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

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Richard C. Witmer, PhD, and Margaret O’Conner, "Policy Issues in the Self-Determination Era"

Regular 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: http://www.indigenouspolicy.org/.

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

IPJ is seeking to build an editorial committee to work with the new editor in running the article refereeing process

IPJ is seeking volunteers to join the Editorial Committee to collaborate with Rick Wheelock, our new Editor in coordinating the refereeing process for submitted articles, sending submissions round to advisory committee members for review, and making final decisions on articles based on reviewers' advice. If you are interested in on the Editorial Committee, please contact Rick Wheelock, WHEELOCK_R@fortlewis.edu.

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

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

DEADLINE FOR SUBMISSIONS FOR THE NEXT ISSUE IS December 8

INDIGENOUS POLICY PLANS FOR 2016-17 - 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. We have via our web site, a regularly updated and searchable data base of Ph.D. Dissertations from Universities Around the World on Topics Relating to Indians in the Americas, compiled by Jonathon Erlen and Jay Toth from Dissertation Abstracts, with recent dissertations also listed separately in each of our regular Summer and Winter issues.

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

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

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

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

GUIDE TO SUBMITTING WRITINGS TO IPJ

We most welcome submissions of articles, commentary, news, media notes and announcements in some way relating to American Indian or international Indigenous policy issues, broadly defined. Please send article submissions electronically attached to e-mail to Rick Wheelock, WHEELOCK_R@fortlewis.edu, who will send them out for review. All non-article submissions (including Research Notes, which usually are non refereed articles) go via e-mail to Steve Sachs: ssachs@earthlink.net, or on disk, at: 1916 San Pedro, NE, Albuquerque, NM, 87110. If you send writings in Word format, we know we can work with them. We can translate some, but not all other formats into word. If you have notes in your submission, please put them in manually, as end notes as part of the text. Do not use an automated footnote/end note system that numbers the notes as you go and put them in a footer such automated notes are often lost, and if not, may appear elsewhere in the journal, and not in your article, as several writings are posted together in the same
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.

UPCOMING EVENTS

ISN PROGRAM AT APSA 2016 IN Philadelphia, PA, September 1-4, 2016

The Indigenous Studies Network (ISN) is putting on at least one panels and a business meeting/networking session at the 2016 American Political Science Association (APSA) Meeting, Philadelphia, PA, September 1-4, 2016, at the Philadelphia Convention Center. 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 available, including the program, at: http://www.apsanet.org/, Room locations will be in the printed program available at the on-site conference registration. The online program includes abstracts of papers and panels, as well as search capability, so it is easy to see how American Indian or Indigenous matters and issues are involved.

ISN Panel: Indigenous Politics in North and South America, Th, September 1, 2:00 to 3:30pm
Chair: Laura E. Evans, University of Washington
Raymond Orr, "Indian Images: An Experimental Study of Support for American Indians"
Kathleen Regina Barrett, University of West Georgia, "Indigenous Contribution to Human Rights: The US Case"
Giorleny Altamirano Rayo, The University of Texas at Austin, "State Interests and Ethnic Land Rights Enforcement in Latin America
Jason Tockman, University of Washington, "Contentious Bargaining in Bolivia: Citizenship in an Era of Institutional Change"
Andrea Elizabeth Sempertegui, J.W. Goethe University Frankfurt, "Indigenous Women’s Resistance in a Neo-Extractivist Era"

Indigenous Studies Network Business Meeting/Networking Session, Thu, September 1, 6:30 to 7:30pm.

