the government has approved a controversial expansion of the massive Camisea gas project, even though it will penetrate deep into the territory of uncontacted Indians. Peru’s government has been heavily criticized by both indigenous people and families of the deceased police officers for its failure to prevent the violence. No police officers have yet been brought to trial.” (Survival’s eyewitness report of the Bagua killings is at: http://www.survivalinternational.org/news/4687).

"Uruguay ratifies international law for indigenous peoples’ rights," Survival International, April 18, 2014, http://www.survivalinternational.org/news/10181, reported, "Uruguay has pledged to ratify the International Labor Organization’s (ILO) 169 Convention, the only international law designed to protect tribal and indigenous peoples’ rights. Government officials announced the decision at the United Nations in Geneva, Switzerland. ILO Convention 169 recognizes and protects tribal and indigenous peoples’ right to land ownership and the right to be consulted over projects that could affect their lands or livelihoods. Uruguay will be the twenty-third country to ratify the law, following Spain, Holland and Norway in Europe. In 2009, Britain’s Liberal Democrat party pledged to sign the ILO Convention, but has backtracked on its promise since becoming a partner in the UK’s coalition government. The British government consistently refuses to ratify the convention. Andrés Scagliola, a Uruguay government spokesperson, told the UN, ‘Our failure to ratify (the Convention) thus far shows that the State is not a rational and unified entity, but one that contradicts itself when faced with a painful past, because it is difficult to accept our long history of bloodshed and the oblivion that buried it afterwards’ The Convention plays a key role in empowering tribal peoples to protect the world’s most important conservation zones, in recognition of their distinct relationship with the natural world. Survival is lobbying the British and USA governments to ratify the Convention."

"Paraguay grants license to bulldoze UNESCO Biosphere Reserve," Survival International, December 18, 2013, http://www.survivalinternational.org/news/9839, reported, "Paraguay has caused outrage by quietly granting cattle ranchers a license to bulldoze a UNESCO Biosphere Reserve which is also the last refuge of uncontacted Ayoreo Indians. Paraguay’s Environment Ministry (SEAM) has violated national and international law by
issuing an environmental license to ranching company Yaguarete Pora S.A. which puts the lives of the uncontacted Indians in extreme danger. Contacted members of the tribe have been working tirelessly to gain legal title to the land inhabited by their uncontacted relatives. Many Ayoreo who were in the past forcibly brought out of the forest now suffer from respiratory diseases such as tuberculosis, and many have died as a result. The Ayoreo expressed their outrage at the revelations and said, ‘Our relatives came out of the forest in 2004 because they were under pressure from the ranchers, because they had no peace. If the bulldozers start to make a lot of noise, our uncontacted relatives will be forced to hide where there isn’t any food and they will suffer. We want to continue using the forest, and for the ranchers to stop harassing our relatives who remain there.’ Satellite images reveal that Brazilian beef company Yaguarete – owned by Sr. Marcelo Bastos Ferraz – has already started destroying vast stretches of forest inhabited by the uncontacted Ayoreo. The rancher’s beef is destined for the European market – prompting Survival International to write to the European Commission over Yaguarete’s activities. Survival’s Director Stephen Corry said today, ‘Government officials risk sacrificing Ayoreo lives in their greedy scramble for foreign profits. Cattle ranching is steadily destroying the last refuge of Paraguay’s only recently contacted Ayoreo tribe, and sets a deadly precedent for their relatives still hiding in the forest, who are the last uncontacted Indians outside the Amazon. Almost all the Ayoreo-Totobiegosode Indians who have been forced out of the forest, some as recently as 2004, have suffered from rare respiratory diseases since. Like other uncontacted tribes, the Ayoreo had no immunity to outsiders’ diseases. Local experts say the Ayoreo often test negative for TB, though their symptoms are almost identical, and many have been left without access to life-saving drugs as a result. The most recent Ayoreo victim killed by the respiratory disease, Chiri Etacore, was forced out of the forest in 1986. Chiri died in October 2013. Some family members of the Ayoreo still remain hidden in the forest. Their future is grim if the Paraguayan government does nothing to investigate the mystery illness. Nixiwaka Yawanawá, a Yawanawá Indian from the Brazilian Amazon, who joined Survival International to speak out for indigenous rights said, ‘It is shocking that the Paraguayan government does not take steps to protect the Ayoreo’s territory. We are seeing a massacre because of these mysterious diseases, a true human crime in the eyes of the world. The government must act now to prevent a disaster.’ Survival International’s Director Stephen Corry said today, ‘This tragedy is no surprise. When uncontacted peoples are forced into contact with outside society disease swiftly follows. Here is proof that forced contact is nothing more than a death sentence for tribal peoples. Yet the government is doing nothing to protect the lives of these Ayoreo’s uncontacted relatives. Instead it is allowing the wholesale destruction of the Chaco forest at the hands of Brazilian ranchers. Paraguay must act now to protect the lives of the last uncontacted Indians outside Amazonia.’"
"The Dark Side of Brazil: Police teargas Indians at anti-World Cup protest," Survival International, 30 May 30, 2014, http://www.survivalinternational.org/news/10258, reported, "Hundreds of Brazilian Indians are protesting against the World Cup this week, marching in the streets of Brasilia and around the capital’s Mané Garrincha football stadium, calling for their lands and lives to be protected. Yesterday Indians brandishing bows and arrows and carrying signs reading ‘FIFA NO. DEMARCATION YES!’ were teargased by police. (Watch a video clip at: http://www.nytimes.com/video/multimedia/10000002905434/clashes-in-brasilia-as-indigenous-groups-protest-against-world-c.html). There is mounting anger at the government’s failure to recognize and protect their lands, vital for their survival, while spending millions of dollars on hosting the World Cup. The protestors who are from several tribes have forced FIFA to close the stadium, and to cancel its trophy display. A delegation of 18 indigenous protestors met the Minister of Justice yesterday. Indigenous leader Sonia Guajajara, national coordinator of the Association of Indigenous Peoples (APIB), said, ‘We are here to show that without our land, we are chained up. We are imprisoned. We are here to demand our rights.’ The Guarani tribe, Brazil’s largest, suffers extremely high malnutrition and suicide rates as their land has been stolen to make way for vast sugar cane plantations. Their leaders are frequently targeted and killed by gunmen acting for the landowners. They are calling for their land to be demarcated as a matter of urgency before more lives are lost, and for the cancellation of a series of draft bills which, if passed into law, would drastically weaken their, and other tribes’, control over their lands. Those in the Amazon are calling for a halt to the many hydro-electric dams being built on their land. Earlier this year, Nixiwaka Yawanawá, an Amazon Indian from western Brazil, greeted the World Cup trophy on its arrival in London with a T-shirt reading ‘BRAZIL: STOP DESTROYING INDIANS’. Brazil is home to more uncontacted tribes than anywhere else in the world. They are the country’s most vulnerable people and face extinction if their lands are not protected. Survival is calling on Brazil to protect their land and remove all invaders, as has recently been achieved with the Awá, Earth’s most threatened tribe. In the run up to the FIFA World Cup, Survival is highlighting ‘The dark side of Brazil’.

"Caught on video – Gunmen terrorize Brazilian Indians," Survival International, April 15, 2014, http://www.survivalinternational.org/news/10174, reported, "A violent gang of gunmen who have been terrorizing a community of Brazilian Indians since they returned to their ancestral land has been caught on video. The gang is believed to be employed by the rancher occupying the Guarani Indians’ land, which was seized from them in the 1970s, and cleared for ranching. Last Monday one of the members of the community of Pyelito Kuê managed to film the gunmen driving past their village and firing shots at them in broad daylight. Last month the Guarani of Pyelito Kuê returned to a small part of their ancestral land, forcing out the rancher who had taken over their land and blockaded their houses. But since they reoccupied their land, gunmen have continued to threaten them, surrounding the Indians, firing shots, and preventing medical workers from visiting. In the latest attack, one woman was injured and many others were forced to flee. The Brazilian police recently closed down Gaspem, a notorious security firm accused of killing at least two Guarani leaders, and brutally attacking hundreds more (See. "Police close 'private militia' firm following Guarani murders," Cultural Survival, April 8, 2014, http://www.survivalinternational.org/news/10165). Many similar companies providing ‘security’ services to ranchers remain active, and politicians of Brazil’s powerful anti-indigenous farming
lobby have been encouraging ranchers to evict Indians from their lands. The Guarani said, ‘Do we need to decide to defend ourselves more forcefully? Do we need to kill or to die to make people notice, respect and guarantee our rights? We can’t take all this suffering any more.’ Nixiwaka Yawanawá, a Yawanawá Indian from Brazil, said, ‘It is shocking to see the risks that my brothers the Guarani are facing every day. They have the right to live on their land in peace. We need everyone’s support to stop these ranchers and to pressure the government to finally protect the Guarani’s land. Thousands of Indians across Brazil have protested against a proposed constitutional amendment that would give Brazil’s Congress – heavily influenced by the anti-indigenous farming lobby – a say in the demarcation of indigenous lands. Brazilian NGOs, including indigenous organizations, published a letter last week calling on the government not to alter the demarcation system and to concentrate on mapping out and protecting indigenous land as required under the constitution.’

"New study reveals world’s highest suicide rate among Brazilian tribe," Survival International, June 5, 2014, http://www.survivalinternational.org/news/10261, reported, "A shocking new study has revealed that a Brazilian tribe now suffers the highest suicide rate in the world. In 2013, at least 72 members of the Guarani tribe committed suicide (equivalent to 232 per 100,000), a rate that has nearly tripled over the last two decades. The majority of victims are between 15 and 30 years old. The news follows violent clashes between police and indigenous protestors on the eve of the FIFA World Cup in Brazil. The Guarani, who live in Brazil’s southern agricultural heartlands, have lost most of their land to cattle ranches and sugar-cane plantations, and their leaders are regularly attacked and assassinated. Forced from their land, the Guarani are living in squalid conditions by the roadside or in overcrowded reserves where alcoholism, disease, violence and suicide are rife."

"Coca-Cola, one of the World Cup’s main sponsors, is implicated in the landgrabbing scandal which has brought misery and death to the Guarani. Coca-Cola has been sourcing sugar from U.S. food giant Bunge – which in turn is buying sugar cane from land which has been stolen from the Guarani. In a letter to Coca-Cola, the Guarani pleaded, ‘We ask Coca-Cola to consider our suffering … We want Coca-Cola to stand beside us and feel our pain and suffering, because the sugar cane is destroying any hope of a future for our children. We ask Coca-Cola to stop buying sugar from Bunge!’ To highlight the deep irony of Coca-Cola and FIFA promoting the World Cup with an image of a happy Indian man with the words ‘Welcome to the World Cup for Everyone’, Survival International has created a spoof ad featuring Nixiwaka, a Yawanawa Indian welcoming the viewer to ‘The Dark Side of Brazil’ and demanding ‘Let the Guarani live!’.

"Breaking news: Brazilian Indian leader assaulted 10 days before World Cup 4 June 2014, Survival International.http://www.survivalinternational.org/news/10267," reported, "A young Brazilian Indian leader was assaulted on Monday by four armed men, despite being under the care of a government protection program since he witnessed the murder of his father-in-law. Valmir Guarani Kaiowá, of the Guarani tribe, was kidnapped, tied to a tree in a forest, blindfolded, and tortured. He managed to escape and said, ‘They tied me up and told me that I was going to die and that no one would ever find me. They put a bitter liquid in my mouth and told me to swallow it. Then, they fired several shots by my ears and I couldn’t hear any more… then they left in their car.’ Valmir’s late father-in-law, Nídio Gomes, was killed by masked gunmen in 2011, having led his community back to part of their ancestral land which had been stolen from the Indians and occupied by a cattle ranch. In 2012, 18 men were arrested in connection with the murder, including the owner of a ‘private militia’ security firm which has since been closed down. Some of the men are believed to have been released. Valmir is a key witness, and continues to push for the murder investigation to be completed and for the land to be returned to his tribe. He told a Survival researcher last year, 'Nídio told me to be strong and fight for our land. All we need is for it to be protected for us.’"
"French energy giant targeted over Amazon dams," Survival International, April 29, 2014, http://assets.survivalinternational.org/documents/1217/carta-apib-coiab-gdf-suez.pdf, reported, "French energy giant GDF Suez is being accused this week of endangering Amazon Indians’ lives, including those of highly vulnerable uncontacted tribes. GDF plays a prominent role in dam construction in Brazil, and is heavily involved in the Jirau mega-dam currently being built on the Madeira river in the western Amazon. The Jirau dam threatens to destroy vast areas of land, upon which numerous tribal peoples, including several groups of uncontacted Indians, depend for their survival. Yesterday, Brazilian Indians and their supporters targeted the company’s annual shareholder meeting, urging GDF to divest from destructive dam projects and to listen to the Indians, who have not been properly consulted about the Jirau dam. Brazilian Indian leader Sonia Guajajara, who met with GDF representatives in March and led a protest in Paris, said, ‘The actions of GDF Suez are toxic to the environment while destroying the voice and cultures of indigenous and traditional peoples.’ Last week, the Articulation of Indigenous People of Brazil and the Coordination of Amazonian Indigenous Organizations sent an open letter to GDF Suez’s CEO Gérard Mestrallet, denouncing the company’s violation of its own ethical guidelines and its commitment to UN norms. The Jirau dam project also violates Brazil’s constitution and Convention 169 of the International Labor Organization. Christian Poirier of Amazon Watch, present at yesterday’s protest, said, ‘Brazil’s indigenous movement has roundly condemned the destructive and unethical behavior of this corporate leader. Today’s action resonates their message among GDF Suez shareholders who must in turn call for accountability from the company they sustain. Starting with the French state, which owns 36% of GDF Suez shares.’ There are at least 77 groups of uncontacted Indians in Brazil. They are the country’s most vulnerable peoples. Survival is calling on the Brazilian government to protect their land for their exclusive use, as the only way to allow their survival. In the run up to the FIFA World Cup, Survival is highlighting ‘The dark side of Brazil’.” The Brazilian indigenous movement’s letter is available in Portuguese at: http://assets.survivalinternational.org/documents/1217/carta-apib-coiab-gdf-suez.pdf.

"Operation targets illegal gold-miners in Yanomami’s rainforest," Survival International, February 14, 2014, http://www.survivalinternational.org/news/9998, reported, "The Brazilian authorities have launched an operation to combat illegal gold-mining on the land of the Yanomami tribe. ‘Operation Korekore’ is set to last 30 days and aims to arrest approximately 200 illegal miners who are operating in one part of the tribe’s territory. The operation’s ground squad has reportedly destroyed at least 20 illegal mining rafts and one airplane landing strip so far. The Yanomami live in the Amazonian rainforest in northern Brazil and southern Venezuela. They depend on their forest for food and shelter and have voiced their outrage at the miners’ invasion. But despite the Yanomami’s appeals, many miners continue to operate on their land, destroying the forest and polluting the rivers with mercury. The uncontacted Yanomami are particularly vulnerable to the diseases transmitted by the miners. Last month the Yanomami protested over the lack of medicines and health care, forcing the Ministry of Health to change the official in charge of indigenous health care in Roraima state. For decades, the Yanomami have been exposed to violence at the hands of illegal miners. 2013 marked the twentieth anniversary of a gruesome massacre in which sixteen Yanomami were killed. Last year, several groups of miners were removed from Yanomami land, but hundreds more remain, putting the Indians’ lives at risk. A draft bill currently being debated could permit large-scale mining on indigenous land and bring further destruction. There over 650 requests from mining corporations to mine in the
Yanomami territory. Yanomami shaman Davi Kopenawa said, ‘This will not bring anything good for the Indians. It will only bring many problems, many diseases, and many bad people who kill Indians’. Survival played a key role in bringing about the demarcation of the Yanomami’s land in 1992, and is now calling on Brazil to remove all the illegal miners once and for all, and to scrap the mining bill.”

"Campaign triumphs as loggers expelled from territory of ‘Earth’s most threatened tribe’," Survival International, February 26, 2014, http://www.survivalinternational.org/news/10026, reported, "A global campaign by Survival International, fronted by Colin Firth, to save the Awá, Earth’s most threatened tribe, has triumphed this week, as loggers and ranchers responsible for the destruction of the tribe’s rainforest in the Brazilian Amazon are being expelled. The first deadlines for the invaders to leave voluntarily expired on Monday, February 24, 2014. According to reports by FUNAI, Brazil’s indigenous affairs department, several loggers and ranchers have left the area in the last week, and a ground squad is set to remove all remaining invaders by March 9." "The operation marks a major success in Survival International’s high-profile campaign to save the Awá tribe from extinction. After the launch of the campaign in April 2012, the Brazilian government announced that the Awá case was a priority, and sent a ground squad of at least 200 soldiers, police officers and government agents at the beginning of 2014 to remove the invaders. Official sources have confirmed that the launch of Operation Awá is due to international pressure. Brazil’s Justice Minister has received over 56,000 messages from Survival supporters calling for the Awá’s land to be protected, and celebrities such as Hollywood star Colin Firth, fashion designer Vivienne Westwood and Brazilian photographer Sebastião Salgado have spread the campaign’s message ‘Brazil: Save the Awá’ around the world. The Inter-American Commission on Human Rights, the Americas’ top human rights body, has also been demanding answers from Brazil about its treatment of the Awá, after receiving an urgent submission from Survival and Brazilian NGO CIMI, which has worked closely with the Awá for decades. The Awá are one of the last nomadic hunter-gatherer tribes in Brazil who depend on the forest and its game for survival. But they have been living in fear as illegal loggers are closing in on them. More than a third of the forest in one of the Awá’s territories has already been destroyed, and the tribe is worried about the safety of their uncontacted relatives who are forced to live constantly on the run from heavily armed loggers. Nixiwaka Yawanawá, an Amazon Indian working with Survival International, said today, ‘The Brazilian authorities are removing the invaders from Awá land, thanks to Survival’s campaign and the international concern. For the Awá to survive, the government must guarantee the long term protection of their land. If not, they will be destroyed, like so many other tribes in Brazil’s history.’ Survival International’s Director Stephen Corry said, ‘Operation Awá would never have happened without Survival’s campaign, and the thousands of supporters worldwide who took action to prevent the annihilation of Earth’s most threatened tribe. Over forty years of campaigning for tribal peoples’ rights has shown us that public opinion is the only effective force which can bring real change.’" A video by FUNAI showing the first stage of ‘Operation Awá’ is available at: https://www.facebook.com/photo.php?v=270423969786949&set=fb.196153577213989&type=2 &theater.

photographed from the air have been abandoned to their fate after drug smugglers and illegal loggers overran a government post that had been monitoring the Indians’ territory. The Indians, near the Xinane river in Brazil’s Acre State, are just over the border from Peru, where activists have long denounced the scale of illegal logging in isolated Indians’ territories. The recently-photographed group also faces a serious threat from a road reportedly built into the area by the Acre state government – regional indigenous organizations have said this could devastate the uncontacted Indians on the Xinane River. Previous road-building projects in the Amazon have wiped out countless tribes. In recent months several groups of uncontacted Mashco-Piro Indians have been spotted along river banks on the Peruvian side of the border, prompting further speculation that illegal logging is pushing them out of their previous isolation. The Brazilian and Peruvian authorities last week signed an agreement to improve cross-border coordination, in an attempt to safeguard the welfare of the many uncontacted Indians living in the border region."

In Brazil’s Para state, illegal miners, operating on Indigenous land since the 1980s, who were polluting the Tropas river and killing its fish, were evicted by a war party of Mundurtuku, in February 2014, their equipment confiscated by the tribe people (Munduruku People Expel Miners from Their Lamd," Cultural Survival, June 2014)."Reindeer herders take on Russian oil-giant as tribal rights in Siberia weakened," Survival International, May 13, 2014, http://www.survivalinternational.org/news/10227, reported, "Much of the Khanty's land has already been devastated by oil and gas companies. Now legislation is being weakened – making it much harder for communities to protect their land from exploitation. The reindeer-herding Komi-Izhemtsi people in western Siberia have rejected the takeover of their land for oil exploration and drilling by Russian oil-giant LUKOIL. They are demanding that the company suspends oil exploration, production and transport in their territory until their demands are met. The Izhemtsi are a semi-nomadic reindeer herding people living in the Komi republic of Russia, just west of the Ural mountains. The Izhemtsi were angered by the discovery of several oil rigs on the edge of one of their villages in February. The rigs had been built without the agreement, or even knowledge, of the local community. The communities are also objecting to what they see as LUKOIL’s inadequate ‘clean up’ operation following an oil spill in March – the spilt oil was ignited. Communities 10 km away from the spill reported seeing plumes of black smoke from the fire for two days. Fifteen Komi-Izhemtsi communities have issued a declaration stating, ‘We, Komi-Izhemtsi, are indigenous people and this is our land. We are no longer willing to tolerate the predatory exploitation of our mineral resources and the environmental irresponsibility of LUKOIL. We must become equal partners in the implementation of any industrial projects in our lands’. Meanwhile, south-east of Komi, in the Khanty-Mansiisk region of Siberia, home to the Khanty and Mansi tribes, the regional parliament is seeking to weaken the legislation that protects the tribes’ land rights. The lands of many Khanty and Mansi communities had previously been protected, making it harder for oil and gas companies to enter the land without the permission of the tribes and without fulfilling a number of environmental obligations. However, under the new system, the conservation requirement will be removed, opening the tribes’ lands up to greater exploitation and leaving them even more vulnerable to manipulation and pressure by the companies."

intercepted the Janjawid militia, which it armed starting in 2003 to fight Darfurian rebels. The Haras government paramilitary body initially designed to patrol Sudan's frontiers others' territory, often using force. Both tribes have members in the Haras is made up of nomads without traditio members of the Beni Husein tribe, which has held the land since colonial times, and the Rizeigat tribe of sand contained 1 kg of gold," according to miners to say exports to 70 percent today. All in all, the country's gold industry is now worth about $2.5 billion a year. Needless separation, Sudan's gold production has increased threefold. Gold sales hav central bank even pays more for gold than the mineral is worth on the world market. In turn, since South Sudan's Sudan's independence. To prevent smuggling stolen their wealth local conflicts are decades of frustration serious about controlling the militias. New resources, such as gold, are just a piece of the puzzle Darfur government's reins in an all hand of problems. As the International Crisis Group has chronicled, war has come to Sudan's three regions. However, lawmakers from the Berber ethnic group, estimated at nearly 20 percent of Libya's nearly 6 million population, have called for an elections boycott. The group has a history of suppression under Gadhafi. Some Berbers say they deserve bigger representation, or guarantees before the writing of the constitution that their language will be recognized. The political jockeying has come against a backdrop of lawlessness, abductions and assassinations, blamed largely on militias that emerged from the anti-Gadhafi rebel movement. Most recently, a Libyan troops clashed with a politically influential militia in Libya's second largest city, Benghazi, after unidentified gunmen abducted the unit commander's son, said Melad al-Zewi, spokesman for Libya's commandos." "Abu Khamada's force is popular with many Benghazi residents as one of the few government units willing to take on the militias. It has fought several armed groups including the Islamist Ansar Shariah group linked to the Sept. 11, 2012, assault on the U.S. diplomatic mission in the city that left four Americans dead including the U.S. ambassador."