Other Indigenous Panels at APSA

Section on Race, Religion and Politics: "Un-settling" Challenges by Tribal Governments to the Federalism Dynamic, Fr, September 2, 10:00 to 11:30am
Chair: Paula Mohan: Madison College
Kouslaa Kessler-Mata, University of San Francisco," Tri-Federalism? Tribal-State-Feds: The Cooperative Sovereignty Challenge"
Paula Mohan: Madison College, "Disrupting Federalism: Tribal Legalization of Marijuana and Hemp"
Richard C. Witmer, Creighton University and Joshua Johnson, Kennesaw State University, "Tribal-State Relations and American Indian Gaming Compacts"
Frederick J. Boehmke, University of Iowa and Richard C. Witmer, Creighton University, "The Impact of Spatial Context on Support for Indian Gaming"

Section on Race, Religion and Politics: "Contested Transformation: Race Gender & Political Leadership in 21st Century USA," Fri, September 2, 8:00 to 9:30am, The authors (Hardy-Fanta, Lien, Pinderhughes and
Sierra) argue their book constitutes a first-of-its-kind study of racial and ethnic minorities holding elective office in the United States at the beginning of the twenty-first century.

Division 3, Normative Political Theory, "Nationalism, Identity, and Group Self-Determination," Fri, September 2, 12:00 to 1:30pm.
Chair: Stephen Siu Kay On, National Sun Yat-Sen University.
Burke Hendrix, University of Oregon, "Alternative Models of Indigenous Self-Organization."
Caitlin Tom, University of California, Berkeley, "Exhibiting Recognition: Self-Definition at the Canadian Museum of Civilization."
Frédérick Armstrong, University McGill, "Multiculturalism, Dynamics of Minoritization, and Vulnerability."
Nadim Khoury, University of Tromso-The Arctic University of Norway, "The Negotiation of Identity as a Negotiation of Plot Structures."
Tamar Malloy, University of North Carolina, Chapel Hill, "The Three Rs: Respectability, Recognition, and Racism."
Discussant: Michael R. James, Bucknell University.

Division 39, Science, Technology and Politics, Actor Interests in International Environmental Politics
Fri, September 2, 2:00 to 3:30pm.
Chair, Donald D.A. Schaefer, Georgia State University
Shane Day, "How Indigenous Groups Participate in International Environmental Governance."
Kim D. Reimann, Georgia State University, "NGOs and Regional Environmental Governance in Peninsular Southeast Asia."
Meian Chen, University of Oregon, "Environmental Governance Transition in China: The Case of Climate Policy."
Discussant, Aseem Prakash, University of Washington.

Division 12, Comparative Politics of Developing Countries, Context and Causation of Anti-Extractive Conflicts in Latin America, Sat, September 3, 10:00 to 11:30am.
Chair, Matthew Amengual.
Todd A. Eisenstadt, American University, and Karleen West, SUNY Geneseo, "Attitudes on Oil Drilling and Social Movements on Ecuador's Extractive Frontier."
Simon Velasquez, "Indigenous Movements and State-led Extractivism in Leftist Bolivia."
Kelly Bauer, Nebraska Wesleyan University, "Mapuche Communities' Pursuit of Territorial Rights in Southern Chile."
Maria- Therese Gustafsson, "Land-use Planning to Deepen Democratic Natural Resource Governance."
Diego Diaz Rioseco, Brown University, Intergovernmental Competition, "Oil Rents and Subnational Democracy in Argentina."
Discussant, Kenneth M. Roberts, Cornell University.

Division 7: Politics and History, History, Politics, and Land Conflict
Sun, September 4, 8:00 to 9:30am
Chair, James Mahoney, Northwestern University.
Sandipto Dasgupta, Kings College London, "Of Lawyers and Experts: Language of Law and the Limits of Social Transformation."
Maria Paula Saffron, Princeton University and Juan F. Gonzalez Bertomeu, New York University, "The strength of land rights under the Porfiriato."
Shivaji Mukherjee, University of Toronto, "Colonial Indirect Rule, Land Inequality and Maoist Insurgency in India."
Alexandra Hartman, Yale University, "Institutions and Values in Rural Liberia: A Theory of Land Dispute Dynamics."
Discussant, Michael Albertus, University of Chicago.

Division 2, Foundations of Political Theory, Primitive Accumulation and the Great Transformation, Sun, September 4, 8:00 to 9:30am
Chair, William Clare Roberts, McGill University.
K-Sue Park, Texas RioGrande Legal Aid, "The Primitive Accumulation of Land in America."
Onur Ulas Ince, Koc University, "Theorizing the Violence of Capital: Beyond Primitive Accumulation."
Robert Nichols, University of Minnesota, Twin Cities, "Dispossession and Colonial Enpropriation."
William Clare Roberts, McGill University, "The Past, Present, and Future of 'Primitive Accumulation'."