Jérôme Tubiana, "Out for Gold and Blood in Sudan," International Crisis Group (ICG), May 1, 2014, http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/op-eds/tubiana-out-for-gold-and-blood-in-sudan.aspx, commented in Foreign Affairs, "In April 2012, a small team of wandering miners discovered gold in the Jebel Amir hills of North Darfur, Sudan. One of the mines was so rich -- it reportedly brought millions of dollars to its owners... Diggers rushed in from all over Sudan, as well as from the Central African Republic, Chad, Niger, and Nigeria. After a much-publicized visit by Sudan’s mining minister and the governor of North Darfur state, their number may have reached 100,000. With the gold trade came criminals carrying “arms of every caliber...” "Ever since South Sudan gained independence from Sudan in 2011, both governments have faced a host of problems. As the International Crisis Group has chronicled, war has come to Sudan’s South Kordofan and Blue Nile states. In Darfur itself, 450,000 were displaced in 2013, mostly because of violence at the hands of militias. These were once (unevenly) controlled by Khartoum and have since slipped out of the government’s reins in an all-out battle for gold and power. To stop the bloodshed and mass displacement in Darfur -- since the start of 2014, another 200,000 have fled their homes -- the government will need to get serious about controlling the militias. New resources, such as gold, are just a piece of the puzzle -- behind local conflicts are decades of frustration. Darfurians of all stripes believe that successive governments have stolen their wealth. Such feelings of marginalization have spread throughout Sudan’s periphery and are at the heart of the country’s national crisis." "Khartoum has also promoted gold mining to offset oil production lost after South Sudan’s independence. To prevent smuggling and to bring the government badly needed foreign currency, Sudan’s central bank even pays more for gold than the mineral is worth on the world market. In turn, since South Sudan’s separation, Sudan’s gold production has increased threefold. Gold sales have risen from ten percent of Sudan’s exports to 70 percent today. All in all, the country’s gold industry is now worth about $2.5 billion a year. Needless to say, numbers that big invite competition. In January 2013, a dig in Jebel Amir -- where “each bag of 50 kg of sand contained 1 kg of gold,” according to miners -- became the object of bitter fighting between members of the Beni Husein tribe, which has held the land since colonial times, and the Rizeigat tribe, which is made up of nomads without traditional land rights in North Darfur who have increasingly started to settle on others’ territory, often using force. Both tribes have members in the Haras-al-Hodud (“Border Guard”), a government paramilitary body initially designed to patrol Sudan’s frontiers and into which Khartoum has integrated the Janjawid militia, which it armed starting in 2003 to fight Darfurian rebels. The Haras-al-Hodud is still nominally under government control. In truth, though, many of the fighters answer only to tribal warlords and
do not hesitate to battle each other. Al-Hadi Adam Hamid, a retired lieutenant general who has intermittently headed Haras-al-Hodud since 2003, explains: 'Initially, our plans were to create a professional guard to protect Darfur’s borders, but in 2003, the objective became fighting the rebels… Later, many members became rebels themselves, as they felt the government abandoned them. Before they were given salaries, cars, fuel and uniforms - now it’s over.' In the recent matchup over Jebel Amir, the Rizeigat contingent of the Haras-al-Hodud was simply stronger. It 'pillaged the mine and surrounding villages and took control of the area,' according to O, a former rebel who is now a mine owner and prefers to go unnamed. The Beni Husein claim that 839 were killed and 420 injured. Some 150,000 people, mostly Beni Husein, were reportedly displaced -- a third of all those displaced in Darfur last year. Hamid, like many others, believes that the fighting is a sign that the government needs to regain control of its various border guards and militia groups. But that is easier said than done. Officials acknowledge that they simply don’t have the capacity. 'We can’t fight our own people just because they’re holding arms. We can’t disarm certain groups while others are still armed, and we can’t disarm them all at once either,' Amin Hasan Omar, the state minister in charge of the Darfur file, told me. 'The forces of the tribes are ten times those of the national army deployed in Darfur.' "Many in the region believe that government capacity is not the only problem. In the fight over Jebel Amir, all sides have accused Khartoum of fanning the conflict as a pretext for marching into the gold fields, which are mostly held by small-scale traditional operators. If Khartoum controlled the mines, the thinking goes, it could sell concessions to industrial-scale mining companies that could extract more gold and provide more reliable revenue to the state. Government officials reject the charge." "But there is virtually no way for the government to assert its rights without risking further violence. 'The government has no authority at all on Jebel Amir, and mining is fully controlled by Rizeigat armed men..." "Khartoum’s efforts to promote peace between the Beni Husein and Rizeigat have been half-hearted. Between January and July 2013, the governor of North Darfur organized successive reconciliation conferences between the two groups, which thousands, including Ali Osman Mohammed Taha, Sudan’s vice president, attended. The government made grand promises to send in the national army and bring aid for the displaced, but ‘nothing was done,’ Beni Husein participants complained to me. One man was not afraid to boycott the governor’s peace conference -- Musa Hilal. Hilal is an important Rizeigat chief whose support many, including Beni Husein leaders, government officials, and rebel chiefs, believe is necessary for any settlement. Accusing the government of intentionally stoking conflict, in August 2013, Hilal started his own reconciliation process. The effort culminated in a conference in the town of Kebkabiya, which some 2,000 civilians and militia leaders from all tribes in the area attended. Rizeigat and Beni Husein agreed to stop fighting and reopen roads and markets. Beni Husein began returning to Jebel Amir. And Hilal even apologized for crimes committed during the fight over the mine. The effort was remarkable, especially considering Hilal’s checkered past. At the height of the conflict between government and rebels in Darfur, Hilal was the most famous Janjawid leader. He was reported to have authority over 8,000 men, many of them members of the Haras-al-Hodud. Over time, Hilal has grown increasingly critical of the government, which he believes has short-changed the Arabs, and closer to non-Arab rebels. He’d rather spend his time promoting peace between the region’s communities -- and, eventually, start fighting Khartoum. ‘I didn’t rebel against the state, but if the government doesn’t want to find solutions, we will get to that goal,’ he warned in an interview last year. In early 2014, he expelled the commissioner of Saref Omra, a small town to the south of Jebel Amir and, in effect, annexed the territory into his own fiefdom. Then he repelled government troops that were reportedly sent to retake control of the town and the Jebel Amir gold mine, confiscating their arms and cars as he did. Hilal is not the first Darfuri Arab to distance himself from the central government. He is also not alone in negotiating agreements among rebel movements. Hafiz Madiri, a Rizeigat war chief under Hilal whom I met in 2008, reached a similar deal with non-Arab rebels." "We signed this agreement because we heard the people saying that all problems of Darfur come from the Arabs, that we are Janjawid, that we are killers," Hafiz told me. "I hear people calling us Janjawid every time they see us on our horses or camels." Like many Arabs, Hafiz rejected the name, which literally means “horsemen armed with G3 rifles.” "Many have hoped that local reconciliation efforts like Hilal’s and Madiri’s could succeed where the government and international community had failed. But even their progress has proved fragile, as Arab tribes have turned on each other and the government for gold and other spoils. In 2012, Madiri was killed by his own nephew, who had re-joined forces with the government." "In mid-2013, Hemmeti was appointed brigadier general and took the lead of some 5,000-6,000 kinsmen. Rebranded the Rapid Support Forces, Hemmeti’s men were trained in central Sudan and sent to South Kordofan to fight against allied local and Darfurian rebels. The Rapid Support Forces reportedly suffered
heavy casualties and withdrew back to Darfur, where they attacked non-Arab communities accused of supporting the rebels. The operation displaced 30,000 within the span of a few days in February. As the Rapid Support Forces continue to spread terror, officers from the regular army fear that, like Hilal’s group and other Arab militias before them, Hemmeti’s men will eventually slip from the government’s hands. Darfur is already awash with militias and rebels, many without a cause. Their patrons obtain government positions as the troops fend for themselves by searching for gold or other booty. ‘In ten years of war, we didn’t get anything. Our chiefs became ministers and left us on our own,’ says O. He still hopes to find gold in his Jebel Amir mine or, he says, ‘we’ll take our vehicles and look for bongo [marijuana] in South Sudan to sell in Sudan. What else can we do?’ It is either that or following Hilal and Madiri’s path, which could end in death, or following Hemmeti’s path, which could end in death in South Kordofan, far from Darfur. More than a decade into the Darfur conflict, it would be reductive to simply blame the government’s militia strategy. There is plenty of blame to go around. The government, the rebels, and all the other players need to work together to stop the violence in all Sudan’s peripheries. Uneasy concessions are needed. The government will have to send clear signals that it is bringing to an end an increasingly costly counterinsurgency strategy and that it will start allocating resources to peaceful activities instead. And rebels will have to show that they are loyal to more than their own tribes -- that they are ready to address the concerns of all Sudanese. Non-Arabs will need to grant land to Arab nomads, which will bring Arabs access to much needed education, health, and development. And Arabs will need to openly acknowledge that some among them committed war crimes. All this might be possible. ‘We’re all Darfurians,’ says B. ‘We know how to fight each other but also how to talk to each other.’”

ICG, "Niger: Another Weak Link in the Sahel?" Africa Report N°208. September 19, 2013, http://www.crisisgroup.org/en/regions/africa/west-africa/niger/208-niger-another-weak-link-in-the-sahel.aspx, warned, "The 23 May 2013 twin suicide attacks targeting the Agadez army barracks and an Areva mining site in Arlit, and the 1 June violent prison break in Niamey, cast a shadow over Niger’s stability. In a deteriorating regional environment, President Mahamadou Issoufou and his Western allies have favored a security strategy that has significant limitations, as elsewhere in the Sahel. An excessive focus on external threats can overshadow important internal dynamics, such as communal tensions, a democratic deficit and the growing marginalization of poor, rural societies. Security spending looks likely to increase at the expense of social expenditure, carrying significant risks for a country that faces serious demographic and economic challenges. The possibility of a terrorist spillover from its neighbors is compounded by a fragile socioeconomic and political environment. Niger, a focus of outside interest mainly for its uranium and newfound oil reserves, has recently received renewed attention. For several years, Western countries have viewed the Sahel-Sahara region as a particularly dangerous zone, characterized by the rise of insecurity, political crises and poorly controlled flows of people, arms and other licit and illicit goods. The 2011 Libyan civil war, the 2012 Mali crisis and the recent intensification of military confrontations between government forces and Boko Haram in northern Nigeria all affect Niger. Ideas, weapons and combatants circulate across borders. However, surrounded by crisis-ridden neighbors, Niger appears contradictorily to be fragile and yet an island of stability. Its Western and regional allies seek to contain perceived growing threats, in particular from violent Islamist groups such al-Qaeda in the Islamic Maghreb (AQIM), Boko Haram and the Movement for Oneness and Jihad in West Africa (MUJAO). Since 2011, Nigerien security forces have been on alert with the support of Western militaries that have been present in the country ever since. They also contribute to the UN Stabilization Mission in Mali (MINUSMA), with a battalion deployed in the Gao region, close to Niger. The country has been included in security strategies that protect it, but over which it has little influence. Niger constitutes an important element of the French military operation in Mali; is pivotal to the European Union’s Strategy for Security and Development in the Sahel; and also accommodates a growing U.S. assistance and presence. Encouraged by its allies to upgrade its security apparatus, the government has also substantially increased its military expenditure. But such a security focus could lead to a reallocation of resources at the expense of already weak social sectors. The security strategy pursued in the Sahel over the last decade has proven weak in neighboring Mali. In Niger, it will be of little help to President Issoufou in establishing a bond of trust between the state and the people. The current regime, which took over after a transition from military rule in 2011, is still fragile. The president’s “Renaissance” program, a high-level platform of reforms on
which he was elected, raised hopes but has yet to show tangible results. Social protests are already on the rise. This situation stirs political ambitions, and tensions surrounding the formation of the new national unity government in August 2013 revealed a fragile democracy. Moreover, as in the rest of the Sahel-Saharan region, the state and security apparatus are suspected of being infiltrated by transnational criminal networks. The risks are high when deep socio-economic distress is added to insufficient democratic consolidation. However, these weaknesses should not obscure a more nuanced reality. In 2009, the attempt by then-President Mamadou Tandja to forcibly remain in power showed that some institutions and civil society are willing to fight to protect democracy. The military admittedly intervened in political life to stop Tandja, but returned to the barracks after a relatively short transition. These gains are certainly still weak. The historically influential military could intercede again in the event of an institutional deadlock. Corruption and impunity remain endemic, and some civil society representatives have been co-opted by the ruling elites. As in Mali, frustration over democratic shortcomings feeds the expansion of an Islamic civil society that is particularly vocal in its criticism; it can represent either a radical, potentially violent protest movement or a peaceful attempt to “re-moralise” public life. Finally, the Tuareg issue has not been fully resolved in Niger, though it appears better managed than in neighboring Mali. Far from being homogenous, Tuareg society is divided along generation, clan and social fault lines; some elites are well integrated into the administration and have little reason to turn against the state, while others raise the specter of a resurgent conflict, out of conviction or to defend their privileged position as middlemen. The population has grown tired of rebellions that have failed to keep their promises, but many youths from the north have few alternatives to trafficking and armed activities. Rather than a security state, the people of Niger need a government that provides services, an economy that creates employment, as well as the rule of law and a reinforced democratic system. President Issoufou should keep the initial focus of his agenda on these goals and recognize that national security and stability depend at least as much on those issues as on narrow counter-terrorism military responses."

ICG, "Côte d’Ivoire’s Great West: Key to Reconciliation," Africa Report N°212, January 28, 2014, http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/212-cote-divoire-s-great-west-key-to-reconciliation.aspx?utm_source=cotedivoire-report&utm_medium=1&utm_campaign=mremail, comments, "Western Côte d’Ivoire’s land, security and identity problems make this vast border territory the country’s most unstable area. Reconciliation has yet to begin there and communal tensions remain acute. Two administrative regions are especially problematic: Cavally and Guémon. Outside Abidjan, these are the two regions where the post-electoral crisis claimed the most victims and which saw the gravest violence. The Ivorian government’s preference for a security clamp-down there, rather than measures to address political and economic problems has done little to address instability, which could provide the spark that reignites the crisis. Since December, the government has taken some steps nationally to lower political tension and promote national reconciliation: these should be immediately extended to these two regions, which remain strongholds of former President Laurent Gbagbo. Since independence, the central government has ignored Cavally and Guémon when distributing the nation’s wealth. These two outlying regions produce a significant proportion of the cocoa that makes Côte d’Ivoire the world’s biggest producer, as well as large quantities of other plant-derived raw materials. Yet they missed the “Ivorian miracle” and have remained undeveloped. Their exceptionally fertile land is both a source of wealth and their main problem. Poorly regulated and subject to fierce competition, land ownership is a recurring cause of conflict. Land is a magnet for migrants, both from other parts of the country and from abroad, who often outnumber those “native” to the area and leave them with a strong sense of dispossession. For a long time, conflicts have been resolved peacefully through local and customary dispute resolution systems. However, the economic crisis, demographic pressures and the spread of a xenophobic political discourse in the 1990s have exhausted these systems. Land conflicts, exploited by the three major political parties that disputed the succession to President Félix Houphouët-Boigny, have increasingly provoked violence between “native” landowners and migrants. The government of then-President Henri Konan Bédié tried in 1998 to resolve the situation by introducing a land code that was never enforced. The war in September 2002 and its aftermath then considerably worsened the conflicts. During this period, the violence that affected the west was worse than anywhere else in
Côte d’Ivoire, bar the capital Abidjan, with large-scale criminality claiming dozens, even hundreds, of victims. This was partly due to Cavally’s and Guémon’s strategic location, not only because they produce cocoa but also because they are at the centre of the transport network that takes the raw material to the coast for export. Whoever controls these two regions also controls the country’s main source of foreign currency. Liberia’s proximity is another aggravating factor. Mercenaries from that country have exported the brutal behavior that characterized the Mano River wars and make regular, deadly incursions into Ivorian territory, taking advantage of the weakness of Liberian and Ivorian armed forces. During the 2011 post-electoral crisis, further massacres took place in Cavally and Guémon. The gravest, with a death toll of hundreds in just a few days, took place in the town of Duékoué. Then, in July 2012, more than one year after the end of the crisis, other violent crimes were committed at the Nahibly camp for the internally displaced, just outside Duékoué. In 2013, several incursions into Côte d’Ivoire by Liberian and Ivorian militia from Liberia claimed further victims and displaced thousands. These recent events proved just how volatile these two regions are, and showed they are likely to be the first to boil over if political tensions increase. At the moment, serious crimes against members of ethnic groups considered to be supporters of former President Gbagbo remain unpunished, which lends credibility to allegations of a two-tiered justice system. The government in Abidjan must shed light on these crimes and take other significant measures to stabilize Cavally and Guémon.

**ICG recommends:** **To the government of Côte d’Ivoire:** 1. Priorities completion of the investigation into the destruction of the Nahibly displaced camp by: a) relaunching the investigation and strengthening the capacities of the Man court responsible for conducting it by assigning several investigating judges to allow the prosecutor to focus exclusively on the Nahibly case; b) calling as witnesses the administrative and security officials on duty in Duékoué at the time of the events and present at the scene of the tragedy; and c) opening the communal graves discovered in March 2013 to establish whether they have any relation to the Nahibly massacre. 2. Clarify the legal status of the Dialogue, Truth and Reconciliation Commission; its mandate ended in September 2013 but its president is still active despite not being officially reappointed to that position. 3. Redefine, in the event of an extension to the commission’s mandate, the roles of the Dialogue, Truth and Reconciliation Commission and the National Social Cohesion Program in order to eliminate overlapping of the two bodies. **To the UN Operation in Côte d’Ivoire:** 4. Provide the Ivorian judiciary with a complete copy of its internal report on the destruction of the Nahibly camp. 5. Expand the so-called legal clinics in Cavally and Guémon to improve access to justice in the two regions. **To improve security:** **To the government of Côte d’Ivoire:** 6. Reorganize security arrangements in Cavally and Guémon by: a) replacing the commissioned and non-commissioned officers who were formerly members of the New Forces rebellion and who are suspected of serious human rights violations in the region, and, more generally, gradually replacing with more neutral elements all personnel who took part in the fighting in the region; b) equipping the security forces stationed on the Liberian border with the transport, communications, health resources and English training necessary to improve communication with their Liberian counterparts; and c) restoring fully the functions of police officers and gendarmes, in particular their remit to conduct criminal investigations, and equipping them with the material resources necessary to proceed with these investigations, including vehicles, properly equipped offices and standard issue weapons, in order to rehabilitate the penal system. **To the government of Liberia:** 7. Strengthen the military presence on the border with Côte d’Ivoire by establishing monitoring stations, especially during the dry season between December and June, when most attacks have been launched from Liberia over the last two years. **To resolve land issues and promote socioeconomic development:** **To the government of Côte d’Ivoire:** 8. Address land problems by changing the 1998 law by: a) amending the law so as to reduce the financial cost of procedures and the associated complex written administrative requirements; b) facilitating and publicizing the distribution of very long leases that preserve landowners’ property rights while allowing tenants to secure long-term occupation of the land; and c) restoring to the water and forest services the resources necessary to monitor protected national parks and forests after the reestablishment of the state’s authority over these areas and the clearance of illegal occupants; as well as making provision for the relocation of such illegal occupants. 9. Launch a special economic development plan for Cavally and Guémon in order to encourage non-agricultural activities and, in this way, lower the pressure on land. **To the National Social Cohesion Program:** 10. Help repair the social fabric by organizing a campaign to help the victims of war and its aftermath, funded by the program’s CFA 7 billion budget, by: a) drawing up an inventory of the hundreds of homes destroyed during the post-electoral crisis, prioritizing the homes of people who fled to Liberia and are still there, with a view to facilitating their return; b)
allocating emergency social aid to the many war widows living in the region; and c) opening forums for dialogue and meetings between communities and supporting local mediation initiatives by opening a permanent office in Duékoué."

In Mali, where the Tuareg revolt in the North began the continuing crisis, and where Tuareg issues are yet to be settled, ICG, "Mali: Reform or Relapse," Africa Report N°210, January 10, 2014, http://www.crisisgroup.org/en/regions/africa/west-africa/mali/210-mali-reform-or-relapse.aspx, cautioned, "A year after the beginning of the French intervention in Mali, constitutional order and territorial integrity have been restored. However, the north remains a hotbed of intercommunal tensions and localized violence as both French and UN forces struggle to consolidate security gains. Expectations for President Ibrahim Boubacar Keïta (IBK) run very high. He is supposed to help elaborate consensus for the future of the northern regions as well as implement reforms to strengthen state institutions. It is time for his government to act beyond declarations of intent. An easy mistake would be to revamp, in the short term, the clientelist system that brought former regimes to a standoff. While the president cannot overhaul the state in a few months, the urgent need to stabilize the situation should not detract from implementing meaningful governance reforms and a truly inclusive dialogue on the future of the country. The opportunity to do so should not be missed. 2013 ended with renewed tensions across the north. Reported incidents include armed banditry, new jihadi attacks, intercommunal violence and frequent clashes between Malian forces and local armed groups. So far these have not led to massive violence but seeds of a more devastating conflict are being planted. Peaceful coexistence between communities remains a distant dream. So far, insecurity has prevented the restoration of state authority and the delivery of humanitarian aid in the north. As a consequence, popular resentment against the government is high, as evidenced by a series of protests in several northern towns, especially Gao. Though the legislative vote was almost incident-free, the situation is worrying, especially in Kidal, in the extreme north, where two French journalists were killed on 2 November and the army fired on civilian protesters on 28 November. The government has been slow to restore basic services in the north as Malian authorities lack resources to do so. Moreover, they have lost the confidence of most inhabitants of these regions, though many of them do not back armed groups' separatist or autonomist plans. To bridge the gap between the government and the population, the newly started rehabilitation programs should focus primarily on providing concrete services. While redeploying in the north, Malian authorities cannot afford to repeat past, unfulfilled promises of change. After the rather quick success of the French military Serval Operation, international intervention is finding it difficult to consolidate its gains in the longer run. France, which is now also involved in the Central African Republic, is not ready to finance, on its own, a long-term stabilization program. The UN force (MINUSMA) has been complementing French efforts to stabilize Mali since July 2013, but an insufficient number of peacekeepers and lack of adequate means cast doubt on its capacities to carry out its mandate alone. More broadly, while security in the Sahel is a regional issue, progress in building regional cooperation has been slow and mutual distrust remains high between Mali’s neighbors. The series of national and regional conferences on decentralization and the future of the north, held in late 2013, is a positive step toward national dialogue. It could possibly lead to more than a political showdown between the government and the armed groups. For that to happen, however, the meetings should be more inclusive, as critics suggest, and result in prompt, tangible actions. For instance, the overdue transfer of state resources to local authorities must be implemented. The regional forums, set as follow-ups to national meetings, should be community-led and not another way to impose Bamako’s top-down decisions. Otherwise, the government’s efforts over the past months will be no more than a communication strategy without any impact on the ground. So far, northern armed groups have refused to attend these meetings, which they say are government-led initiatives with little room for a true dialogue. Despite the recent announcement of their imminent merger in a bid to strengthen their position vis-à-vis Bamako, they are divided over the opportunity to restore links with the government. For its part, the latter seems to have returned to the old clientelist system used by previous regimes to control the north. In the legislative elections, President IBK’s party backed several candidates from or close to the armed groups. The government is rekindling clientelist links with Tuareg and Arab leaders with the aim to divide and gradually weaken the armed groups. This policy is likely to bring short-term stability at the expense of long-term cohesion and inclusiveness, vital for peace and development in the
troubled north. In addition, it has deepened tensions between armed groups, thus increasing the risk of new splinter groups taking up arms. In accordance with the June 2013 preliminary agreement signed in Ouagadougou, inclusive peace talks should take place 60 days after the formation of the new cabinet. This deadline expired at the beginning of November 2013. Contacts between the government and armed groups are still taking place but through informal channels and in an increasingly tense atmosphere. The main bone of contention is the future of combatants. The current uncertainty could threaten the ceasefire. The international community should use its influence and convince the actors that they must respect the provisions of the Ouagadougou agreement. The armed groups must accept disarmament and the full return of the Malian administration in Kidal, which could initially work with MINUSMA to maintain law and order. As for the government, it must show more flexibility and understand that national conferences are not an alternative to truly inclusive talks with all the northern communities, including armed groups. Finally, the focus on the northern region should not overshadow the need to lay better foundations both for the state and for governance. As Crisis Group previously mentioned, the crisis in the north revealed serious dysfunctions that affect the country as a whole. Malian democracy, hailed as a regional example, collapsed suddenly. The country’s new leadership and international partners agree that meaningful reforms are required to break with the past. Some believe that these reforms are too early, too soon for a state still reeling from the crisis. However, it is important not to miss the unique opportunity of implementing an ambitious reform on governance and economic development, supported by a well-coordinated international response. At the very least, bad habits of the past should not resurface.”

ICG Recommends: To ensure security throughout the territory and better protect the populations: To the Malian government: 1. Ensure that the redeployment of the state in the north focuses on resumption and improvement of services (judicial, educational and health) and not only on restoration of the symbols of central authority. 2. Restore trust between state representatives and northern populations, particularly in Kidal, by: a) investigating all potential abuses committed by armed forces against civilians and trying those individuals involved; b) setting up the international investigation committee prescribed by Article 18 of the Ouagadougou agreement as soon as possible; c) ensuring the professionalism and probity of the armed forces deployed in the north, in particular by using trained police forces, rather than the army, to maintain law and order; and d) putting an end to the use of community-based armed groups to restore security in the north. To armed groups in the north: 3. Respect strictly their confinement into barracks as stipulated by the Ouagadougou agreement, or otherwise accept co-responsibility for incidents happening in localities where they still operate. 4. Clarify and update their political demands. To the Security Council and countries contributing troops: 5. Increase without delay MINUSMA’s human and logistic resources, especially airborne capacity, until reaching full capacity. To MINUSMA: 6. Fulfil its civilian protection mandate while remaining neutral to avoid being perceived as a state proxy, especially in the north. 7. Reinforce significantly its presence in the north, especially in towns where security incidents have been reported, and strengthen its patrol capacities, in conjunction with Malian forces, to secure main roads. 8. Secure the return of refugees, including in pastoral areas, through an increased presence outside of urban centers. To the French authorities: 9. Maintain a rapid reaction contingent and intelligence gathering capacities on Malian soil to support the government and MINUSMA. To the African Union, Sahel, West and North African states, the UN special envoy for the Sahel and special representative of the European Union for the Sahel: 10. Help revive regional cooperation for security and economic development, by supporting consultation and decision-making mechanisms to defuse tensions between the countries involved, such as the African Union-backed initiative that regularly gathers heads of intelligence services of the region. To promote peace and reconciliation: To the Malian government: 11. Capitalize on the dialogue initiated since the Ouagadougou agreement by: a) opening inclusive peace talks with representatives of northern communities, including the armed groups that signed the agreement; b) opening, as soon as possible, discussions on disarmament and the future of combatants; c) showing flexibility in organizing negotiations so as to hold meetings outside Bamako, including in major northern cities; and d) refraining from setting decentralization as the only acceptable basis for negotiations, being open to other institutional arrangements, and implementing measures to facilitate dialogue. 12. Pursue and strengthen a sustainable national reconciliation policy by: a) making sure the dialogue is held at the grassroots level rather than imposed by the state, and setting up regional and local forums as follow-up measures to the recent national conferences; b) showing determination to continue discussions and to implement the recommendations of these forums, by linking them directly to a political decision-making process; and c) clarifying the mission and functioning of the Dialogue, Truth and Reconciliation Commission, adding to its
prerogatives a fact-finding mission on crimes committed since 1963. To MINUSMA, ECOWAS, witnesses to the Ouagadougou Agreement (AU, EU and the Organization of Islamic Cooperation) and the French government: 13. Continue to facilitate negotiations maintaining a neutral position as between the government and armed groups. To initiate a meaningful reform of the state and governance: To the Malian government: 14. Show capacity to implement long-lasting state reforms through immediate, tangible actions mainly by: a) continuing, in the short-term, to enforce discipline and a strict respect of hierarchy within the armed forces and undertaking a long-term reform of the security sector in collaboration with the EU training mission in Mali (EUTM); b) implementing short-term measures to restore public services in the north and throughout the country; c) implementing, in the longer term, the main recommendations of the general meetings on decentralization, steering clear of the pitfalls of an ill-prepared decentralization; d) facilitating, without delay, judicial action against corruption, and quickly highlighting the first results of such action; and e) putting in place a longer-term policy to restore the capacities and independence of the justice system. To Mali’s partners and donors: 15. Review fully the failures of past aid policies, taking into account their own responsibilities as well as those of Malian leaders. 16. Coordinate their actions, especially through the creation of frequent donor forums to define an aid policy tailored to the country’s limited absorption capacities. 17. Put in place mechanisms to ensure a better monitoring of aid disbursement and to significantly reduce embezzlement. 18. Help the government set priorities and plan decisions while focusing on tangible actions to restore public services and economic development across the country and not only in regional capitals."

As the fall of 2013 unfolded, increasing warfare between Sudan's two major ethnic groups developed, splitting the government, and, in the beginning of 2014, causing a huge humanitarian crisis in the deteriorating situation as rebel armies moved into several cities causing many thousands of civilians to flee - huge numbers of them overwhelming UN aid stations and other facilities. As the fighting raged, on January 4, following intense pressure, peace talks between the two sides began in Ethiopia (Nicjolaos Kulish, "South Sudan and Rebels Open Peace Talks," The New York Times, January 4, 2014, http://www.nytimes.com/2014/01/05/world/africa/south-sudan.html?ref=todayspaper). A hopeful sign has been that the governments of Sudan and South Sudan, both of whom are suffering from an interruption caused by the fighting in the south of oil production in South Sudan that is shared by both countries, have been discussing ways to end the fighting in the south, including possible joint patrols (Isma'il Kuskush and Nicholas Kulish, "High Stakes for Sudan in the South’s Conflict," The New York Times, January 6, 2014, http://www.nytimes.com/2014/01/07/world/africa/high-stakes-for-sudan-in-the-souths-conflict.html?ref=todayspaper). However, fighting continued, and continued to expand toward total civil war, so that by January 9, 2014, there were estimates that the death toll might have reached 10,000, though some commentators thought that was too high, and perhaps 60,000 refugees are crowded around UN aid centers, while it will be a few months before a significant number of additional UN peacekeepers can arrive (Carlotta Gall, "New Estimate Sharply Raises Death Toll in South Sudan," The New York Times, January 9, 2014, http://www.nytimes.com/2014/01/10/world/africa/new-estimate-sharply-raises-death-toll-in-south-sudan.html?ref=todayspaper).

EarthRights International, "Tanzanian Maasai Villagers Win Fight For Information about Land-Grabs and Forced Eviction against Luxury Boston Safari Company," Survival International, April 23, 2014, http://www.culturalsurvival.org/news/tanzanian-maasai-villagers-win-fight-information-about-land-grabs-and-forced-eviction-against, reports, "A high-end safari operator must turn over documents and testimony about alleged land-grabbing and violence to the leaders of three Maasai villages in Tanzania, according to an order issued on April 18, 2014 by a federal magistrate judge in Boston. The villagers, assisted by EarthRights International (ERI), petitioned to receive this evidence in order to support their fight in the Tanzanian courts to recover land that they lost to Thomson Safaris and damages for violent abuses and property destruction. The villagers’ struggle with Thomson began in 2006, when Tanzania Conservation Ltd. (TCL) acquired 12,617 acres of land known as Sukenya Farm that originally belonged to the Maasai communities of Mondorosi, Soitsambu, and Sukenya. TCL is owned by the same American businessmen as Thomson Safaris, a Watertown-based company that runs luxury tours on the disputed property, which it has developed into a private
nature reserve. According to the lawsuit in Tanzania, company security guards and police officers burned Maasai homes and beat villagers who tried to gain access to the land. TCL’s occupation of Sukenya Farm – which the villagers believe to be illegal – has blocked the Maasai communities from vital water sources and contributed to their impoverishment. Under the court order, Thomson Safaris and its owners, Rick Thomson and Judi Wineland, will turn over documents and give sworn testimony about the sale of Sukenya Farm, the alleged home burnings and beatings, and the conversion of the land from Maasai grazing territory to a deluxe private reserve. "We believe the evidence will show that TCL and its owners knew they were buying the land illegally, and that they were complicit in the abuses the Maasai communities suffered," said Rashid Salim Rashid, who represents the villages in their lawsuit in Tanzania, with support from Minority Rights Group. “This is a big day for our communities,” said Daniel Ngoitiko, elected councilor of Soitsambu Ward. “The court’s decision means that U.S. companies can’t come to our home, steal our land, and abuse our people without facing accountability in their own home.” Friday’s decision was issued under 28 U.S.C. § 1782, a law that allows people to obtain documents and information from individuals or companies in the United States to support foreign legal proceedings. [That’s exactly why this law exists: so that people and companies in the U.S. can’t hide information about the wrongs they commit abroad,” said ERI Staff Attorney Marissa Vahlsing. Under the court order, Thomson Safaris and its owners must turn over all documents by May 9 and give sworn testimony before the end of June." For more information contact: Marissa Vahlsing (USA), +1 (202) 466 5188 x111, marissa@earthrights.org Lucy Claridge (UK), +44 7866 741922, lucy.claridge@mrgmail.org.

"Campaign Update– Kenya: Legal Battle in Samburu Continues," Cultural Survival, April 10, 2014, http://www.culturalsurvival.org/news/campaign-update-kenya-legal-battle-samburu-continues, reported, "On April 7, 2014, in a magistrate courtroom in Nanyuki, Kenya, Samburu community members and their supporters battling for their land rights in Laikipia went head to head with African Wildlife Foundation (AWF), President Moi, and Kenya Wildlife Service (KWS) as they attempted to restore the criminal case against the Samburu tribe. Those in attendance were a number of Samburu elders, Lempaa Suyianka for Katiba Institute, Ngigi for Prof Yash, and Carol Mbunga for Kituo Cha Sharia. Katiba lawyers had applied for the cease of the criminal case against Samburu community members arrested earlier this year. AWF, President Moi, and KWS replied last minute with an affidavit in order to deny the community lawyers time to adequately respond to several issues that misled the court, such as follows. The defendants portrayed Katiba Institute as if they had no business in the case when they have been relevant in the proceedings long before KWS was involved. False assertions were made by the defendants that the case was concluded by Justice Sergon, however these were dismissed by the presiding judge stating that the file was forwarded to him to decide how to proceed. The defendants claimed the arrested members of the community were not part of those protected by the court but this allegation was refuted when it was proven that the incarcerated are members of those families listed as protected. The defendants also tried to mislead the judge by claiming that there have been no community members inside the suit land since the status quo orders were issued and that the community is invading a private property. To counter this statement the judge read the order which states clearly that the community has been living in the suit land and that they should remain there until the case is heard and determined. These attempts to mislead the court were unsuccessful and AWF, President Moi, and KWS representatives left the courtroom visibly frustrated. As a result of the late replying affidavit by the defendants, the hearing has been postponed until May 2, 2014. The court concluded that the community lawyers reply to the affidavit and have fully typed proceedings within that time." The Samburu community has been a long struggle for its lands, which they claim were taken illegally, "Campaign Update– Kenya: Samburu Communities Suffer Continued Harassment," Cultural Survival, reported, Katiba Institute, established to promote the understanding and implementation of Kenya’s new constitution, has reported that there has been an increase in human rights violations in the Samburu communities of Laikipia, Kenya. On February 26, 2014 eleven elders were arrested and taken to Ngare Ngiro police station. They were detained for two days before being released. During their detention they were told to pay Kshs 10,000 each to secure their release. They refused. Between the 27th of February and the 14th of March a Kenya Wildlife Services (KWS) warden fired at herders as a last warning to leave the territory or be killed; KWS rangers forcefully took and slaughtered three sheep; KWS rangers went around all the manyattas (Samburu settlements) demanding Kshs 3,000 from each boma (livestock enclosure) or they would be arrested. On March 13th, nine elders were arrested.
charged on trumped up charges alleged to have contravened a wildlife act, and given bail of Kshs 300,000. On March 17th KWS rangers confiscated a motorbike from an elder and robbed him of Kshs 1,700. Katiba Institute has assisted with research, preparation of submissions, as well as litigation strategies in support of the Samburu as they pursue an adverse possession claim on their traditional land in an attempt to recover it from the African Wildlife Foundation (AWF) and Kenya Wildlife Services (KWS). Katiba Institute hopes to bring these new incidents to the attention of the High Court so the human rights violations and abuse of the court process will be stopped. The institute hopes this will lead the AWF, KWS and MOI to respect the court order; KWS to vacate the land in question until the case is settled; and for the organizations to compensate for loss of property, illegal arrests, and detention.During the last week of February, a meeting organized by The Nature Conservancy (TNC), AWF, President Moi, and KWS and the neighboring private ranches which include OLPejeta conservancy at a newly build Mutara Ranch Lodge next to the suit land and hatched this new scheme to get the community out of the suitland."

"Campaign Update– Kenya: Narasha Community Living in Uncertainty with Fresh Threats of Displacement," March 14, 2014, http://www.culturalsurvival.org/news/campaign-update-kenya-narasha-community-living-uncertainty-fresh-threats-displacement#sthash.dale0fDB.dpuf, reported, "After being in the cold for over five months courtesy of government-sponsored forced evictions and because of broken promises for compensation from the Kenyan President and his deputy, the Maasai community of Narasha is living with uncertainty for the future. According to community leaders, the current actions by KenGen and the committee appointed to look into ways of settling the dispute and compensate those whose houses were razed down by fire in July 2013 leaves a lot to be desired. On its part, the World Bank Kenya country office had called for a meeting in November 2013, but to date the community has not received any feedback on the promises the Bank made to the community of investigating the events that led to the forced evictions in July 2013. KenGen, on the other hand, has now carried a census, an assessment of the loses that the community incurred during the evictions, and has promised compensation but conflicting reports keep on emerging. Shamelessly, some non-community members, KenGen, and government employees who are not Maasai and did not lose anything by virtue of not being residents of Narasha are said to have included themselves as beneficiaries of the proposed compensation plans. According to the local community, the people of Narasha lost properties worth Ksh. 82 million ($950,000 USD), over 2,300 people were displaced, 247 homesteads and over 200 sheep burnt. This figure is being contested by KenGen which apparently had initially denied any involvement in the forceful eviction. Ever since the evictions and displacement of the community, neither the government, the World Bank, nor KenGen has supported any emergency action in the community. The only support the community has received so far is that from local friends, churches, and the Red Cross who supplied tents. Recently, Infinity Church, based in Fountain Inn, South Carolina donated blankets to the community to keep the families warm during the cold weather. The current plans put in place by KenGen to identify alternative land to resettle the community and threats to some Narasha community leaders are clearly indicating that KenGen with support from bilateral donors including the World Bank is committed to ensuring that the Maasai community in Narasha is finally forced out of their ancestral lands to give room for the expansion of geothermal projects in Narasha. The inertia by the presidential committee has also not shown good faith in that the information that the local Maasai community has is censored and therefore not helpful. The Narasha Maasai community is currently seeking help to file yet another case in court but due to the losses they incurred during the eviction they are seeking pro bono help. For more information contact Ben Koissaba (bkoissaba@gmail.com)."

Forest People's Program, "Imminent Forced Eviction by Kenya Threatens Indigenous Communities' Human Rights and Ancestral Forests," January 8, 2014, http://www.culturalsurvival.org/news/imminent-forced-eviction-kenya-threatens-indigenous-communities-human-rights-and-ancestral#sthash.IYMfHtvv.dpuf, reported, "The Kenyan government has sent police troops to Embobut forest area (in Elgeyo Marakwet County, Western Kenya) to forcefully evict thousands of the indigenous inhabitants of the Sengwer and Cherangany communities from their ancestral forestlands. The eviction is expected to commence as early as tomorrow. Reports from community members in Embobut tell of a chaotic situation, as people are threatened and are
fleeing their homes with their children and belongings in fear of their safety. 150 police and forest guards including also 30 General Service Unit riot police are massing to carry out the evictions from the three locations of Tangul, Kipsitono and Maron near the forest. More troops may join. Such a forced eviction would not only be a severe violation of the Kenyan Constitution and international law on human rights, and on biodiversity conservation and sustainable use, but would also be in contempt of an injunction secured at the High Court in Eldoret which forbids any such evictions until the issue of these communities rights to their land is resolved. Article 63 (d) of the Kenyan Constitution recognizes the rights of communities to own ancestral lands traditionally occupied by hunter-gatherers. An International Appeal from environmental and human rights organizations from Kenya, Africa and all around the world highlights this violation of these communities’ rights. The Appeal was sent on Monday to the Kenyan President and Government as well as to the United Nations authorities concerned with Human Rights and biodiversity, in order to protect the rights of the indigenous communities. The forced eviction of these indigenous communities is illegal - and even more so if it is carried out through violent acts such as the burning of homes, school uniforms, books and means of livelihood. Such forced evictions have been carried out repeatedly (most recently in May 2013 despite the interim injunction), but this time the Government is serious about permanently removing communities (and this, despite not having undertaken any meaningful attempt to secure peoples free prior and informed consent to such a process). Evicting these indigenous communities of Embobut against their will from their ancestral lands would be a severe human rights violation. One that the government has tried to justify through public misinformation: While the government says that all people to be evicted – including the indigenous inhabitants of the area - are ‘squatters’, the indigenous inhabitants of the area are the opposite of 'squatters'. While the government claims it is evicting the indigenous communities in order to protect the forest biodiversity, Kenya’s official commitments (internationally recognized by the CBD, IUCN, etc.) require the state to secure the forest biodiversity by supporting – not destroying - practices adapted to its local regeneration, including the practices of indigenous communities which have sustained their ancestral forests for centuries.\(^{(1)}\) The government says it has given compensation for the ‘evictees’, but it is recognized internationally and under the Kenyan Constitution that due compensation for evicting indigenous communities from their ancestral lands requires due procedures of consultation and the free, prior and informed consent (FPIC) of the indigenous communities. Such consultation has not been undertaken, and such consent has not been given. Instead, there has been conflicting advice from Government authorities with some saying (off the record) that the money is given as compensation for the harm caused by past evictions and burnings of homes; while others saying (on the record) that all inhabitants have to leave. If some indigenous inhabitants have accepted compensation for the past harms they suffered in the earlier violent and harsh displacements that certainly does not mean agreement to being forcibly evicted again.\(^{(2)}\) Instead of evicting indigenous communities from their ancestral lands without due consultation, consent and legally approved compensation the government needs to sit down with the communities to find a way of protecting their rights to care for their forest lands in compliance with their traditional indigenous knowledge, innovations and practices and through that to support them to protect their forest. This is required by Kenya's constitution, including in constitutional provisions that make Kenya’s commitments under international law an integral part of the law of Kenya. This includes laws in the UN and African regional human rights systems, as well as relevant law on conservation of biodiversity and environment. The State is responsible for respecting the life, culture, will and knowledge of Embobut's indigenous communities, whose life has been adapted through centuries to gain their livelihoods from the regeneration of the Embobut forests and from respecting and protecting these forests on which they depend. The forced eviction in Embobut would violate not only the rights of the indigenous communities, but also the many human rights of other vulnerable inhabitants of the area. It is also wrong to treat as illegal 'squatters' those people who have moved into Embobut because they have lost their homes from the effect of landslides or due to past electoral violence, and who therefore have had no place to live. The government is responsible for securing the safety, homes, livelihoods and human rights of these already displaced vulnerable victims as well. This requires much more than giving them a small amount of money and blaming them for not surviving on it. In conjunction with the authorized UN agencies and international community, but above all through dialogue with the communities themselves, the government and Parliament can duly fulfill Kenya's constitutional and international obligations on indigenous communities' rights, and on their continued conservation and sustainable use of the biodiversity of their ancestral forest lands (see the Appeal). The government needs to determine with all the inhabitants who is willing to leave
(and on the basis of what financial or other support), and who is willing to stay (and what sustainability bylaws they wish to codify to ensure their continued use of their forest lands is sustainable for themselves and their future generations)." Further information: Forest Peoples Program web page on the urgent appeal against the forced eviction of Sengwer/Cherangany communities in Kenya: http://www.forestpeoples.org/topics/rights-land-natural-resources/news/2013/12/urgent-appeal-against-forced-eviction-sengwerchera. Background information: How the World Bank is implicated in Embobut Evictions: http://www.forestpeoples.org/sites/fpp/files/news/2013/12/How%20the%20World%20Bank%20is%20implicated%20in%20forced%20evictions%20in%20Embobut%20Forest.pdf.