Division 3, Normative Political Theory, "Rethinking Historical and Structural Injustice," Thu, September 1, 8:00 to 9:30am
Chair, Dimitrios E. Efthymiou, Goethe University Frankfurt,
"Narrating Historical Injustice: Responsibility and the Politics of Memory."
Heather N. Pool, Denison University, "‘Wisdom Comes Through Suffering’: The Political Wisdom of Mourning Injustice."
Alexander Keller Hirsch, University of Alaska, "Refusing Empathy."
Mara Marin, Frankfurt University, "Structural Solidarity."
Discussant, Jeanne Morefield, Whitman College.

Other Indigenous Papers at APSA

Laura E. Evans, University of Washington, "Endowed with the Same Right and Claim: American Political Activism," in Race, Citizenship, and American Political Development, Fri, September 2, 10:00 to 11:30am.
Danielle Delaney, University of Wisconsin, Madison, "The Master's Tools: Tribal Contracting and the Struggle for Sovereignty," in Working Around Public Law and Courts, Thu, September 1, 8:00 to 9:30am.
Elaine Stavro, Trent University, "The museum as a site of democracy: affect, sensory reasonings and history," in Division 2, Foundations of Political Theory, "Democracy Now."
Taesuh Cha, Johns Hopkins University, "The Origin of US Racial Imperialism," in Division 20, Foreign Policy, Image and Identity in International Politics," Fri, September 2, 10:00 to 11:30am.
Timothy P. Waligore, Pace University, "Kant's Provisionality: Race, Religion, and Indigenous Property Rights," in Kant, Division 1, Political Thought and Philosophy: Historical Approaches, Sat, September 3, 4:00 to 5:30pm.
Kevin M. Bruyneel, Babson College, "Settler Memory, US Race Politics, and the Fear of an Indigenous Futurity," in Division 2, Foundations of Political Theory, Out of the Past: Race, Affect, and Radical Futures, Sun, September 4, 8:00 to 9:30am.
Cyrus Ernesto Zirakzadeh, University of Connecticut, "Defining the Truth: Peruvian Social Science and Indigenous Resistance," in Division 12, Comparative Politics of Developing Countries, Civil Society and Agency outside the State, Thu, September 1, 8:00 to 9:30am.
Paulina Ochoa Espejo, Haverford College, "Territorial Grounds of Democracy: Property and Jurisdiction in Derecho Indiano," in Division 2, Foundations of Political Theory, Democracy and Comparative Political Thought, Sun, September 4, 10:00 to 11:30am.
Joshua Braver, Yale University, "Mass or Multitude in the Making of the 2009 Bolivian Constitution?" in Division 11, Comparative Politics, Empirical & Normative Implications of Deliberative Constitutions in Democracies, Fri, September 2, 2:00 to 3:30pm.
Paasha Mahdavi, Georgetown University, "No Taxation, No Representation? Citizen Preferences & the Alaska Permanent Fund," in Division 39, Science, Technology and Environmental Politics, Energy Politics and Policy, Sun, September 4, 10:00 to 11:30am.

Edgar Franco Vivanco, Stanford University, "Colonial Rule, Local Governance and Development: Evidence from Tlaxcala, Mexico," in Division 7, Politics and History, Imposed Regimes and Enduring Patterns of Economic Development, Fri, September 2, 2:00 to 3:30pm.

Kristin McKie, Saint Lawrence University, "Donor Funding & Social Movement Demobilization: The Barabaig Movement, Tanzania," in Division 12, comparative Politics of Developing Countries, Social Movements and Contentious Politics across Regions, Thu, September 1, 8:00 to 9:30am.

Maria Victoria Murillo, Columbia University, "Soybean Expansion and Popular Resistance in the Argentinean Chaco Region," in Division 11, Comparative Politics, Subnational Politics in Developing Countries: Policy, Institutions and Conflict, Fri, September 2, 12:00 to 1:30pm.