- Timeline of events relating to the forced eviction of Sengwer communities from the Embobut Forest area of the Cherangany Hills, Kenya:

The Guardian: Kenyan families flee Embobut forest to avoid forced evictions by police http://www.theguardian.com/global-development/2014/jan/07/kenya-embobut-forest-forced-evictions-police. For more information, please contact: Justin Kenrick - justin@forestpeoples.org (and copy in tломакс@forestpeoples.org and gemma@forestpeoples.org), Ville-Veikko Hirvelä – villeveikko1@gmail.com.

Notes and references:
1. The approach to conservation that involves evicting indigenous and local communities rather than consulting and supporting them has long since been discredited as counterproductive, unjust and illegal. Evicting communities who have protected their forests for centuries is part of the discredited ‘Fortress Conservation’ approach that has enabled outsiders to benefit from forest destruction. IUCN - the world’s pre-eminent conservation body (to which the Kenyan Government belongs) – stresses the ‘New Conservation Paradigm’. This scientifically proven, effective and just approach to conservation supports ancestral communities to continue protecting their forests and biodiversity.

2. On November 15th 2013 the President, Deputy President and County Senator (Senator Kipchumba) visited Embobut and the President promised 400,000 Kenyan shillings per family to what he called the ‘Evictees’ to move out of the forest[1]. On December 12th 2013, the Elgeyo Marakwet County Commissioner, Mr. Arthur Osiya, said that “The Evictees were given the cash and have no reason to continue staying in the forest. By January 3rd 2014, we expect all squatters out of that forest” (Saturday Nation, December 14, 2013, page 22).

However, the 400,000 Kenyan shillings would buy the equivalent of 4 cows or one or two acres of land in Trans Nzoia District. It is therefore both completely inadequate for enabling families to secure their livelihoods and thus hotly disputed, but not just by those who say it is insufficient or given to the wrong people, but more importantly because people were not consulted and their consent has not been secured, instead they were given no choice but simply told they are to be evicted.

Even where a financial compensation may be an appropriate way of helping landslide victims and victims of electoral violence (who would not be in Embobut Forest if it wasn’t for those events) to restart their lives (if that is what they choose), it is completely wrong to seek to move the indigenous Sengwer and Cherangany communities from their ancestral lands on which they depend for their cultural, social and physical existence.


"Landmark victory for the Ogiek," Survival International March 31, 2014, http://www.survivalinternational.org/news/10119, reported, "After eighteen years of struggle, the Kenyan courts have finally ruled in favor of the Ogiek, one of Africa’s last hunter-gatherer tribes. Hundreds of families were evicted nearly two decades ago from their ancestral lands in the Mau Forest, and the court has recognized that this violated their constitutional right to life. However, several concerns have been raised about the ruling. The court did not recognize the Ogiek as the indigenous inhabitants of the Mau Forest and it did not guarantee that they would be able to return to their lands. The Ogiek must now
await the decision of the National Land Commission. The extent to which the ruling will be respected is also unclear, since the Kenyan government has in the past ridden roughshod over various court orders. The government continued to violently evict the Ogiek, despite the 2013 interim ruling of Africa’s top human rights body, the African Commission on Human and Peoples’ Rights. It also violated a High Court ruling by evicting the neighboring Sengwer tribe from their lands in the Cherangany Hills. The Kenyan authorities have already filed an appeal, claiming that the Ogiek did not demonstrate that their constitutional rights were violated. Meanwhile, the Ogiek’s case at the African Court on Human and Peoples’ Rights in Arusha continues. The judgment was postponed last month."

In the continuing struggle over Herakles Farms palm oil project in Cameroon, in addition to the above in Indigenous Activities, "Campaign Update—Cameron: Herakles Farms Ordered to Pay $4.8 Million in Racial Discrimination Compensation," March 10, 2014, http://www.culturalsurvival.org/news/campaign-update-cameron-herakles-farms-ordered-pay-48-million-racial-discrimination, reported, "A Cameroonian judge in the Fako High Court has awarded former Herakles Farm employee Loxly Massango Epie 2.3 billion CFA (4.8 million USD) in a lawsuit claiming racial discrimination and wrongful termination of his contract of employment against the US-based palm oil company Herakles Farms. Herakles Farms, which is affiliated with the massive Herakles Capital, was granted 20,000 hectares of the 73,000 hectares of forest it requested from the Cameroon government in November 2013 to convert into oil palm plantations. The company has faced strong criticism nationally and internationally for the harmful effect it will have on the forest, wildlife, and nearby population and also for the deceitful ways in which they have obtained the land. Loxly Epie was hired in August 2012 with credentials that surpassed those required for the position as Vice President in Charge of Finance and Office Operations at the company’s local subsidiary Sithe Global Sustainable Oils Cameroon (SGSOC). According to the representative of Herakles Farms, alongside his qualifications, another motivation for the employment of Epie was that he is Cameroonian and would therefore better understand and value the socio-economic and political environment where they are operating and making huge investments. On January 23, 2013 Epie was dismissed from the position over several unsupported reasons to be replaced by an admittedly unqualified Australian. In December 2013, trial judge Justice Valentine Chi ruled that the evidence given in court shows a blatant act of racial discrimination and has granted Epie the sum on the grounds of general and specific damages for wrongful dismissal. Other than issues of racial discrimination, Herakles Farms has again been shown to be using intimidation, bribery, and lies to continue to push forward with its palm oil project. There are approximately $30 million of claims against Herakles Farms now at the Fako High Court that they are reportedly attempting to bribe their way out of. There are also reports that Herakles Farms has been defrauding the Government of Cameroon with tax revenue by not declaring all of their employees in their income tax returns to the Government. These incidents add to Herakles Farm’s long legacy of unethical behavior in Cameroon."

"Campaign Update-- Ethiopia: US Withdraws Funding from Land Grabbing in Ethiopia," Cultural Survival, February 12, 2014, http://www.culturalsurvival.org/news/campaign-update-ethiopia-us-withdraws-funding-land-grabbing-ethiopia, reported, "After Cultural Survival supporters sent thousands of emails via our and other websites to the US government to urge it to cease funding the forced eviction Ethiopia’s Indigenous Peoples from their lands, the US government took a stance this year in the 2014 Omnibus Appropriations Bill. The bill provides that no US funds can be used to finance forced evictions and land grabbing, which to date have displaced tens of thousands of people in the Gambella region alone and which, according to the Oakland Institute, threaten to displace a total of 1.5 million across Ethiopia. The bill’s provisions, while unable to put an end to the Ethiopian government’s devastating practices on their own, signal the US government’s will to withdraw its support for such activities. The bill states, “Funds appropriated by this Act…in the lower Omo and Gambella regions of Ethiopia shall (A) not be used to support activities that directly or indirectly involve forced evictions; (B) support initiatives of local communities to improve their livelihoods; and (C) be subject to prior consultation with affected populations. The bill goes even further, stating, “The Secretary of the Treasury shall instruct the United States executive director of each financial institution to oppose financing for
any activities that directly or indirectly involve forced evictions in Ethiopia.” Additionally, funds available for support of military and police are only available on the condition that “such assistance is not provided to military or police…that have violated human rights” and that steps [be] taken by the Government of Ethiopia to investigate and prosecute members of the Ethiopian military and police” who may have violated human rights. The inclusion of such language is a victory for the Anuak peoples of Ethiopia’s Gambella region, whose lands and cultures Cultural Survival’s campaign targeting US aid to Ethiopia aimed to protect. For a country that receives the most foreign aid—over $3 billion per year—of any nation in Africa, the explicit prohibition of using a significant portion of that aid for human rights abuses may have an impact on policy and at the very least on the capacity of Ethiopia to perpetrate those abuses."

"Concern mounts over humanitarian crisis in Lower Omo, Ethiopia," Survival International, March 24, 2014, http://www.survivalinternational.org/news/10094, reported, "Politicians in Europe and America are adding their voices to the international concern about the Gibe III dam and associated irrigated plantations. The projects will have a catastrophic impact on one of the most culturally and biologically diverse places on earth. The Lower Omo river valley in Ethiopia and Kenya’s Lake Turkana are home to 500,000 tribal people and renowned UNESCO World Heritage sites on both sides of the border. Italian MEP Andrea Zanoni has asked questions in the European Parliament about the human rights violations surrounding the projects. He has also addressed the involvement of the Italian company Salini Costruttori, which is building the Gibe III dam in the Lower Omo. Lord Jones, a British parliamentarian, has asked questions in the UK Parliament about the use of funds provided by the Department for International Development (DfID) in these forced evictions. Mark Durkan, a British Member of Parliament, has also written to DfID directly on the subject. International Rivers has released a video that illustrates how the Gibe III dam, together with the associated sugar, cotton and palm plantations, poses serious hydrological risks to the region. The projects will also have extreme human costs, by destroying the fisheries, grazing grounds and sophisticated farming systems on which the region’s indigenous inhabitants depend. Human Rights Watch has created a set of compelling infographics using satellite imagery, which shows the rapid rate at which these landgrabs are taking place. Survival and other NGOs have repeatedly denounced the forced eviction of hundreds of Bodi and Kwegu from their homes into resettlement camps, as the government seizes their best agricultural lands to convert into large-scale commercial sugar cane plantations. International donors such as the United States Agency for International Development (USAID) and DfID have repeatedly failed to act, despite receiving consistent accounts of serious abuses in the region. However, the US Congress last month exposed USAID’s cover-up of the situation by legally requiring that US taxpayers’ money not be used to fund forced resettlements in Lower Omo. The British government, however, has yet to introduce similar safeguards and to explain if and when it will apply its ‘Good Practice Guidelines and Principles Regarding Resettlement.’

"‘AIDS and beer’: BBC finds despair in Bushman resettlement camp," Survival International, January 8, 2014, http://www.survivalinternational.org/news/9880, reported, "A BBC report has found Botswana Bushmen living in desperate conditions more than a decade after they were evicted from their ancestral land in the Central Kalahari Game Reserve (CKGR). BBC reporter Pumza Fihlani travelled to New Xade resettlement camp in central Botswana, where many Bushmen remain despite a 2006 High Court ruling upholding their right to return home. Fihlani reports that Bushmen she met with felt ‘lost’ and were ‘treated like dogs’ by government forces, who have made it impossible for the
Bushmen to leave the resettlement camps. The once nomadic hunter-gatherers have been forced into a sedentary life previously unknown to the tribe. As a result, alcoholism and AIDS are now rife in the resettlement camps. The CKGR Bushmen were deported from their land by the government in three separate waves of evictions in 1997, 2002 and 2005. In 2006, the Bushmen won a historic court battle, recognizing their right to return to the reserve. However, echoing South Africa’s Pass Laws which separated black families under apartheid, the majority of the Bushmen are now forced to apply for a one-month permit to enter the reserve. Children visiting their parents in the CKGR are threatened with prosecution and imprisonment if they overstay their permit. Goiotsone Lobelo, a Bushman woman, told the BBC, ‘I miss my home and the way we lived. Life was easy, there were lots of fruits, animals and there were no bars and no beer. Now we are lost’. ‘We are getting AIDS and other diseases we didn’t know about; young people are drinking alcohol; young girls are having babies. Everything is wrong here,’ her sister Boitumelo said. Roy Sesana, a Bushman leader who has been at the forefront of the campaign for the Bushmen’s rights, told Fihlani, ‘We are worried that in the future, there will be no-one who would be able to practice the Bushman culture unless they are parading in front of tourist for companies who are using them for business’. Survival International is calling for an international boycott of tourism to Botswana until the government allows the Bushmen to return home, and upholds their constitutional and internationally recognized human rights” (See discussion of aspects of this in International Activities, above).

As violence continues in China's Xinjiang province, where the Uighur ethnic minority is discriminated against, police reported that they ambushed and killed eight Uighur armed terrorists in mid-February (Chris Buckley, "Police Kill 8 Uighurs as Cites a Terrorist Ambush," The New York Times, February 14, 2014, http://www.nytimes.com/2014/02/15/world/asia/police-kill-uighurs-as-china-cites-a-terrorist-ambush.html?ref=world). Chris Buckley, "Differing Accounts of Recent Violence in Xinjiang," The New York Times, February 17, 2013, http://sinosphere.blogs.nytimes.com/2014/02/17/china-details-bombing-attack-by-uighur-gang/?_php=true&_type=blogs&ref=world&_r=0, reported, "The ethnic polarization troubling the northwestern Chinese region of Xinjiang has brought a grim succession of bloody incidents pitting Uighurs against security forces – and has also been echoed in the vastly different interpretations from the government and from advocates of Uighur self-determination that invariably follow those incidents. The latest bloodshed has followed that pattern." Chinese officials assert that an Uighur scenarist attack took place, February 14, in Wushi County, Aksu Prefecture, when a gang with bombs made from gas cylinders attacked a group of police officers. The police say they shot and killed eight of the gang members, and another three of the attackers died in an explosion they set off, while two police officers and two local residents were injured. Advocates of Uighur self-determination counter that the Chinese authorities’ own overbearing security measures have fueled primitive convulsions of violence by dispossessed Uighurs, while government has distorted and exaggerated the ethnic violence to undermine legitimate Uighur demands. The World Uyghur Congress, with headquarters in Munich that campaigns for self-determination for Xinjiang (and uses an alternative spelling of Uighur), commented that the government’s account of bloodshed in Wushi County had followed that pattern, saying, “This type of killing has become an increasingly common occurrence or even ‘standard operating procedure’ for the Chinese government.” “This latest incident illustrates a recent trend of state-sponsored violence used to quell Uyghur dissent, whereby authorities ignore due process of the law, shoot and kill Uyghurs, label them terrorists and then use counterterrorism to justify the unlawful killings and further repression in the region.” With an increase in attacks by Uyrgars resisting official discrimination and repression, in the capital of Xingjiang province, in May, 2014, Chinese authorities increased patrols (“Armed Patrols,” The San Francisco Chronicle, May 13, 2014). Then, at the end of May, China began to take more draconian steps against the Uyrgars. Edward Wong, "China Moves to Calm Restive Xinjiang Region," The New York Times, May 30, 2014, reported, As the Communist Party struggles to tamp down a deadly wave of ethnic violence in Xinjiang, the Chinese leader, Xi Jinping, has called for tighter state control over religion and for better assimilating Uyrgars into Chinese
society, including moving more Uighurs from Xinjiang to other parts of China, where they can live among the Han, the nation’s dominant ethnic group. Mr. Xi spoke at a two-day work session on Xinjiang in Beijing, attended by the party’s top officials. He said the party and the state should establish “correct views about the motherland and the nation” among all of China’s ethnic groups, so that people of every background will recognize the “great motherland,” the “Chinese nation,” “Chinese culture” and “the socialist path with Chinese characteristics.”

Human Rights Watch reported, in late March, that 409 people, believed to be Uighars fleeing the violence in their region of China, had been detained by Thai officials after entering Thailand (Edward Wong, "Thais Detain More Migrants Believed to be Ethnic Uighurs," The New York Times, March 25, 2014).

With an increase in attacks by Uighurs resisting official discrimination and repression, in the capital of Xinjiang province, in May, 2014, Chinese authorities increased patrols (“Armed Patrols,” The San Francisco Chronicle, May 13, 2014). Even teaching Uighar language has become repressed by the government, as three Uighars who started a Uighar language school were arrested by Chinese authorities, in August 2013, for “illegal fundraising” for seeking financial support for the school (Andrew Jacobs, “A Devotion to Language Proves Risky,” The New York Times, May 12, 2014).

"India: tribes face harassment and eviction for “tiger conservation,” Survival International May 13, 2014, http://www.survivalinternational.org/news/10239, "The Khadia were evicted from their homeland inside Similipal Tiger Reserve in December 2013. They are now living in dire conditions under plastic sheets and have not received the compensation they were promised. Survival has received disturbing reports that several tribal villages are facing imminent eviction from Tiger Reserves in Odisha in eastern India, despite the villagers’ desperate appeal to stay on the land and to involve them in protecting the forest. Testimony obtained by Survival shows that tribes in Similipal Tiger Reserve, who have been living with the forest’s wildlife for generations, are determined to stay on their land, but have been facing years of harassment and pressure from forest guards to force them out of the reserve. A Munda man from Jamunagarh, one of the villages slated for eviction, told Survival, ‘We are very much dependent on the forest…We don’t have any conflict with the wildlife. We don’t hunt or cut down trees. If we leave we will face a lot of hardship… Please don’t displace us!’ In potential breach of the law, wildlife authorities in Odisha are determined to clear ‘core areas’ inside Tiger Reserves of all human habitation. Three out of six villages have already been removed from Similipal and eviction plans are currently underway in the neighboring Satkosia Tiger Reserve. During the most recent eviction from Similipal in December 2013, 32 families of the Khadia tribe were moved to a resettlement village outside of Similipal and only received a fraction of the compensation they were promised. Sheltering under plastic sheets on a tiny patch of land, the tribe is now entirely dependent on government handouts for their survival. Local media reports heralded the December eviction as a ‘major success’ which will make further relocations ‘easy’. But Munda from Jamunagarh were horrified by conditions at the resettlement site, saying, ‘We have been there. Seeing their condition made my heart cry. Please don’t displace us.’ According to Indian law, the villagers’ consent needs to be obtained and their claims to their forest land processed before such resettlements can go ahead. But their rights are ignored and communities are worn down with harassment and promises of money, food, livestock and land – most of which never materializes. As the original conservationists, tribal peoples inhabit the world’s most biologically diverse regions – and it is often because they have protected their fragile environments that the wildlife has managed to survive. But India’s
authorities seem intent on creating human-free zones inside tiger reserves around the nation. Survival’s Director Stephen Corry said today, ‘Tribal peoples are usually the best conservationists. In spite of this, in many places around the world they are being illegally evicted from their lands in the name of ‘conservation’. Nowhere is this more blatant than in reserves where people who have lived alongside wildlife for generations are kicked out to make way for busloads of tourists and the roads and infrastructure they demand. It’s not about conservation, it’s about others profiting from tribal lands.’” "Similipal was declared a tiger reserve in 1973. In several evictions between 1987 and 2013, three out of six villages were removed from Similipal’s core zone. The remaining three villages Jamunagarh, Kabatghai and Bakua are currently resisting eviction."

"Dongria Kondh boycott Indian elections over police harassment," Survival International, May 7, 2014, http://www.survivalinternational.org/news/10225, reported, "The Dongria Kondh tribe has boycotted the Indian general elections in protest at growing police harassment and the arrests of their leaders. Over 30 cases are currently pending against Dongria and Majhi Kondh people who were actively involved in resisting an open-cast mine by British mining giant Vedanta Resources, and a Vedanta refinery on the tribes’ land. Jilo Majhi – a prominent member of the Niyamgiri Suraksha Samiti (‘Save Niyamgiri Organization’) – was detained in jail by police for over 20 days. He has since been released on bail and faces a High Court hearing this summer over a case which dates back several years. The election boycott demonstrates the Dongria’s courageous stand against their treatment by the police, as many members of the tribe were reportedly keen to cast their vote against a local administration that strongly backed Vedanta’s mine. The Dongria reportedly said, ‘If the State does not solve our problems, why would we believe in democracy and electoral politics.’ In August 2013, the Dongria were given the unprecedented opportunity to choose their own future in what became known as India’s ‘first environmental referendum’. During village consultations, the Dongria expressed their unanimous opposition to Vedanta’s mine. The mine was finally blocked by the central government in January 2014, after strong and sustained local resistance by the Dongria and many local supporters, and a global campaign by organizations such as Survival International and celebrities Michael Palin and Joanna Lumley. In an interview, a Vedanta official expressed a desire for Narendra Modi – the prime ministerial candidate for the Bharatiya Janata Party (BJP) – to win the election, in the hope that he might approve the Niyamgiri mine project. The Congress Party’s Rahul Gandhi has repeatedly expressed his support for the Dongria Kondh. Survival’s Director Stephen Corry said today, ‘There is a vindictive nature to these cases against Dongria leaders – it’s hard not to suspect arrests are retribution for the tribe’s success in the struggle to defend their lands. The Dongria Kondh resisted the mine that would have destroyed them as a people and should now be left in peace. There is no public interest in hounding them further.’"

"Survival condemns regressive election pledges on Jarawa tribe," Survival International, April 29, 2014, http://www.survivalinternational.org/news/10209, reported, "Survival International has condemned dangerous pledges made by political candidates during the Indian 2014 Lok Sabha elections, which would put back the Jarawa’s rights by decades. The regressive pledges include: bringing the Jarawa tribe into the mainstream; removing a protective buffer zone around their reserve; and building two bridges along the illegal Andaman Trunk Road – all of which could be devastating to the welfare of the Jarawa. In what have become known as ‘human safaris’, the Jarawa already face
degrading intrusions into their forest home by hundreds of tourists traveling along the Andaman Trunk Road each day intent on spotting members of the tribe. The current administration has promised an alternative route to the Andaman Trunk Road by March 2015, which would remove tourists from the road. But new pledges by both the Congress and Bharatiya Janata Party (BJP) candidates to build two new bridges along the existing route inside the Jarawa reserve make the opening of an alternative route increasingly unlikely. Currently, no commercial or tourist establishments are allowed within a buffer zone around the Jarawa reserve. But political candidates from both the BJP and the Congress Party have now promised to remove the buffer zone – a highly regressive step. The current MP for the Andamans and candidate for the BJP, Bishnu Pada Ray, has also promised to bring the Jarawa into the mainstream should he get re-elected – a policy viewed as entirely unacceptable by the international community. India’s President also recently condemned attempts to forcibly assimilate tribal peoples as it has led to the disappearance of entire tribes. Policies of ‘mainstreaming’ tribes have had devastating consequences in the past and have been particularly destructive for the Jarawa’s neighbouring tribe, the Great Andamanese, who were decimated by attempts to settle them. Only 53 members survive today. Survival’s Director Stephen Corry said today, ‘Bishnu Pada Ray’s scandalous proposals show utter contempt for the Jarawa’s survival – attempts to force the tribe to integrate will destroy them. The very notion of mainstreaming is rooted in a colonialist attitude and the outmoded conviction that governments know best. In fact, this approach is always disastrous.’"

"India: Journalist harassed after exposing tribal women’s exploitation," Survival International, February 18, 2014, http://www.survivalinternational.org/news/10016, reported, "The journalist and activist Denis Giles is facing harassment by police on India’s Andaman Islands after he released rare first-hand testimony of the Jarawa tribe reporting the sexual exploitation of Jarawa women by poachers. Denis Giles is the editor of local newspaper The Andaman Chronicle. Since breaking the story two weeks ago, he has been served six formal notices by the police, has been threatened with being sued for libel, and has undergone a total of five hours of interrogation. Poachers enter the Jarawa’s reserve illegally and steal the game the tribe relies on for survival, and the Andaman Chronicle was the first to release the extremely rare audio clip of a Jarawa man complaining that poachers bring alcohol and marijuana into the Jarawa’s forest and sexually abuse the Jarawa women. Denis Giles founded the local Andaman organization SEARCH to protect the interests of the Jarawa. In 2011, SEARCH joined Survival International’s call for a boycott of the Andaman Trunk Road, which brings hundreds of tourists through the heart of the Jarawa reserve every day. Survival International’s Director Stephen Corry said today, ‘The Andaman police appear hell bent on persecuting the messenger, rather than prosecuting those poachers identified by the Jarawa man for exploiting Jarawa women. It’s hard not to see the relentless police pressure on Denis Giles as an attempt by the authorities to stop his newspaper exposing the exploitation of the tribe.’"

Violence continues in the northern Indian state of Assam, where the desires of members of the Bodo tribal group for an independent state have become interwoven with a wide spread Maoist Insurgency across parts of Northern India. In mid-May, for example, two attacks against Muslims in villages by members of the National Democratic Front of Bodoland left 11 villagers dead ("India: Militants Assault Villages," The New York Times, May 3, 2014).

"Chittagong Hill Tracts of Bangladesh – rapists act with impunity," Survival
International April 3, 2014, http://www.survivalinternational.org/news/10141, reported, "Jumma tribalwomen and girls from the Chittagong Hill Tracts (CHT) in Bangladesh are beingraped with impunity by settlers, activists have warned. Six cases of rape against Jumma women have been reported in the first three months of 2014 alone. According to local sources, a tribal woman named Sabita Chakma was raped and murdered by a group of Bengali settlers as she went to theriver in the morning. In another incident, a teenage girl was left unconscious in the forest after being gang raped. There are also many cases of sexual assault, including an alleged attempted rape by a junior army officer. The true number of atrocities is likely to be much higher, as many cases go unreported – Jummas have no confidence that the perpetrators will be prosecuted and victims of rape face social stigma. The security forces in the region are more likely to protect the rapists than the tribal population. The government of Bangladesh has moved hundreds of thousands of settlers into the Chittagong Hill Tracts, home to eleven tribes collectively known as Jummas. The indigenous Jummas have lost their land to the settlers, and have also been subjected to violent repression by the army. In a recent article entitled ‘When rapists are Bengali. When Rape Is A State Weapon For Ethnic Cleansing’, Samari Chakma, an indigenous lawyer, wrote, ‘We, the indigenous hill women in Khagrachari, are passing days in extreme anxiety and fear. At present, CHT is a rapists’ heaven.’”

Tom Andrews of United Against Genocide reported, www.endgenocide.org, commented March 7, 2014 “I’ve been keeping a low profile for the last two weeks as I’ve returned to Burma to view firsthand what many are calling ethnic cleansing. But I can’t stay silent anymore — I am watching a tragedy unfold that is threatening the lives of tens of thousands of the most persecuted people on earth — the Rohingya ethnic minority in Rakhine State. Late last week, the government of Burma forced the Nobel Peace Prize Laureateorganization, Doctors Without Borders (MSF), to close the doors to their clinics across the country. We responded by blasting the government publicly here in Rangoon, calling on governments with influence on the regime to apply immediate and forceful pressure. They did and soon arrangements were being made for MSF to reopen their clinics in all areas of the country — EXCEPT in the areas where the Rohingya live — precisely where the need is the greatest. Why? MFS was found guilty of telling the truth about attacks against the Rohingya that killed at least 40 innocent people and sent dozens more for treatment at MSF’s clinics. For this, the lives of tens of thousands of desperate Rohingya — effectively imprisoned in what they aptly describe as “concentration camps” — are now at risk. For many of the sickest patients, Doctors Without Borders offers the best and sometimes only care, because traveling outside the camps for treatment in local Buddhist-run hospitals can be dangerous and costly. Three days ago, I headed to several of these camps and visited clinics serving AIDS patients who are alive because of medication from MSF. It was a heartbreaking experience that exposed the Burmese government’s decision to deny life saving care for what it is — part of a plan of ethnic cleansing of the Rohingya.”

"Myanmar Camps Denounced," The New York Times, June 17, 2014, http://www.nytimes.com/2014/06/18/world/asia/myanmar-camps-denounced.html?ref=todayspaper, reported, "A senior United Nations aid official said Tuesday that in camps for the stateless Muslim group known as the Rohingya, in Myanmar, she witnessed the worst human suffering she had ever seen in such places. The official, Kang Kyung-wha, the deputy emergency relief coordinator, visited Myanmar last week, traveling to Rakhine State in the country’s west and to Kachin State in the north, where over 100,000 people have been displaced since fighting between ethnic minority insurgents and the government erupted in June 2011, ending a 17-year cease-fire."

island in 1998 has concluded that Indonesian soldiers and police attacked a peaceful demonstration, killing ‘scores of people’ and arresting many others. The citizen’s tribunal in Australia, held along the lines of a coroner’s inquest, was set up fifteen years after the massacre. It reported that ‘a large number of men, women and children were killed, tortured and mutilated with some of the women and girls being raped and sexually mutilated, and some of those detained died as a result of the actions of the military forces and police.’ The tribunal also concluded that the government of Indonesia had attempted to downplay the seriousness of the event, and that no proceedings had been taken against ‘any persons for the crimes against humanity perpetrated against innocent civilians’. Witnesses told of soldiers and police shooting at the crowds, and of bodies being loaded into ships, then taken out to sea. Fishermen later reported seeing bodies floating in the water, but they were too scared to bring them ashore. The massacre followed the raising of the banned West Papuan flag on Biak. The organizer of the event, Filip Karma, gave video evidence from prison, where he is serving a fifteen-year sentence for raising the flag in 2004. Survival’s Senior Campaigner for Asia, Sophie Grig, recalls receiving a call from West Papua in the early hours of the morning of July 6th. ‘They told me that the soldiers and police were heading for the flag raising, and they feared a blood bath. I phoned everyone I could think of, asking them to call the military commander and governor in West Papua, urging them to exercise restraint. We hoped by making them aware that the international community was watching they would reign in the violence. Sadly, it only served to show how little they cared about the lives of Papua’s tribal people and how confident they were in their own impunity.’ Grig added, ‘It’s essential that the US, British and Australian governments, which help train the Indonesian military, take these findings very seriously. They must use their influence to ensure that those responsible, at all levels of the military and police, are finally brought to justice.”

"Papuan activists’ webcast silenced – was Indonesia behind it?" Survival International, March 3, 2014, http://www.survivalinternational.org/news/10043, reported, "A speech by two Papuan activists which was being broadcast live on the internet mysteriously went silent when they started to denounce Indonesian human rights atrocities. The two were special guests at the Public Interest Environmental Law Conference in Oregon, the world’s most important environmental law conference. The Papuans are members of the Amungme tribe, whose land is home to Grasberg, the world’s biggest copper and gold mine. They were highlighting the problems facing the tribe in the face of massive environmental damage and human rights violations. Indonesia has occupied Papua (the western half of the island of New Guinea) since 1963, and more than 100,000 Papuans are believed to have been killed since then. In 2010, the website of tribal rights organization Survival international was attacked and temporarily taken offline after it posted shocking video of Indonesian soldiers torturing Papuan tribal people. Other organizations who posted the footage were also attacked. Survival’s Director Stephen Corry, in a separate speech at the conference, highlighted the role of ‘conservation’ in the continuing destruction of tribal peoples, and showed how conservation theories grew with ‘scientific’ racism, which underpinned colonial genocides and the Holocaust. He also denounced the false claims, promoted by popular science writers Steven Pinker and Jared Diamond amongst others, that tribal and indigenous peoples are ‘like our ancestors’, and ‘more violent’ than us."

A report by John Pilger for Truth-Out.org finds that in Australia the taking of Aboriginal children from their families and communities was occurring in 2013 at five times the rate it was in 1997 when the Australian government released the report “Bringing Them Home” about the “Stolen Generation”—the
approximately 50,000 mixed-race, Aboriginal and Torres Strait Islander children who were removed from their families in an effort to “assimilate” them into white culture. The 1997 report labeled this government-sanctioned effort to encourage 'past-Aboriginal' children to take their place in white Australian society as “genocide.” Pilger states, that as of June 2013, nearly 14,000 Aboriginal children have been “removed” from their parents, siblings and relatives. While Aboriginal children account for a mere 3 percent of the Australian population, they make up a third of all children in state custody. If forced removal persists at its current rate, Pilger stated, “This mass removal of Aboriginal children will result in a stolen generation of more than 3,300 children in the Northern Territory alone.” Moreover, in Spring 2014 the New South Wales parliament was debating legislation that introduces forced adoption and “guardianship” for children younger than 2 who have been “removed” for more than six months. But children are typically unjustly removed directly from hospital beds, or from their village homes in police raids in the middle of the night. Pilger states that the proposed legislation sets Aboriginal families up to fail; it can often take six months to merely make contact with their children. Stolen Generation survivors never fully heal their deep wounds and immense sorrow. “What you do is you adjust and you build your life around the scars and that’s what you have to do in order to survive. And many of us have survived,” said Debra Hocking in a testimonial for the Stolen Generations’ Testimonies project ("Australia Perpetuates Cultural Genocide Through Forced Removal of Aboriginal Youth," ICTMN, March 26, 2014, http://indiancountrytodaymedianetwork.com/2014/03/26/australia-perpetuates-cultural-genocide-through-forced-removal-aboriginal-youth-154181).

DIALOGUING
AN HONORABLE BUDGET?
NO, BUT IT'S HEADED IN THE RIGHT DIRECTION FOR INDIAN COUNTRY
Mark Trahant*


President Obama’s next budget, due to be released soon, will be good news for Indian Country.

The Washington Post describes the plan this way: “With the 2015 budget request, Obama will call for an end to the era of austerity that has dogged much of his presidency and to his efforts to find common ground with Republicans. Instead, the president will focus on pumping new cash into job training, early-childhood education and other programs aimed at bolstering the middle class, providing Democrats with a policy blueprint heading into the midterm elections.”

So does this mean austerity will end in Indian Country? Unfortunately, no. But this budget is a new approach -- and it will have many implications in Indian Country.

Let me explain. It starts with this whole business of “austerity” or a government that shrinks itself and the economy.

The problem, essentially, in recent years is that Democrats have bought into the premise of austerity. There is this idea that a smaller government will somehow right the economy because the private sector will then create more jobs. Nonsense. There is far more evidence that when government invests in the economy there will be growth ahead.
The president’s budget adds an important twist to this debate by calling for sharp reductions in military spending. This will not be popular with Republicans (even though the U.S. spends $600 billion a year, more than the next ten nations combined on defense.)

There should be little debate among tribal governments about austerity. There is not much of a private sector in tribal nations to pick up the slack. So any significant reduction in government, whether it be welfare payments or support for law enforcement programs, reduces the number of jobs at home.

Spending for programs that directly benefit American Indians and Alaska Natives -- such as the Bureau of Indian Affairs or the Indian Health Service -- are from the portion of the budget that’s considered discretionary spending. Every dollar has to be appropriated by both houses of Congress and signed into law by the president. There has to be a “deal” to spend the money.

And discretionary spending is shrinking. Last year it totaled about $1.2 trillion and is projected to drop by $7 billion, less than 1 percent, in 2014.

The budgets that are growing are “mandatory” spending, money that’s automatic, such as Social Security, Medicare and Medicaid.

The difference between the growing mandatory spending and the shrinking discretionary accounts are why it is so essential for American Indians and Alaska Natives to sign up under the Affordable Care Act. It moves funding for Indian health into the automatic spending category.

The president’s new budget does not change that landscape. There are still huge fights ahead over discretionary spending and mandatory spending will continue to grow.

But now, at least, the budget negotiations will not start off with concessions to Republicans. Every part of the budget will be negotiated with the president’s party calling for investment and Republicans countering with more austerity.

The bad news for tribal communities is that any budget that this Congress enacts will be less, far less, that what the president proposes. There are not enough votes in either House to end austerity.

This, of course, is why elections matter. The philosophical debate between austerity versus investment ought to be front in center in November 2014.

It’s not enough, it seems to me, for a candidate to “support” Indian programs all the while advocating for budgets that shrink government because Indian Country cannot escape that larger ideology. On the other hand, should the investment argument win, Indian Country will benefit.

In its budget outlook, the National Congress of American Indians said that “shrinking resources due to sequestration and the Budget Control Act have adversely affected tribes’ ability to meet the needs of their communities.” NCAI called for “an honorable budget for Indian Country will empower tribes so they can provide their people with good health care, quality education, decent and adequate housing, and a level of public safety that any American citizen has the right to demand.”

We won’t know for a couple of weeks if the president’s budget meets the test of “an honorable budget.” But at least we know it’s headed in the right direction. It’s time for austerity to go away.

*Mark Trahant is the 20th Atwood Chair at the University of Alaska Anchorage. He is a journalist, speaker and Twitter poet and is a member of The Shoshone-Bannock Tribes. Comment on Facebook at:
A YEAR OF ACTION FOR INDIAN COUNTRY

Mark Trahant*

dian_Country.html.

The thing I like about state of unions -- the national kind, the NCAI kind, and the tribal kind -- is that it’s a to do list. Leaders see this is a list of “action items” while I see this as a list of fascinating issues that are worth exploring in future columns.

I want to start with an idea raised by President Barack Obama in his State of the Union message: “Let’s make this a year of action. That’s what most Americans want – for all of us in this chamber to focus on their lives, their hopes, their aspirations.”

What would a “year of action” look like in Indian Country? And, more important, how do we get there?

National Congress of American Indians President Brian Cladoosby began this year’s State of Indian Nations by talking about so many of the success stories from Indian Country. “Tribal leaders and advocates have never been more optimistic about the future of native people,” he said. But that sense of possibility is “threatened by the federal government’s ability to deliver its promises.”

President Cladoosby released NCAI’s budget request for the coming fiscal year. That document calls for funding treaty obligations with the “fundamental goal” of parity for Indian Country with “similarly situated governments.” As a moral case, and cause, this is exactly right. This is an aspirational document, as it should be.

But in a year of action there needs to be another route forward. This Congress is incapable of honoring treaties. Even in a more friendly era, members of Congress proudly called Indian health a “treaty right” only to appropriate less than what was required. This year’s federal budget essentially is flat (which means less program dollars because Indian Country’s population is growing). NCAI puts it this way: “However, the trend in funding for Indian Affairs in the Department of the Interior does not reflect Indian self-determination as a priority in the federal budget.”

But it’s not the Interior Department. It’s all of government and especially the Congress.

To my way of thinking, this particular moment in history is especially important. The demographics of Indian Country -- a young, growing population -- exactly matches the greater need of the nation as a whole (a nation that is rapidly aging). Cladoosby said in the past thirty years the number of American Indian and Alaska Natives in college has more than double.

Cladoosby, who is chairman of the Swinomish Indian Community, said that his tribe is providing scholarships for their young people to the colleges of their choice. That’s smart. I wish more tribes could afford that approach. But there are other ways that this can happen, too.

So here is one idea: What if President Obama, when he visits Indian Country this year, partners with tribal leaders to raise private money for tribal colleges? How much is possible, a new billion dollar endowment? Why not?
Or what about expanding efforts to forgive student debt? Too many young Native Americans are burdened by loans. If tribal members choose to be teachers or serve tribal governments, erase what they owe. (And expand similar programs for young people who choose health care careers.)

Two other items in the State of Indian Nations that are important and exciting are tribes building international partnerships, President Cladoosby mentioned Turkey, as well as tax reform so that tribes can raise their own funds. He said tribes should get at least the same tax treatment as states. This could be new money. Action dollars.

In a year of action, it seems to me, the most lucrative funding routes do not involve Congress or appropriations.

In his congressional response, Montana Sen. Jon Tester hit on a couple of billion dollars just waiting to be picked up, and that’s the Affordable Care Act. Congress is not going to fully fund IHS. But that full-funding could happen if every eligible American Indian and Alaska Native signed up for tribal insurance, Medicaid, or purchased a free or subsidized policy through an exchange. This is money that Congress does not have to appropriate.

A couple billion dollars? Just waiting for a year of action.

*Mark Trahant is the 20th Atwood Chair at the University of Alaska Anchorage. He is a journalist, speaker and Twitter poet and is a member of The Shoshone-Bannock Tribes. Comment on Facebook at: https://www.facebook.com/TrahantReports.

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DEEP IN THE BUDGET: LINE BY LINE PREDICTIONS ABOUT INDIAN HEALTH

Mark Trahant*


I like asking questions about the big picture: What does the Indian health system look like a year from now? What about in a decade? Or even longer?

The answers might be found deep within the pages of budgets; line by line predictions about the future.


Still, that ought to be both celebrated and reason enough to look deeper at what’s working and explore what more can be done. The Special Diabetes Program for Indians has more than doubled the number of grants to health care providers and invested in community-designed solutions. The result is that End Stage Renal Disease fell by nearly 40 percent from 1995 to 2011 — a greater decline than any other racial or ethnic group. “Given that the Medicare cost per year for one patient on hemodialysis was $82,285 in 2009, this reduction in the rate of new cases of ESRD means a decrease in the number of patients who would have required dialysis — translating into millions of dollars in cost savings for Medicare, IHS, and other third-party payers, as well as improved quality of life for patients who do not need dialysis,” according to testimony by Dr. Yvette Roubideaux, acting IHS director, to the Senate Committee on Indian Affairs last month. “Diabetes health outcomes have also improved significantly in American Indian and Alaska Native communities since the inception of the SDPI. One of the most important
improvements has been a 10 percent reduction in the average Hemoglobin A1C levels of American Indians and Alaska Natives with diagnosed diabetes. Improved blood sugar control contributes to reductions in complications from diabetes.”

Why does that matter? Every percentage point drop in A1C results in reduced risk of eye, kidney, and nerve complications by some 40 percent.

Even Congress could not ignore such a cost effective success story. But instead of a three-year authorization, the smart path, Congress could only muster enough support for a single year extension. When a program that saves lives and money cannot win approval beyond a year, well, that’s evidence about the broken nature of the funding mechanism.

Then, there are so many examples of cost-effective health care delivery that could save money (and improve service), such as funding Indian health budgets in advance, limiting payments to outside providers based on Medicare rates, or expanding mid-level dental providers. All “to do” items for that magical day when Congress is more interested in solving problems than being a forum for slogans about cutting spending.

And that’s what’s frustrating. Neither the Congress nor the Obama administration is investing enough in the areas of the budget that will reduce future costs or add additional revenue.

The problem is the Indian health system is at risk from the congressional appropriations process. Over the next decade this category of spending is shrinking.

The administration is encouraging American Indians and Alaska Natives to sign up for insurance programs under the Affordable Care Act. The Indian Health Service estimates third-party collections to increase to $1.2 billion over the next year, including an additional $22 million in Medicaid. That’s realistic. But given the long term challenges in the appropriations process, should this not be a stretch goal? What if there were a national campaign (with real-time data) for American Indians and Alaska Natives to reach lofty insurance targets?

One tribe that’s doing just that is Jamestown S’Klallam in Washington. The tribe’s web page is blunt, telling tribal members that they “must” sign up for Medicaid when eligible. Same goes for private insurance. “If you are eligible for free insurance coverage through your employer, spouse’s employer or another entity, you must sign up for the coverage and use it,” says the tribe’s Health and Human Services. And if a member is not eligible for any other program, then, as a last resort, then a basic health plan is purchased for members. Perhaps no tribe will ever get to 100 percent coverage, but what 95 percent? Possible. Do-able.

This goes well beyond the “mandatory” coverage requirements in the Affordable Care Act. Then I bet it will be cost effective for the tribe because it’s creating a full-funding lever through insurance.

This is the opportunity for Indian Country and the Indian health system.

The Kaiser Family Foundation estimates that nearly one in three American Indians and Alaska Natives are uninsured. So what if that number were measured, reported, and reduced to one-in-five? Or better.

As a Kaiser policy brief states: “Although the IHS budget has increased over time, funds are not equally distributed across facilities and they remain insufficient to meet health care needs. As such, access to services through IHS varies significantly across locations, and American Indians and Alaska Natives who rely solely on IHS for care often lack access to needed care. Moreover, as a discretionary program IHS funding is subject to the automatic funding cutbacks under the sequester, which further limit access to services.”

The big picture is that Medicaid and insurance, automatic funding mechanisms, are the future. All budgets
should reflect that. I still think that means taking Medicaid management away from the states for the Indian health system. Remember more than half of the uninsured population of American Indians and Alaska Natives live in states without Medicaid expansion. So that means patients in Washington could have far better access to medical treatment, especially purchased care, than a patient in Oklahoma. That’s not fair and needs to be resolved.

Now back to the budget mess that is Congress. The budget deal between Sen. Patty Murray and Rep. Paul Ryan is temporary relief. It’s enough money to prevent damage to the Indian health system, but not nearly enough to carry out the work. It’s the opposite of cost effective.

That said: Budgets are going to get far worse soon. Budget Control Act levels return in 2016 with new rounds of sequester and misery. The Congressional Budget Office estimates that appropriations will shrink from 7.2 percent of the economy in 2013 to only 5.1 percent by 2024. (Appropriations are already below average spending levels, and the lowest since World War II.)

The ideal, of course, would be for friends of Indian Country to enact a special budget that puts treaty obligations ahead of everything else and funds the Indian Health Service at levels that compare to every other health care delivery system. That would be a leap since current appropriations only reach about 56 percent of its need, according to testimony from the National Congress of American Indians. “In 2012, IHS per capita expenditures for patient health services were just $2,896, compared to $7,535 per person for health care spending.”

Full funding for Indian health is a nice ideal. But for money to be appropriated at levels even close to parity, Congress would have to do something that’s never been done before in the history of the United States. And, at a time when there are not even enough votes to invest more time and money in a diabetes initiative that is exceeding expectations.

So what does the Indian health system look like a decade from now? The answer depends on how quickly individual American Indians and Alaska Natives get health insurance, funding that’s automatic. The alternative is Indian health budgets that shrink beyond recognition.

*Mark Trahant is the 20th Atwood Chair at the University of Alaska Anchorage. He is a journalist, speaker and Twitter poet and is a member of The Shoshone-Bannock Tribes. Comment on Facebook at: https://www.facebook.com/TrahantReports.

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EXPANDING ACCES TO ORAL HEALTH
MEANS CHANGING THE LAW BACK TO TRIBAL SOVEREIGNTY

Mark Trahant*


The challenge in health care can be boiled down to two ideas: Improve the quality and cut the costs.

It’s a fact that the U.S. spends too much, both private and government money, on health care, nearly nearly 18 percent of all goods and services. The good news is that cost has been slowing, partly because of the economy, and partly because of the Affordable Care Act.

But this is just a first step. We have a long way to go. The reason is the country’s demographics: We have smaller population of young people, a huge baby boom generation, and people are living longer. Add this all up
and the total number is not sustainable by any metric. So math, not politics, ought to determine the route forward and that means looking for innovation to make health care less expensive. So when something comes along that does just that, you would think that it would be worth a celebration. But that’s not how change works.

As I have written before, the Alaska Native Tribal Health Consortium’s Dental Health Therapist Program is such a model. The Alaska program trains young people to practice mid-level dentistry, something that’s common around the world. This program expands access, improves quality, health, and is less expensive. It’s backed up by rigorous studies, that show mid-level providers offer “safe, competent and affordable care.”

So where is the celebration? Well, that will have to wait until the fight is over.

Washington state is considering legislation that would expand mid-level providers and the Washington State Dental Association is opposed saying that “midlevel providers will not make dental care more affordable, how dental residencies are a superior alternative, and how dentists in private practice are reimbursed 25 cents on the dollar for adult Medicaid patients.”

There is an interesting history here. The dental association in Alaska, and nationally, had long opposed the creation of the mid-level providers or Dental Health Therapists, and even sued to try and stop the program. Only now dental associations sort of praise the program, saying that it might be “appropriate” because of Alaska’s remote locations. The dental trade groups just don’t want that program to expand again.

One of the reasons why the Washington legislature is considering changing the law is that some tribes in the state are keen on a mid-level provider as one way to make it easier for tribal members to get better dental care.

But in Olympia, Alan Wicks, general counsel for the Washington State Dental Association, testified that “it’s not a question of tribal sovereignty; it’s a question of federal law.” He pointed out that the Indian Health Care Improvement Act authorizes the Alaska program and prohibits mid-level practice anywhere else in Indian Country unless that state offers mid-level profession.

But what Wicks failed to say is that the reason for this prohibition was that the American Dental Association lobbied to make it so. This was a legislative attack on tribal sovereignty.

And this is a prohibition that makes no sense given the challenges ahead.

As National Congress of American Indians President Brian Cladoosby recently wrote in Indian Country Today Media Network: “Our population is still underserved. We do not have enough chairs and dentists to service the people who come into our clinic. We reviewed our charts and found that about half of our work could easily be done by dental therapists, and it would take a huge burden off the dentists.”

Tribes are meeting later this week at NCAI to talk about new steps to push the mid-level provider issue forward. It’s clear that dental health therapy works in Alaska — and the same idea could improve oral health across Indian Country. Plus it meets the larger health care tests, improving quality and lowering costs.

*Mark Trahant is the 20th Atwood Chair at the University of Alaska Anchorage. He is a journalist, speaker and Twitter poet and is a member of The Shoshone-Bannock Tribes. Comment on Facebook at: https://www.facebook.com/TrahantReports.

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TRIBES ARE LARGE EMPLOYERS... AND THOSE EMPLOYEES MAKE THE BEST CUSTOMERS

Mark Trahant*


So here is something cool: Google three words -- *tribes largest employers* -- and dozens of entities pop right up. This is our generation’s success story because across the country, in communities large and small, tribal governments and enterprises are writing lots and lots of pay checks. Tribes are big business.

An Idaho economic impact report summed up this sort of progress well. An economist said: “The study confirms what tribal planners already know -- the tribes are rapidly growing, significant engines in the state.”

But that progress takes on a different context in the age of the Affordable Care Act. Tribes are employers. And that means there is a long “to do list” in order to meet the requirements under the healthcare reform law. If a tribe employs more than fifty workers, then insurance has to be offered that meets the requirements of the law and costs the employee less than 9.5 percent of their annual income. (Laura Bird and Jim Roberts of the Northwest Portland Area Indian Health Board wrote an excellent summary of the requirements.)

It’s important to remember that most Americans, including American Indians and Alaska Natives, get their health insurance through work. (I’ve written this before and will add again, this is uniquely American and dumb. We should not tie our jobs to our health care. But that’s where we are at.)

Right now most of the employer provisions are on hold. The Obama administration gave large employers more flexibility on insurance rules and delayed the implementation for mid-size employers until 2016. That means tribes will have more time to get ready. A good thing, too. Once all of the employer provisions begin, the penalty for being wrong could cost tribes some $2,000 per employee.

However Mark J. Mazur, assistant Treasury secretary for tax policy, wrote that the delay “will allow us to consider ways to simplify the new reporting requirements consistent with the law. Second, it will provide time to adapt health coverage and reporting systems while employers are moving toward making health coverage affordable and accessible for their employees.”

Critics of the Affordable Care Act are not happy about these changes, saying it’s more evidence the law does not work. The administration, however, is trying to make certain there are no more major glitches (such as the web site) and this is a logical delay.

Another twist that impacts Indian Country is that a major retailer, Target, is ending its insurance options for part-time employers because the workers would likely get a better deal through the exchanges (including tax subsidies). I suspect this would be the same for tribes and tribal enterprises.

The whole question of employment under the Affordable Care Act has taken on a new dimension with the recent report by the Congressional Budget Office. Republican opponents of the law cited this report as proof that some 2.5 million people will lose their jobs as a result. The CBO this week refuted that. The idea the CBO tried to measure was that many people would quit working because they had more choices.

The back and forth from CBO is great. “Q: Will 2.5 Million People Lose Their Jobs in 2024 Because of the ACA? A: No, we would not describe our estimates in that way.”
But, CBO points out, “there is a broader question as to whether the society and the economy will be better off as a result of those choices being made available,” a Feb. 10 blog post from director Doug Elmendorf said. “Even though the individuals making decisions to work less presumably feel that they will be happier as a result of those decisions, total employment, investment, output, and tax revenue will be smaller. (Those effects are included in CBO’s budget and economic projections under current law.) To be sure, the health insurance system in place prior to the ACA generated its own distortions to people’s work decisions, but many of the decisions to work less under the ACA will be made possible by government-funded subsidies, the burden of which will be borne largely by other people ... Hence, whether voluntary reductions in hours worked owing to the ACA are good or bad for the country as a whole is a matter of judgment.”

I think this particular debate misses an important point. The Affordable Care Act will free independent operators because it was too expensive to buy single policies on the open market. Over time my guess is that more people will launch a new business because health insurance won’t be a factor. It will be available and affordable. But that brings us back to the political loop. Those that opposed the Affordable Care Act remain against it. And vice versa. Nothing in the news this week resolves the deep divisions.

Of course tribes and tribal enterprises -- large employers, these days -- now have a new means to contribute resources to the Indian health system. Fully-insured tribal employees will be a net asset every time they show up at an IHS, nonprofit or tribally-managed clinic or hospital. Tribal employees will be the prime customer.

^Mark Trahant is the 20th Atwood Chair at the University of Alaska Anchorage. He is a journalist, speaker and Twitter poet and is a member of The Shoshone-Bannock Tribes. Comment on Facebook at: https://www.facebook.com/TrahantReports.

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FRIGHTENING WORDS:
INDIAN HEALTH SERVICE IS OUT OF MONEY, MAKING YOU WAIT FOR CARE

Mark Trahant*


On a tribal bulletin board this week these chilling words were posted: “Due to budget issues, Contract Health Service will be on Priority One until further notice.”

Why are these words frightening? It means the underfunded local unit of the Indian Health Service is out of money on an important line item. It means that unless your illness is serious -- threatening life or limb -- you will have to wait.

Sometimes that wait can be deadly. And it’s wrong. It reflects a system that is out of balance and the consequences are life threatening to American Indians and Alaska Natives.

A couple of years ago, at a Senate hearing, a story was told about a heart attack patient who was left on a gurney with a note taped on her thigh that read: “If you admit this person, understand we're out of contract health care money. Do it at your risk.”

The Affordable Care Act, or Obamacare, is supposed to eliminate this underfunding. The complicated mechanism is designed to increase the number of American Indians and Alaska Natives with basic insurance, Medicaid, tribal insurance, or a policy from a marketplace exchange, money that then goes into the Indian health
system directly. The Affordable Care Act is designed to substantially increase third-party billing, a revenue stream that does not require appropriation from Congress. And, I should add, a revenue stream that could add a couple of billion dollars to the Indian health system. Full funding ... in theory.

So what’s the problem? Why is there a bulletin board warning patients that’s there is not enough money?

The main reason is that critics of the Affordable Care Act are determined to make certain that this law is a wreck. Instead of figuring how to make it so, many so-called leaders are working overtime to tank every aspect of the act.

Just a couple of weeks ago, Wisconsin Republican Sen. Ron Johnson said it was time to “recognize reality” and “deal with the people that are currently covered under Obamacare.”

But that was then. Now three Republican senators, Richard Burr (N.C.), Tom Coburn, (Okla.), and Orrin Hatch (Utah), are launching a campaign to start the debate all over, promoting a “replacement” plan for Obamacare. That plan would make it even more difficult to fund the Indian health system. “Under our proposal, restrictions that limit the ability for veterans, service members, and individuals receiving care through the Indian Health Service would be removed in order to ensure that these individuals also have the ability to benefit from health savings accounts in managing their health care needs and expenses,” according to the plan.

This bill would also repeal the Indian Health Care Improvement Act. And treaty rights? Gone. Unfunded.

That Republican bill will go no where as long as President Obama (or another Democrat) is in office. But a second, more serious, threat to the law is occurring in state capitals across the country. The way the law was drafted, the primary funding vehicle was to expand Medicaid to buy insurance for people who are currently uninsured. (According to the Kaiser Family Foundation, that’s one-in-three American Indians and Alaska Natives.) The federal government made this a good deal for the states: Paying all of the cost for the first three years and nearly all of the cost after that. Half the states have said “no.” Republicans are using this as their line in the sand again Obamacare.

A study published last week in Health Affairs said that this approach has serious consequences, the failure of Medicaid expansion will result in premature deaths. “We predict that many low-income women will forego recommended breast and cervical cancer screening; diabetics will forego medications, and all low-income adults will face a greater likelihood of depression, catastrophic medical expenses, and death,” the study reported. “Disparities in access to care based on state of residence will increase. Because the federal government will pay 100 percent of increased costs associated with Medicaid expansion for the first three years (and 90 percent thereafter), opt-out states are also turning down billions of dollars of potential revenue, which might strengthen their local economy.”

The study’s authors, Sam Dickman, David Himmelstein, Danny McCormick, and Steffie Woolhandler, charted the number of uninsured who would miss out on treatment and estimated a range of potential early deaths, some 7,000 to 17,000 across the country. Many of the “no” states have large American Indian and Alaska Native populations. Roughly half the Indian health system is in states without Medicaid expansion.

Conservatives are already discounting the Health Affairs report. Chris Conover counters: “I can state with great confidence that the authors have grossly overestimated any mortality gains to be had from Medicaid expansion.”

But in neither study was there data or anecdotes about tribal communities with a bulletin board post warning patients that the clinic is out of money.
A NOTE TO PAUL RYAN:
INDIAN HEALTH FUNDING IS A TREATY OBLIGATION,
NOT FROM THE WAR ON POVERTY

Mark Trahant*


Paul Ryan is wrong. Way wrong.

On Monday the former Republican candidate for Vice President released a review of programs that attack the “war on poverty.” The House Budget Chairman said: “This 50th anniversary of the War on Poverty is an opportunity to review the record in full. And we should seize it.”

Ryan said the federal government has “measured compassion by how much we spend instead of how many people get out of poverty. We need to take a hard look at what the federal government is doing and ask, ‘Is this working?’ This report will help start the conversation. It shows that some programs work; others don't. And for many of them, we just don't know.”

The premise that underlies this report is Ryan, and Republicans, firmly held philosophy that government is not capable about solving problems. This is another push to shrink the federal government.

That said: A debate about the role of government is fair. It’s worth Republicans making their case that a smaller, stingy government would be effective. Then those candidates can take that message to the voters for affirmation (or more likely, rejection).

However when it comes to Indian health, Ryan’s War on Poverty review is factually incorrect. The Ryan report lumps the Indian Health Service in with other social programs. The history is described this way: “The IHS was officially established within the Department of Health and Human Services in 1955 (then the Department of Health, Education, and Welfare) as part of the Transfer Act. But the federal initiatives designed to increase access to health services for tribal members existed as far back as 1830.”

What the Ryan report calls a “federal initiative,” I would call a treaty obligation. No where in this report is there a mention of why the federal government funds and operates Indian health programs. Nearly every treaty in the United States, the supreme law of the land, has a health care provision. A provision that has never been fully funded.

Of course the Ryan report looks at this differently, too. It said that the Office of Management and Budget “found IHS to be an effective program” and since its transfer until 1995, “the Indian Health Service reduced the years of potential life lost—a measure used to gauge overall health—among American Indians and Alaska Natives by 50 percent.”

The Ryan report’s conclusion: “However, the program could not show the relationship between specific health outcomes and funding.” But it lists the $4.3 billion was appropriated for Indian health.
Oh yeah. The report never mentions the funding shortfall for Indian health, a fact that’s clearly in the public record. The Ryan report doesn’t bother to show that per person spending for Indian health is far below the average cost of care for other citizens. By framing Indian health as a “war on poverty program” it’s easy to dismiss a constitutional promise as just another government program.

The context for this new Ryan approach is the recent budget proposals from his committee. Ryan’s budgets would slash $637 million from the Indian Health Service budget. (The good news is that Ryan most likely will not propose a budget this year; there are not 215 votes to be found in the House for any single Republican spending plan.) And the Ryan-Murray deal was a two-year bridge. The idea, from both Republicans and Democrats, is to move the debate past the election because both sides hope for more votes.

The Ryan approach to Indian Country is quite clear. End Medicaid and give the money to states (that’s worth a column by itself). Then drastically curtail funding for the Indian Health system. And, finally, pretend treaty promises never existed.

Paul Ryan is just wrong.

*Mark Trahant is the 20th Atwood Chair at the University of Alaska Anchorage. He is a journalist, speaker and Twitter poet and is a member of The Shoshone-Bannock Tribes. Comment on Facebook at: https://www.facebook.com/TrahantReports.

THE KATIE JOHN CASE: ALASKA NATIVES SHOULDN'T HAVE TO WAIT A CENTURY TO GET A FAIR SHAKE

Mark Trahant*

The Katie John case is at an end. Or perhaps another beginning.

First the background: The Supreme Court this week rejected the State of Alaska’s petition to review lower court rulings that affirm rules for subsistence hunting and fishing on federal land and navigable waters. Tara Sweeney, co-chair of the Alaska Federation of Natives said in a news release, “This is not only a victory for the late Katie John and her extended family, for Alaska Natives and other rural Alaskans who depend on subsistence to feed their families, but for all Alaskans who seek a prosperous, fair and equitable society.”

But that call for an equitable society remains a distant goal in Alaska. Because the appeal of the Katie John case did not have to be.

More than a decade ago, former Gov. Tony Knowles said, “The State of Alaska will not appeal the Katie John case to the United States Supreme Court” and “that from this time on, the state will do everything we can to protect your subsistence rights.”

Fast forward to the current Gov. Sean Parnell, a Republican.

He told the Juneau Empire that he disagreed with Knowles and pushed to have the case heard by the Supreme Court. “What that means is that for every river, for every stream that touches or crosses federal lands for
decades to come, there will be litigation on this issue because there’s been no certainty or clarity in the law from the court,” Parnell told the newspaper. “I’m not talking about certainty on whether subsistence exists or not. I acknowledge that is a part of our people here. What I’m talking about is legal certainty of what the boundaries are for all parties and as long as there’s an opportunity to fight over those boundaries, there will be division among the races. That is not something I can abide by. That is not something I can live with. In order to get that legal certainty on what the boundaries are for everybody involved we did appeal, and that’s why I took that approach.”

So the State of Alaska, especially under Parnell, spends extraordinary resources trying to beat down any whiff of Alaska Native rights. This is true on the subsistence issue — far more complicated than this one legal development — or when it comes to the very nature of tribal governments. Parnell’s administration clings to the notion that the Alaska Native Claims Settlement Act was the final resolution, giving the state all the power to decide what’s what.

But the Katie John case, like others before it, show that many Alaska Natives are still waiting for certainty — especially when the state can’t abide after a victory by Alaska Natives.

I was re-reading some of the work of Tom Richards Jr. after I had heard he had died this week. Richards covered the action in Congress that led to ANCSA for the Tundra Times. “Let’s turn it around and look at the real situation,” he wrote. “The natives are being forced to give up their land under the traditional American principle of manifest destiny and all they’re asking is a fair shake.”

Thirteen years ago, at a conference looking back at ANCSA, Richards predicted that it was possible that it “may take 100 years or more to resolve some issues, such as land title conveyances and establishing management regimes to govern land use and management of fish and game resources.” He said the unintended consequences “include ongoing disputes over subsistence rights because of the ANCSA provision extinguishing Alaska Native hunting and fishing rights, confusion about Alaska Native tribal status because ANCSA is silent on this issue, and deep-rooted controversy involving some Native corporations because of varied shareholder expectations and desires which sometimes have fostered chaotic management shifts.”

It shouldn’t take a century for Alaska Natives to get a fair shake.

*Mark Trahant is the 20th Atwood Chair at the University of Alaska Anchorage. He is a journalist, speaker and Twitter poet and is a member of The Shoshone-Bannock Tribes. Comment on Facebook at: https://www.facebook.com/TrahantReports.

NEW YEAR WITH NEW (OLD) STORIES FOR INDIAN COUNTRY

Mark Trahant*


It’s a new year -- and a new story. There is nothing more important to political discourse than a good story. It shapes our thinking, sets the rules for the debate, and, sometimes, warps reality. Stories matter. We humans think in terms of story. We dream, tell, and remember stories. We live stories.
So what’s Indian Country’s “story” for 2014?

Before I answer that question, let’s look back at recent narratives.
The first story goes like this: Congress broke promises made to Indian Country by cutting federal budgets beyond all reason, especially through the sequester. This made reservation life far more difficult, removing children from Head Start, scaling back educational opportunities, severe funding for healthcare delivery, and basic government infrastructure.

_The New York Times_, in a July editorial, captured this storyline. “It’s an old American story: malign policies hatched in Washington leading to pain and death in Indian country. It was true in the 19th century. It is true now, at a time when Congress, heedless of its solemn treaty obligations to Indian tribes, is allowing the across-the-board budget cuts known as the sequester to threaten the health, safety and education of Indians across the nation.”

This is an important story to know. And to tell. But it’s also important to know that the story already has its ending. There are only two ways to change what happens next, vote out Congress or limit the damage. (More about both of those scenarios in future columns.) The second alternative is remote, but possible in 2014, with measures such as Montana Senator Jon Tester’s bill to fund Indian health programs a year in advance.

Another story told this year is about changing the name of the Washington NFL team. This story is important because it’s a success story (I know, the issue isn’t resolved. Yet. But it’s inevitable. The question is how long the team owner will fight on, not the outcome.) Forget the merits of the mascot debate for a minute and just think about the storytelling aspect.

This story is all about the long view. Suzan Shown Harjo, Raymond D. Apodaca, Vine Deloria, Jr.; Norbert S. Hill, Jr.; Mateo Romero; William A. Means; and Manley A. Begay, pressed a case calling for the cancellation of the team’s trademark protections. It’s step-by-step litigation that’s built a through record about “pejorative, derogatory, denigrating, offensive, scandalous, contemptuous, disreputable, disparaging and racist designation for a Native American person.”

The velocity of change picked up in February when the National Museum of the American Indian held a public symposium on the mascot issue. This was a story told in the heart of Washington, challenging and burying status quo.

So much so that Harjo and her allies have already won the tides of history and public opinion. The NFL doesn’t see it that way. Yet. But it will will. And if not, the litigation continues in a new form, the case now known as _Blackhorse et al v. Pro-Football Inc_. This is a story that’s ready for an ending.

A third story -- another one about success -- is the signing into law of reauthorization of the Violence Against Women Act, including provisions that recognize tribal jurisdiction. This law is a tribute to the power of story. It probably would not have become law until Deborah Parker, Vice Chairman of the Tulalip Tribes, told her story to Sen. Patty Murray and then in a Senate news conference. Parker’s narrative changed the politics. The law’s supporters built a successful coalition that trumped the politics of the ordinary, especially in the House of the Representatives. This Violence Against Women Act story, though, needs an ending. It’s not enough to pass a law, there has to accounts about how this law has really made a difference in the lives of women are abused.

One problem with stories, at least in a political context, is there potential for misuse. A story can be told that warps or ignores reality.

Consider the stories told about the failure about the Affordable Care Act. Yes, there are problems with the law, serious issues that should be explored, and, if possible fixed. But at the same time, every cancellation of an insurance policy is not “because” of Obamacare. Stories of millions of cancellations are not possible when only 14 million people have individual health insurance plans. Even before the law, those plans changed often. Cancellations were common. But it didn’t matter as a story because eight-in-ten Americans, before the law and
now, get health insurance through their employer. But it’s so easy to use Obamacare as the excuse, covering up problems that existed long before the Affordable Care Act.

So what are the Indian Country’s stories for 2014? The long view stories will continue to unfold. Two years ago, in 2012, there was a successful effort to turn out Indian Country’s voters. Will that narrative come back? Or will history again show that off-year elections are wasted opportunities? Already there’s a projection of a Republican sweep this year from Larry Sabato.

But most of the stories for this year we won’t know until they, using the vernacular of the Internet, “go viral.” A story that’s told that suddenly resonates across Indian Country and beyond. It’s those stories that can be effective in shaping the world as we’d like it to be.

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NAIPC CALLS FOR CANCELLATION OF THE UNITED NATIONS WORLD CONFERENCE ON INDIGENOUS PEOPLES


Dear Ambassadors,

On behalf of the North American Indigenous Peoples’ Caucus (NAIPC) to the United Nations Permanent Forum on Indigenous Issues, which convened in Kamloops (Secwepemc Territory), British Columbia, Canada on March 1-2, 2014, and including our representatives to the Global Coordinating Group for the High Level Plenary Meeting/World Conference on Indigenous Peoples (HLPM/WCIP), we transmit to you the following consensus document:

The North American Indigenous Peoples’ Caucus operates from the foundational principle that every deliberation, decision or document, by any entity, that fundamentally affects us, our territories, our interests, or our future generations, must include our full, equal and effective participation. This principle applies no less to the decisions and organs of the United Nations than it does to any other entity.

The United Nations is duty bound to honor and to respect the fundamental rights of all peoples, as embodied in the UN Charter, the Human Rights Covenants, UN Conventions (including ILO Convention 169) and Declarations, including the UN Declaration on the Rights of Indigenous Peoples (2007). On 21 December 2010, in A/Res/65/198, the General Assembly decided “to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014.”

Indigenous Peoples around the globe, including NAIPC, were clear that any such high plenary meeting would obtain the approval and participation of Indigenous peoples only if the condition of equal, full and effective participation by indigenous Peoples was assured by the United Nations. The condition of equal and effective participation was particularly crucial regarding the drafting, production and dissemination of any outcome document that emerged from the HLPM/WCIP.

The publication of General Assembly Resolution 66/296 of 15 October 2012, hereinafter “The Modalities Resolution,” created deep concern within NAIPC that the structure of the HLPM, and the outcome document were not respectful of the principle of full and equal participation by Indigenous Peoples. Numerous Indigenous nations, organizations and individuals expressed their disappointment to the President of the General Assembly (PGA), and to various state members. Despite its concerns, NAIPC decided to move forward with its participation in the
Global Indigenous Preparatory Meeting in Alta, Norway, 10-12 June 2013. The Alta Outcome document affirmed four major themes to be addressed by the HLPM, and reiterated that “the inherent rights of Indigenous Peoples to participate fully in decision-making that affects us, will continue to guide and frame our work for the HLPM/WCIP.”

Inspired by the collaborations achieved at Alta, NAIPC continued to consider its possible role in the HLPM/WCIP, until the PGA’s Aide Memoir of 26 February 2014. In his communiqué, PGA Ashe made it clear that he was not going to advance the principle of full and equal participation by indigenous peoples in the HLPM/WCIP. The position of the PGA neither respects nor advances the rights of Indigenous Peoples that are embodied in the Declaration on the Rights of Indigenous Peoples. As a consequence of the Aide Memoire, the NAIPC adopted, by absolute consensus, the following resolution at its meeting of 1-2 March 2014:

NAIPC will engage other regions and caucus to move toward a global consensus on the cancellation of the HLP also known as the WCIP. The following text is the consensus position reached by the NAIPC calling for the cancellation of the High Level Plenary Meeting (HLPM) to be known as the World Conference on Indigenous Peoples (WCIP):

In March of 2013, at the NAIPC meeting at Sycuan, we established, through consensus, standards of analysis and review regarding the proposed UN high-level plenary meeting (HLPM), also known as the World Conference on Indigenous Peoples (WCIP). These standards were applied by the North American delegation at the meeting in Alta, Norway in June of 2013. The bedrock of the NAIPC position regarding Indigenous Peoples participation in the HLPM is that participation must be FULL and EQUAL. We decided last March that we would revisit the question of the HLPM at the 2014 NAIPC meeting, and decide upon any further participation in planning or participating in the HLPM.

In the months following the Alta meeting and in particular on February 26, 2013, the President of the General Assembly (PGA), has made it clear in an Aide Memoir that equal and effective participation by Indigenous Peoples WILL NOT occur at the HLPM. Therefore, the NAIPC conditions that were established at Sycuan, and that were reiterated at Alta, have not been respected and have been ignored by the PGA. Given this chain of events, and given the short timeline between now and the scheduled HLPM, we do not foresee our conditions for participation as equals in the HLPM being met.

Therefore, the NAIPC calls for the immediate cancellation of the HLPM by the UN General Assembly. We also call on the state of Mexico to cancel its planned technical meeting to begin drafting the outcome document for the HLPM-WCIP; we call on the UNPFII to cancel any further participation and additional preparatory or advisory meetings for the HLPM. Additionally, NAIPC advances the position throughout Great Turtle Island, and to the world's Indigenous Peoples, to call for the cancellation of the HLPM, and to withhold any and all support and participation. We call for the withdrawal of any support, active or tacit, for the HLPM by Indigenous Peoples anywhere in the world.

By consensus the above text was agreed upon and it was decided that the NAIPC will call for cancellation of the HLPM and withdraw from the Global Coordinating Group of the HLPM/WCIP.

Debra Harry and Kenneth Deer, the two NAIPC representatives to the GCG will go to New York to deliver this message to a group of states on Tuesday March 4th, after which time the NAIPC formally withdraws from the GCG.


Submitted on behalf of all our relations – past, present and future.

Debra Harry          Janice Makokis
On Tuesday Indigenous Peoples rejected the fabricated "First Nations Control of First Nations Education - Bill C-33" and asserted that we need INDIGENOUS EDUCATION FOR AND BY INDIGENOUS PEOPLES!

The motion to reject Bill C-33 at the AFN Special Chiefs Assembly (SCA) was carried. The Chiefs in Assembly listened to the voices of the communities, making this historic decision a step forward for Indigenous peoples. As Anishinabek Nation Grand Council Chief Patrick Madahbee stated, “The job of our Chiefs was to listen to what our experts and citizens were telling us. What we saw in the bill was a lot of government control and no First Nations control of education for our children.”

The supposed promise of 1.9 billion dollars to support Bill C-33 did not sway us, nor did it sway the Chiefs at the AFN SCA meeting. This is not just about money and it never has been. Our INHERENT RIGHT to educate our children our way and on our terms is NOT FOR SALE. We have agreements and treaties that guarantee funding that have not been honoured for generations. As it stands, children attending schools on First Nations receive on average $4000 less per child in yearly funding as compared to children attending provincial schools.

The Chiefs in Assembly unanimously backed the motion that the government "must withdraw Bill C-33 and engage in an honourable process with First Nations that recognizes and supports regional and local diversity to true First Nations control of education based on our responsibilities and inherent Indigenous and Treaty rights." Many of us see this as a victory but also understand that there is much work ahead.

While this success of #KillBillC33 should be celebrated and honoured, nations need to continue putting to paper their already developed educational reforms that honour their Indigenous perspectives. Indigenous Education has been taught on these lands for thousands of years and we commend those nations who are already implementing those teachings in their communities.

In addition:

We must remember we are and have been the first voice of our people of these lands. We never relinquished this right.

We must keep the pressure on to stop all legislation of the Harper government that attacks our nationhood, inherent jurisdiction, treaty rights, and the environment.

We must keep the pressure on the First Nation communities, Tribal Councils and PTOs sitting at the current termination tables, which will impede our self-determination and inherent rights.

Nation-to-nation negotiations require relationships of trust and good faith. Because of his incompetence and ignorance regarding these longstanding and significant issues, we call for Bernard Valcourt to step down from his position as Minister of Aboriginal Affairs and Northern Development.
We recommend organizing teach-ins on the topic of the termination tables in your communities or First Nations to expand informed participation in our movement for self-determination, sovereignty and the protection of our Peoples, Land and Water.

UNDERSTANDING BILL C-33: “FIRST NATIONS CONTROL OVER FIRST NATIONS EDUCATION (FNCFNEA)”: A GUIDE

http://fnbc.info/blogs/judith-sayers/understanding-bill-c-33-first-nations-control-over-first-nations-education

AFN CHIEFS IN ASSEMBLY SUPPORT CHIEFS OF ONTARIO ALTERNATIVE EDUCATION RESOLUTION http://www.chiefs-of-ontario.org/node/854FEDERAL GOVERNMENT KILLS EDUCATION BILL AFTER FIRST NATIONS CHIEFS REJECT IT


GOVERNMENT HOLDING FIRST NATIONS CHILDREN RANSOM: MADAHBEE

http://anishinabeknews.ca/2014/05/29/government-holding-first-nations-children-ransom-madahbee/ !!!!!+!!!!!

THE REAL STORY ABOUT HOW CRIMEA'S INDIGENOUS POPULATION ARE AFFECTED BY THE UKRAINIAN CONFLICT

Tai Pei,* March 13, 2014

The US is not the only country that manipulates the information released by the press. Many, many countries do it. Take for example, Ukraine and Russia, countries that deny Indigenous Peoples' rights, and do not even like to use the term "Indigenous Peoples," rather "national minorities", and are doing what they can to destroy Indigenous languages, even if on paper it sounds like they protect them, and since we all know, we live in a society where what's on paper is what "counts." These countries who have their eye on Crimea all of a sudden remember the Crimean Tatars, (the largest group of Indigenous Peoples in the Ukraine), and in their news casts are now saying how the Crimean Tatars will pick up arms to defend them. (Ukraine says that, the other side, Russia, is also using this argument, well knowing that Crimea has a 60 percent Russian population.)Crimean Tatars are not siding with either side, for they have endured much at the hands of both, including being massacred. International law addresses Free, Prior, Informed Consent. If an action is going to impact an Indigenous Peoples, it have their Free, Prior, Informed Consent, period, there is no way around it! Our brothers and sisters in many places of the world have had to endure "extinction myths", the non-recognition of Indigenous Peoples by their governments, and the many speeches by politicians and academics who love to create fear speaking about divisions of peoples if they allow for "these others" to claim and exercise their inherent right to self-determination. In reality, as much as some will like to mock it, self-determination is a fundamental, basic human right according to international law. As an advocate of Indigenous, human, and environmental Rights, I am compelled to inform you what our brothers and sisters are living in Crimea. My brothers and sisters who as I, advocate for these same rights at the United Nations and other international platforms, are in a place of much instability with opposing forces who only place Indigenous Peoples at great risk. By letting the world know that Crimean Indigenous Peoples are not siding with either side, we may help our brothers and sisters. Please share this information widely.

*Tai Pelli is a Taíno woman who advocates for Indigenous, human and environmental rights, the eradication of the
Taíno myth of extinction as well as other social issues such as domestic violence, child sexual abuse and substance addiction. She runs a blog Tai Pelli.

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ON THE MEANING OF RENEWING THE RELATIONSHIP BETWEEN THE DUTCH AND HAUDENOSAUNEE PEOPLES: THE TWO ROW WAMPUM TREATY AFTER 500 YEARS

Marc Woons*

Abstract

In September 2013, a group of three Haudenosaunee leaders made the long voyage from Turtle Island (North America) to The Hague in the Netherlands to mark not only the annual celebration of the UN Declaration on the Rights of Indigenous Peoples, but extraordinarily the four-hundredth anniversary of the Two Row Wampum Treaty between the Dutch and Haudenosaunee peoples. On the occasion, the Haudenosaunee leaders and the Dutch Human Rights Ambassador exchanged gifts and shook hands to symbolize the renewal of the Treaty’s principles of peace and friendship. This paper looks beyond that important occasion by analyzing the likelihood of the Dutch taking the steps necessary to renew such principles and ultimately to honour the Treaty four centuries later. Based on the evidence, the Dutch are doing less than ever before to honour the Two Row Wampum Treaty. The main claim, therefore, is that if the Dutch truly wish to live up the Treaty, they will have to begin by recognizing the proper place of Haudenosaunee sovereignty on Turtle Island even if that involves taking steps that might strain relations with the United States and Canada.

Keywords: Two Row Wampum; Haudenosaunee; the Netherlands; treaties;

Introduction

As 2013 came to a close, the Dutch missed a golden opportunity to do right by Indigenous peoples, to use its unique relationship with the Haudenosaunee to become global leaders in implementing the UN Declaration on the Rights of Indigenous People (UNDRIP) (UN General Assembly, 2007). As Wiemers (2013) wrote in the popular Dutch daily newspaper de Volkskrant at the beginning of 2013, the year offered a unique reason to renew a relationship first forged 400 years ago in 1613 between the Dutch and Haudenosaunee (Iroquois) nations. At the time, the Two Row Wampum Treaty established a new relationship based on friendship, peace, and respect and paved the way for the establishment of Fort Nassau, the first Dutch settlement on Turtle Island (North America), in 1614.

Wiemers ends his article with a hopeful yet modest proposal. He calls on the Dutch government to restore recognition of Haudenosaunee passports – which began as early as 1923 but has ended in recent years – as a good first step to renewing the friendship forged centuries ago (Wiemers, 2013). Unfortunately, it appears the Dutch government has little interest in officially recognizing the passport and even less interest in sincerely renewing its treaty relationship with the Haudenosaunee nations. This is all the more disturbing given the Netherlands’ support for the UNDRIP, adopted in September 2007.

On the surface, my claim might seem heavy-handed. After all, on September 13, next to the Great Tree of Peace in The Hague, an extraordinary celebration took place to mark not just the sixth anniversary of the UNDRIP but also the four-hundredth anniversary of the Two Row Wampum Treaty. Organized by the Netherlands Coalition for Indigenous Peoples, Alifuru drummers (whose traditional territories are in what is now commonly known as Indonesia) welcomed Lionel Veer, the Dutch Ambassador for Human Rights, and Oren Lyons, Joe Deom and Kenneth Deer, three Haudenosaunee delegates who made the long journey from Turtle Island. Both sides shook hands and exchanged gifts as their ancestors did in 1613, symbolizing a renewed commitment to peace and friendship (Ramaker, 2013). The upbeat message sent by Chief Sidney Hill, the Haudenosaunee Tadodaho (Grand Chief), was that “the ancient covenant of the Two Row Wampum illustrates to the peoples of the world that countries and nations do honor their agreements and that peace needs these positive examples to inspire our world
leaders to try harder in their endeavors for peaceful resolutions to the difficult situations all of humanity faces today” (L. van der Vlist, personal communication, November 7, 2013).

Unfortunately, as I intend to show, even a gentle scratching of the surface reveals a very different picture of Dutch attitudes toward its treaty relationship with the Haudenosaunee nations – one that makes such celebrations in a Dutch city known globally for upholding treaties and human rights open to interpretation and even claims of tragic irony by astute observers. While the Haudenosaunee see the Two Row Wampum as a living treaty, the Dutch seem more or less inclined to see it as a debatable relic of a bygone era, as an interesting part of history that can be commemorated but that does not form the basis of a modern relationship leaving the Treaty largely ignored the rest of the time.

Uncovering The Underlying Dutch Perspective

For starters, the Dutch stopped honouring Haudenosaunee passports as a matter of policy. The three leaders who made the trip for the recent ceremony in The Hague had to receive special permission from the Dutch Minister of Foreign Affairs himself, and only with some difficulty (L. van der Vlist, personal communication, November 7, 2013). In other words, members of Haudenosaunee nations must travel on American or Canadian passports if they want to be treated fairly. This is simply unacceptable and goes against the values present in the Two Row Wampum Treaty and article 3 of UN Declaration on the Rights of Indigenous peoples, which states that “Indigenous peoples have the right to … freely determine their political status” (UN General Assembly, 2007). By making travel on their own passports difficult to impossible, the Dutch force them to adopt passports that carry the identity and legal status of their oppressors. Canadian and American governments have a terrible track record – which continues to this day – of separating Indigenous peoples from their lands, their families, and their traditions. One only needs to consider the recent “Idle No More” movement and the Government of Canada’s recent use of police and military force against peaceful protestors who wanted to stop environmentally-devastating extraction of resources from occurring on Mi’kmaq territory (see Schwartz and Gollow, 2013). At Toronto’s 2013 Remembrance Day service, police officers arrested an Haudenosaunee veteran who served five years in the former Yugoslavia for wanting to wave his national flag at the ceremony (MacLellan, 2013). By pushing members of the Haudenosaunee to travel on American or Canadian passports, the Dutch government leaves the very questionable legitimacy of Canada and the United States untouched. They side against the Haudenosaunee and undermine the principle of mutual national recognition called for in the Two Row Wampum Treaty.

Even more disturbing is the considerable effort put into directly challenging the legitimacy of the Two Row Wampum Treaty itself. In what might be seen as aa backhanded effort to commemorate the Two Row Wampum Treaty’s 400th anniversary, one of Holland’s most renowned publishing houses – Koninklijke Brill NV – released a special issue of the Journal of Early American History that casts serious doubts on the authenticity of the Treaty. The issue’s co-editors make damaging claims. They suggest the Treaty was forged and that it should not be seen as a legitimate treaty between sovereign nations “at least in European terms” (Otto and Jacobs, 2013, p. 6). They propose an alternative theory that keeps the door open, however slightly, to the possibility that such a treaty may have been possible, but only after the conclusion of the four-year Mohawk-Mahican war in 1628. In an odd twist, the scholars reject Haudenosaunee oral tradition on the Treaty, but reference a war that is itself almost exclusively known only through Indigenous oral traditions. According to Hemmis (2011), “there is little historical documentation about this conflict because both combatant sides were Native American oral cultures.” So while leading officials like the Dutch Ambassador for Human Rights attend ceremonies, smiling, and shaking hands to celebrate the Two Row Wampum Treaty, Dutch scholars are, unknowingly perhaps, fuelling a broader effort to undermine its validity and strength, disrespecting the oral traditions of the Haudenosaunee in the process.

Yet, one does not even have to go so far as to question the validity of the work done by Otto, Jacobs, and others to understand the negative effect it has on the Netherlands’ relationship with Indigenous peoples. Perhaps Dutch academics could learn from their North American counterparts who for decades have been seeking a foundation upon which a more just relationship between Indigenous and non-Indigenous peoples can be built.
Even if only taken at the metaphorical level, the Two Row Wampum Treaty has served as an inspiration for Indigenous and non-Indigenous scholars (e.g., Borrows, 2002). Melissa Williams (2004, pp. 106–107) shares a particularly telling account of the Two Row Wampum Treaty given by Robert A. Williams, Jr.:

There is a bed of white wampum which symbolizes the purity of the agreement. There are two rows of purple, and those two rows have the spirit of your ancestors and mine. There are three beads of wampum separating the two rows, and they symbolize peace, friendship and respect. These two rows will symbolize two paths or two vessels, travelling down the same river together. One, a birch bark canoe, will be for the Indian people, their laws, their customs and their ways. The other, a ship, will be fore the white people and their laws, their customs, and their ways. We shall each travel the river together, side by side, but in our own boat. Neither of us will try to steer the other’s vessel.

Regardless of the outcome of historical debates that will likely endure for some time, the powerful metaphor of the Two Row Wampum Treaty highlights the importance of working together and respecting difference. Although the Dutch lost its colonies on Turtle Island long ago, it still has a significant role to play in helping guarantee that the Haudenosaunee are free to practice their laws, customs, and ways indefinitely and without unfair constraints.

Most troubling of all, therefore, is the diminishing instead of increasing role the Dutch play in supporting the relationship of peace and friendship started four centuries ago. Beyond the primarily symbolic nature of passports and historical interpretation, the Dutch no longer stand by the Haudenosaunee as they once did. In 1923, and in what was perhaps the first recognized use of a Haudenosaunee passport, Deskaheh made his own voyage from Turtle Island across the Atlantic Ocean in a bid to further Haudenosaunee nationalism. His destination was the League of Nations in Switzerland, where he lobbied for national recognition so that his people would be protected from a Canadian government that was meddling in their affairs in direct contradiction of the principles of the Two Row Wampum and other agreements. Though ultimately unsuccessful, the Netherlands insisted on Deskaheh’s petition being presented despite backlash from Canada and allies such as Britain, who would have otherwise been successful in preventing it from being considered at all (Drees, 1995). Similarly, in 1977, the Netherlands supported calls for international recognition of Haudenosaunee passports despite adamant international opposition (Johansen, 2006). At the time, only twenty-eight states agreed to accept Haudenosaunee passports, though this number has fallen in recent years due to countries (including the Netherlands) changing their minds on the matter. The fact that these efforts had limited impact is not the point; promoting Indigenous rights in today’s world is, after all, an uphill battle. The main point here, and indeed of this paper, is that the Netherlands is falling woefully short on its legal and moral commitments.

A Less Modest Role for the Dutch in Renewing The Relationship: Policy and Institutional Implications

So what does sincerely renewing the relationship look like? The Government of the Netherlands could start by seriously considering what the Two Row Wampum Treaty means as an unbroken and therefore contemporary treaty, particularly in light of its support for the UNDRIP. This could be initiated by actively reflecting on, as one would in any friendship, the Haudenosaunee understanding of the relationship. This would inevitably lead to my less modest starting point: the immediate restoration of Dutch recognition of Haudenosaunee sovereignty, which must be seen as living alongside, and therefore challenging, the allegedly unquestionable sovereignty of Canada and the United States.

The literature is full of examples of how Indigenous and state sovereignty can be reconciled in places like Canada and the United States. In Canada, creative ideas have included establishing a House of First Peoples alongside Parliament (see Williams, 2004), introducing guaranteed Indigenous representation in legislatures (see Fleras, 1991; Ladner, 2003; Murphy, 2008), and using co-management boards that promote equal governing powers over specific resources or territories (see Notzke, 1995; Penikett, 2006). Many of these ideas were
presented as part of the *Report of the Royal Commission on Aboriginal Peoples*, which was released in 1996 after five years of consulting with Canada’s Indigenous peoples (Canada, 1996). The ideas coming from the Royal Commission of Aboriginal Peoples seem particularly worthy of support, given it was the result of a process endorsed and supported by the Government of Canada and that many Indigenous people felt fairly engaged with their concerns and produced an acceptable future for Indigenous-state relations. Despite investing heavily in the *Report*, and against the wishes of many Indigenous peoples and their leaders, the Government of Canada lets it collect dust somewhere on its shelves.

In the United States, considerable debate exists on the extent that Haudenosaunee federalism influenced the American Constitution (for an overview of the discussion, see Payne, 1996). I have so far only hinted that the Haudenosaunee is not a singular nation, but composed of six nations. The Haudenosaunee was originally founded by five nations (the Mohawk, Oneida, Onondaga, Cayuga, and Seneca peoples), and was only later joined by the Tuscaroras people around 1720. The Haudenosaunee formed an alliance whereby all nations willingly subjected themselves to the Gayanashagowa, which has been translated as the Great Law of Peace. The numerous articles of this constitution called on the cessation of warfare between their nations, the joint protection and expansion of their territories, and democratic government based on consensus. Like the Two Row Wampum Treaty, it was important to establish strong friendships between unique peoples in order to promote peace. “For the Iroquouis the exchange of good thoughts between alienated or differing cultural groups was the original and continuing basis of a mutual relationship of reciprocating rights and accommodating duties” (R.A. Williams, 2004, p. 981). The Haudenosaunee constitution was also recorded in the form of a wampum belt called the Hiawatha Wampum Belt, which depicts the five original nations in a row connected by a line. Today, the Hiawatha Wampum Belt is used as the Haudenosaunee Confederacy’s flag and is a powerful unifying symbol of peace and friendship among its constituent nations.

These aforementioned ideas are raised not to endorse any specific policies or solutions. This is in part because specific details must be sorted out as part of an ongoing discussion rooted in justice (and not ruled by power) between the Haudenosaunee (and other Indigenous peoples) and settler states. The above examples are instead raised to show that considerable thought has already been put into these questions and that realistic alternatives have been found.

So what role do the Dutch have? First, and generally speaking, the Dutch could break the “conspiracy of silence”, as Bull (2002, p. 80) calls it, which exists within the international state system that maintains an unjust power imbalance between stateless Indigenous nations and recognized nation-states. As Pitty notes, “external pressure is a vital source of support for Indigenous Peoples … Yet, because of the conspiracy that Bull highlighted, only rarely will such agents be other states … Because of the conspiracy of silence, states still routinely tolerate the structural violence of racism in order to uphold the principle of not interfering in another state’s internal politics” (Pitty 2014, p. 76).

At least in the case of the Haudenosaunee, it is hard to imagine an external actor with more reason to take action than the Dutch. Breaking the conspiracy of silence would be a powerful step symbolically and practically, and could involve a number of recommendations for transforming international relations as we know it. For instance, the Dutch could work through the UN by demanding Indigenous peoples be accorded a more prominent role within its institutions. They could call for greater funding and powers for the Office of the Special Rapporteur on the Rights of Indigenous Peoples. Or, as Pitty himself calls for, powerful external actors such as the Government of the Netherlands could have a catalytic effect in ensuring that a fairer international system of transnational mediation be implemented that resolves conflicts between the legitimate claims of Indigenous peoples and states. Honouring many of the UNDRIP articles also demands that the Dutch pressure Canada and the United States (and other states with Indigenous peoples) to allow Indigenous peoples full rights to self-determination (article 3), the ability to participate in decision affecting them through institutions they consented to participate within (articles 18 and 19). The Dutch position could be seen as part of generally uncovering the full implications of the UNDRIP, though it would be the Two Row Wampum Treaty that provides the Dutch with
additional incentive – and authority – to speak to a new relationship between existing states and Indigenous nations.

**Concluding Remarks**

It goes without saying that the plight of Indigenous people around the world is bleak. Countries who claim the moral high ground based on their self-perception as champions of human rights, such as the Netherlands, simply can not stand by and watch as Indigenous peoples are marginalized culturally and economically in a variety of ways, including being separated from their lands so that multinational corporations can extract resources. We rightly see western states shame China and other known human rights abusers. But is the Netherlands willing to stand up to the United States or Canada to rebalance the scales of justice? If the Dutch *really* care about renewing the relationship with the Haudenosaunee and other Indigenous peoples, they must be willing to do much more than simply recognize their passports; they must stop questioning whether they have a moral obligation toward the Haudenosaunee specifically and Indigenous peoples in general and start fighting for their rightful place in the global community. Anything less maintains the comfortable status quo perspective of the Dutch, which includes seeing the Two Row Wampum Treaty as a historical document with little relevance in today’s world.

Returning to the Great Tree of Peace in The Hague on September 13, we can see that good thoughts and kind gestures were an important part of the ceremony. For the Haudonaunee, good thoughts are indeed a basis for a new relationship based on peace and friendship and are “a feeling *as much as a reality*” (R. A. Williams, 1994, p. 1005, my emphasis). I am convinced the words shared by Chief Sidney Hill were good thoughts in such a sense. Anything less on the part of the Dutch amounts to being friends in words but not in actions.

**Note**

I would like to thank Leo van der Vlist, Director of the Netherlands Centre for Indigenous Peoples, for sharing information that greatly assisted me in writing this piece. I am also grateful to the Fonds Wetenschappelijk Onderzoek – Vlaanderen (Research Foundation – Flanders) for supporting my research. The views expressed in this paper are entirely my own.

**References**


*Marc Woons is an FWO Doctoral Fellow at KU Leuven - Institute of Philosophy, Centre for Ethics, Social and Political Philosophy in Leuven Belgium. He may be contacted at: marc.woons@hiw.kuleuven.be, Web: marcwoons.com, Twitter: @marcwoons.*

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248
As *IPJ* is a refereed journal, articles may be posted on a different schedule from the rest of the journal. We will send out an e-mail announcement when the next set of articles are posted when they are not posted with a regular new journal, and they can be downloaded as a pdf file. **Current articles are available with a list on line at:** [http://www.indigenouspolicy.org/ipjblog/](http://www.indigenouspolicy.org/ipjblog/)

**RESEARCH NOTES**

**BLESSING OR CURSE? THE CIBCHERO AIRPORT**

Pablo Garcia


What happens when a development project driven by a purely economic logic is planned on an Indigenous town with primarily farming means of subsistence? Since the project of the construction of a new international airport in the highland town of Chinchero, Peru was first put forward some 40 years ago, division and conflict in this small and scenic Quechua-speaking community located near the famous tourist hotspots of Cuzco and Machu Picchu has been a pattern. Considered to be one of the most “traditional” places in the Cuzco region, throughout its history Chinchero has witnessed dramatic changes that have profoundly transformed its internal dynamics and relations with the outside world. And yet, at the same time, cultural continuity as expressed in practices such as weaving, the language, the social organization, reciprocity mechanisms, traditional medicine, etc, has stood as a proud hallmark of the town’s identity up to this date, an identity rooted in a Prehispanic and colonial past materialised in its great architectural heritage. Nowadays, however, Chinchero is in a dangerous crossroad, waiting to be provided with proper legal counsel as the town faces its most controversial project ever.

Systematically postponed over the years due to technical objections to Chinchero as an appropriate site for an airport (objections still standing), as well as for the pressures of the powerful tourist lobby in Lima fiercely opposed to its cuzqueñan counterpart, the project has been taken as one of its flagship projects by the current Nationalist Government of President Ollanta Umala, who rose to power in 2011. Since then, State official propaganda both at the national and the regional levels has been actively promoting the idea of economic development and progress for Cuzco. The role of the booming tourist industry in Cuzco has been critical in fostering a misleading perception of tourism as the saviour for all the economic problems of the region and as a sure source of jobs for everyone. From this perspective, and arguing that the current airport is just too small by now, the new International Cuzco Airport in Chinchero has been presented to the public opinion by the Regional Government as a priority necessity to cater for the demands of an increasing flow of visitors from all over the world.

Since the beginning, the prospect of the airport in Chinchero, an impoverished district that attempts to make a consistent living out of tourism, has created a social fracture. A significant number of villagers have accepted the idea of the airport as the purveyor of very much needed jobs and prosperity for the town. Many others have, however, rejected the project and have expressed deep concern for the likely sociocultural and environmental consequences of this large-scale intervention over their ancestral land. The first group argues that Chinchero should not miss this opportunity that will bring economic development for them and the generations to come; the other fears that the cost in terms of ecological damage and cultural disruption will be just too high and call into question the promise of economic “benefits” of the airport. The situation is further compounded by the sociological composition of the community. The District of Chinchero is divided into three main historical ayllus orcommunities (Yanacona, Cúper, and Ayllopongo). The airport will be constructed in Yanacona territory, whose lands have already been sold. This means that only the comuneros (community members) from Yanacona have
received money for the project so far, whereas people from the other two communities have not yet seen any money and they are the ones who oppose the project the most rightly arguing that, apart from not getting money, they will equally suffer from its negative impacts. As a result, inter-ayllu conflict and resentment has only exacerbated in the district.

The way the Regional Government has led the process in Chinchero has been disloyal and misleading. In the early stages of the negotiation process, Yanacona tried to circumscribe the talks within current International legislation that acknowledges the rights of Indigenous Peoples to previous consultation and to an informed decision. However, the Government denied the Indigenous status of Chinchero on the grounds that the town was “too close to a city”. Furthermore, instead of working with the three communities altogether and explain to them in details the wider and long-term implication of such a mega project for a rural district, they dealt directly only with Yanacona offering money for their lands. The price agreed per square meter was below standards and during the negotiations the Regional Government played the card of taking the airport elsewhere at a lower or no cost if their conditions were not met. Had they encouraged the participation of the other two communities in the decision-making process and informed the residents of the problems involved and the risks associated with the airport, the resulting vote would have been quite different as the Regional Government would have faced severe opposition to the project. Unfortunately, those attempts to raise debate over sensitive social and environmental issues have been readily dismissed by the Government and their allied local media as running contrary to the “progress” of Cuzco and their promoters have been portrayed as something close to subversive, and hence socially dangerous, individuals.

The fact is that once the land has been sold, Yanacona has been left alone with the perspective of managing and negotiating the airport within their territory and all what will come with it. Not even the municipality is providing the technical support and legal assistance that the community badly needs. The district’s mayor is a declared political enemy of Yanacona’s president and he has prioritized the politics of the district over the real needs of the ayllus in this critical moment. A number of serious challenges lie ahead for Yanacona. After the majority of the community voted in favour of the airport, this is a torn community. Infighting has set in over land disputes and the necessary steps to be taken. Still many of its members show serious concerns and face great uncertainty due to the lack of clear information about what kind of project will finally materialize and how it will affect their lives. Once the airport takes a portion of the land, a process of re-territorialization and re-organization of what is left has to take place. Those who have been displaced by the land sale will have to be relocated elsewhere. Comuneros want their territory free from outside illegal invasions and uncontrolled urbanization. They fear that the airport will attract many investors interested in buying and selling property and that speculation will be rampant. Indeed this already happening in other communities nearby, where the traditional pattern of communal property is changing into one of private property. Many other outsiders just looking for new business opportunities may arrive and settle in. Comuneros feel helpless to eventually stop or control the new territorial dynamics that are likely to happen. Given the poor regional standards in matters of urban planning and organization, there are reasons to expect spatial chaos, social disorder, and cultural disruption. Besides, they want jobs from the airport. They want to participate in its construction and get longer-term jobs once the infrastructure is running. Nothing of this has been guaranteed, except that the airport will be built by a private consortium that will in all likelihood prioritize its conditions and its own people. The same way Yanacona needs advice, so does Cúper and Ayllopongo to protect their lands. Unless the Government steps in to halt the project or it is encouraged to do so by external pressure, there will be no hope for the people of Chinchero in order to get a fair process that safeguards both their rights and their environment.

*Pablo Garcia is a PhD candidate in Social Anthropology at the University of St Andrews, Scotland.

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REVIEWS

250
Honoring Our Children: Culturally Appropriate Approaches for Teaching Indigenous Students published in 2013 by four editors, Dr. Jon Reyhner, Dr. Joseph Martin, Dr. Louise Lockard, and Dr. Willard Sakiestewa Gilbert, is comprised of eleven chapters from nineteen contributors. It is dedicated to the memory of Alaskan Yupiaq educator and author Dr. Angayuqaq Oscar Kawagley, 1934-2011.

In honor of Oscar’s life work the book notes the crossroads for Indigenous and Western epistemologies giving voice to Indigenous worldviews on integration of the spiritual, natural, and human domains of existence began with his construction of “Native Ways of Knowing.” Oscar believed that, “as we lose our Native languages, more and more of us begin to take part in the misuse and abuse of nature” (Kawagley, 2003, p. vii).

This edition of essays provides marvelous insights into Indigenous people’s educational needs and desires. It calls for a culturally constructed education process to include history, language, nature and art of those being taught. While focused on Indigenous students, the lessons provided are applicable to all students, as are the professional skills required of teachers. The chapters are written in a clear and concise manner and run the gamut from personal experiences, description of successful projects, principles of Indigenous education to practical, hands-on exercises. Any teacher preparation program, classroom teacher or education leader who works with Indigenous children needs this book as a basis for Indigenous knowledge and professional skill development.

This book is a follow-up to Northern Arizona University College of Education’s monograph Honoring Our Heritage: Culturally Appropriate Approaches for Teaching Indigenous Students published in 2011. This new book seeks to accomplish the melding of Indigenous and Western knowledge and pedagogy for the improvement of schooling practices for both Indigenous and non-Indigenous students and their teachers. The first two chapters are adapted from keynote speeches given at the Honoring Our Heritage: American Indian Teacher Education Conference, July 2012. In chapter one, University of Utah Professor Dr. Donna Deyhle describes the negative framework teachers work from as a lack of knowledge shrouded in shallow expectations laden with racism in its harm of Diné (aka Navajo) students. The next chapter, adapted from a speech by University of Alaska Professor Emeritus Dr. Ray Barnhardt, is focused on the reconciliation of this conflict of worldviews from the past and how in the present Native peoples are leading in the redefinition of formal education in rural Alaska.

Chapter three by George Ann Gregory blends personal teaching experiences with historical artifacts that encourage teachers to use as mainstream pedagogical practices. Co-authors Navin Kumar Singh and Jon Reyhner in chapter four provide examples on the Indigenous of India and the U.S. that support and validate the importance of culture-based education. Chapter five stems from a recent doctoral dissertation by Dr. Vincent Werito that explored how schools have historically addressed the cultural and linguistic difference Diné students bring to school that impacts their academic successes and failures.

Chapters six and seven, respectively by Larry Steeves, Sheila Carr-Steward, and Don Pinay, and by Jonathan Anuik are descriptive of Canadian efforts to improve First Nations education. Steeves, Carr-Steward and Pinay describe the Cree Kokum-Grandmother connection that gives strong support to family and community involvement to ensure culturally appropriate teaching and learning methods and ensure that these practices meet the Canadian treaties. In chapter seven, Anuik describes the 2007 Banff Dialogue, which brought together First Nations educators to discuss learner and learning goals that had been driven from the 1972 Canada’s National Indian Brotherhood’s policy statement, Indian Control of Indian Education (NIB, 1972).

David Sanders in chapter 8 describes his doctoral findings on the use of mathematics terminology in his Lakota language and how these might be subsequently integrated into mathematics curriculum for Lakota students.
Chapter nine, Louise Lockard and Velma Hale describe the Diné dual language project for improving teaching practices for Navajo students.

In chapter ten, Christine Lemley, Loren Hudson, and Mikaela Terry describe the oral history research that focused on a high school-university partnership that fostered community engagement. In the final chapter, Evangeline Parsons Yazzie gives examples of historical photographs that can be used to stimulate student learning about Diné history and culture.

As a professor of education policy, I see numerous policy implications for improving teacher preparation programs, school professional development programs focused on Indigenous student needs, and for policy makers to understand the critical responsibility to integrate Indigenous language and culture into the classroom in order to create more effective schools.

References


*Dr. Rosemary Papa is Professor and The Del and Jewell Lewis Endowed Chair

Learning Centered Leadership, Northern Arizona University.

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**MEDIA NOTES**


Offerings from the University of Hawaii Press include: Reuven Amitai and Michel Biran, *Nomads as Agents of*

Recent offerings from the University of New Mexico Press include: Thomas A. Britten, eds., The National Council on Indian Opportunity: Quiet Champion of Self-Determination (352 p[p. for $45 cloth); Malcolm Ebright, Advocates for the Oppressed: Hispanism Indians, Genizaros, and their Land (440 pp. for $60 cloth); David E. Stuart, Anasazi America: Seventeen Centuries on the Road From Center Place (344 pp. for $27.95 paper); Rick Hendricks, and Richard Hughes, Four Square Leagues: Pueblo Indian Lands in New Mexico (496 pp. for $65 cloth); William M. Clemens, Imagining Geronimo: An Apache Icon in Popular Culture (320 pp. for $24.95); Hal Langfur, eds., Native Brazil: Beyond the Convert and the Cannibal, 1500-1900 (304 pp. for $29.95); and David Leedom Shaul, A Prehistory of Western North America: The Impact of Uto-Aztecan Languages (432 pp. for $65 cloth), all plus $5 for the first item and $1 for each additional, shipping, from the University of New Mexico Press, MSC04 2820, 1 University of New Mexico, Albuquerque NM 87131-0001 (505)272-7777 or (800)249-7737, http://www.unmpress.com/.

University of Nebraska Press offerings include: Gregory D. Smithers and Brooke N. Newman, eds., Native Diasporas: Indigenous Identities and Settler Colonialism in the Americas (524 pp. for $45); B.C. Lindsay, Murder State: California's Native American Genocide, 1848-1873 (524 pp. for $45 paper), all, plus $5 for the first item, $1 for each additional, from University of Nebraska Press, 1111 Lincoln Mall, Lincoln, NE 68588 (800)755-1105, pressmail@uni.edu, www.nebraskapress.unl.edu.

Offerings from the University of Oklahoma Press include: Jerome A. Greene, Foreword By: Thomas Powers, American Carnage: Wounded Knee, 1890 (648 pp. for $34.95 cloth); Gary Clayton Anderson, Ethnic Cleansing and the Indian: The Crime That Should Haunt America (472 pp. for $29.95); ed., American Indians in U.S. History, Second Edition (216 pp. for $24.95); Roger L. Nichols An Osage Journey to Europe, 1827–1830: Three French Accounts (168 pp. for $29.95 cloth); George Harwood Phillips, Chiefs and Challengers: Indian Resistance and Cooperation in Southern California, 1769–1906 (384 pp. for $26.95 paper); Mark E. Miller Foreword by: Chadwick Smith, Claiming Tribal Identity: The Five Tribes and the Politics of Federal Acknowledgment (480 pp. for $29.95 paper); Edwin R. Sweeney, Cochise: Firsthand Accounts of the Chiricahua Apache Chief (336 pp. for $49.95 cloth); Paul N. Beck, Columns of Vengeance: Soldiers, Sioux, and the Punitive Expeditions, 1863-1864 (320 pp. for $19.95 paper, also hardcover); James W. Parins, Literacy and Intellectual Life in the Cherokee Nation, 1820–1906 (296 pp. for $34.95 cloth); Jon S. Blackman, Oklahoma's Indian New Deal (192 pp. for $24.95 paper); Joshua B. Nelson, Progressive Traditions: Identity in Cherokee Literature and Culture (296 pp. for $34.95 cloth); C. Daniel Crews and Richard W. Starbuck, eds., Records of the Moravians Among the Cherokees: Volume Five: The Anna Rosina Years Part 3: Farewell to Sister Gambold, 1817–1821 (648 pp. for $60 cloth); Phillip Carroll Morgan, 19th Century Chickasaw Governors; Their Lives and Intellectual Legacy (200 pp. for $20 cloth); Virginia Cole Trenholm and Maurice Carley, The Sentinels of the Rockies (400 pp. for $19.95 paper); and Diana Meyers Bahr, The Students of Sherman Indian School: Education and Native Identity since 1892 (192 pp. for $190.95 paper), 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.


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Ph.D. Dissertations from Universities Around the World on Topics Relating to Indians in the Americas, Compiled from *Dissertation Abstracts*

Jonathon Erlen, Ph.D., History of Medicine Librarian, Health Sciences Library System University of Pittsburgh, erlen@pitt.edu

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254
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. In addition, each regular issue of *IPJ* now carries the Indians of the Americas Ph.D. dissertation abstracts of the last half year. 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.

Dissertation abstracts of January through June 2014 [Link Here]

Dissertation abstracts Data Base 2006 – the present [Link Here]

Useful Web Sites

**CELANEN: A Journal of Indigenous Governance** was launched, this winter, 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. The first issue is dedicated to Art Tsawwassupp Thompson (Ditidaht), who donated his artwork entitled "new beginnings" for use by the Indigenous Governance Program.

**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 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.uic.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

**Survival International**: http://www.survival-international.org/.


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/.

André 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.”
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 Ozeania studies possibilities for restoring the natural environment and humanity's rightful place in it, at: http://rainmakers-ozefania.com/0annexanchorc/about-rainmakers.html.

Oxfam America’s interactive website: http://adapt.oxfamamerica.org shows how social vulnerability and climate variability impact each county in the U.S. Southwest region. The methodology exposes how social vulnerability, not science, determines the human risk to climate change.


The Newberry Library received a grant in August, 2007, from the National Endowment for the Humanities to fund “Indians of the Midwest and Contemporary Issues.” The McNickle Center will construct this multimedia website designed to marry the Library’s rich collections on Native American history with state-of-the art interactive web capabilities to reveal the cultural and historical roots of controversial issues involving Native Americans today. These include conflicts over gaming and casinos, fishing and hunting rights, the disposition of Indian artifacts and archeological sites, and the use of Indian images in the media. In addition to historical collections, the site will also feature interviews with contemporary Native Americans, interactive maps, links to tribal and other websites, and social networking. For more information contact Céline Swicegood, swicegoodc@newberry.org.

The site www.pressdisplay.com has scanned and searchable versions of thousands of newspapers daily from around the world. These are not truncated "online versions". You can view the actually pages of the paper published for that day. There are also 100's of US papers included daily. The service also allows you to set search terms or search particular papers daily. The service will also translate papers into English.

Native Voice Network (NVN: www.NativeVoiceNetwork.org), is a national alliance of Organizations interested in collaborative advocacy on issues impacting Native people locally and nationally.

The Northern California Indian Development Council has a web-based archive of traditional images and sounds at: http://www.ncidc.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 web site in order to expose crimes against humanity committed upon the original inhabitants of Alaska, at: http://www.katalla-chilkat-tlingit.com/.

An interactive website, www.cherokee.org/allotment, focuses on the Allotment Era in Cherokee History during the period from 1887 to 1934, when Congress divided American Indian reservation lands into privately owned parcels that could be (and widely were) sold to non Indians, threatening tribal existence.

The Blue Lake Rancheria of California launched a web site, Fall 2007, featuring the nation’s history, philosophy, economic enterprise, community involvement, and other topics, with many-links. One purpose of the site is to make tribal operations transparent. It is at: www.bluelakerancheria-nsn.gov.


The Native Studies Research Network, UK, University of East Anglia, Norwich is at: http://www.nsrn-uk.org/.

The World Indigenous Higher Education Consortium (WINHEC) and its Journal are online at: http://www.winhec.org/. (See the Ongoing Activities Section for more on WINHEC). The WINHEC site includes links to other Indigenous organizations and institutions.

A link on Latin American Indigenous Peoples:

The Asian Indigenous and Tribal Peoples Network produces occasional papers and reports at:

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