Jeffrey W. Paller, University of San Francisco, "City Under Siege," in Theme Panel, Urbanization in Sub-Saharan Africa: A Great Transformation in the Making, Thu, September 1, 2:00 to 3:30pm.

Matthew D Friedich, Vanderbilt University Hospital, Climate Change, "Collective Action, and Neoliberal Governance," in Division 3, Normative Political Theory.

Fiona Shen-Bayh, "Auxiliary Justice in Authoritarian Regimes," in Division 26, Law and Courts, Courts and Regime Politics, Sat, September 3, 4:00 to 5:30pm.

Shane J Barter, Soka University of America, "Decentralizing Autonomy: Power Sharing among Ethnic Minorities," in Division 28, Federalism and Intergovernmental Relations, Decentralization and Power Sharing, Fri, September 2, 2:00 to 3:30pm.

Christopher F. Karpowitz, Brigham Young University and Chad Raphael, Santa Clara University, "Ideals of Inclusion in Deliberation," in Division 3, Normative Political Theory, Equality, Equity, and Deliberation, Sat, September 3, 10:00 to 11:30am.

Kathy E. Ferguson, University of Hawaii, Manoa, "Where Should Feminist Theory Be Going?" in Division 3, Normative Political Theory, Gender, The Family, and Feminist Political Theory, Fri, September 2, 10:00 to 11:30am.

Mauro J. Caraccioli, Virginia Tech, "To Struggle for a Better World: Radical Scholarship in the Anthropocene." in Division 42, New Political Science, New Global Politics? Internationalizing the Caucus for a New Political Science, Fri, September 2, 8:00 to 9:30am.

Rahma Abdulkadir, New York University-Abu Dhabi, "Reconciling Tradition & Modernity for Peace Building Assessing attitudes among Somalis," in Division 12, Comparative Politics of Developing Countries, Post-Conflict Public Goods Provision, Sun, September 4, 8:00 to 9:30am.

Fiona C. Barker, Victoria University of Wellington and Hilde Roza Coffe, Victoria University of Wellington, "MMP and The Representation of Ethnic Minorities in New Zealand," in division 34, Representation and Electoral Systems, Proportional Representation in New Zealand after Twenty Years (Other papers on this panel likely touch on Mauri affairs and issues), Sat, September 3, 12:00 to 1:30pm.

Maria Esperanza Casullo, Universidad Nacional de Río Negro, "Looking Forward, Looking Backward: Latin American and European Populisms," in Division 11, Comparative Politics, The Relational-Cultural Approach to Populism in Comparative Politics, Sat, September 3, 2:00 to 3:30pm.

Christian Davenport, University of Michigan, Cyanne E. Loyle, Indiana University and Priyamvada Trivedi, University of Michigan, "Prosecution or Persecution? Gacaca and the Elimination of Political Rivals," in Division 45, Human Rights, What Factors Aid in Human Rights Acceptance and Fulfillment? Sun, September 4, 8:00 to 9:30am.

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WSSA 2017 AMERICAN INDIAN STUDIES SECTION PROGRAM, April 12-15, 2015

The American Indian Studies Section of the Western Social Science Association, at its 59th meeting, expects to again have a full program of panels at the association's meeting at the 2017 conference in Reno, NV April
Paper/panel proposals for the American Indian Studies Section can either be submitted online by going to: http://www.wssaweb.com, or by sending them (preferably by E-mail) to AIS section coordinators: Alisse Eli-Joseph: li-joseph@nau.edu, and Karen Jarratt-Snider: karen.jarratt-snider@nau.edu. Deadline for proposals, including abstracts, likely is December 1, 2016. Information, which will eventually include the preliminary program, can be accessed online at: http://www.wssaweb.com.

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

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

8th International 3L Summer School: Endangered Languages: From Documentation to Revitalization may be in July 2016. For details visit: http://www.ddl.ish-lyon.cnrs.fr/.

NCAIS Graduate Student Conference at the Newberry Library in Chicago may be in July 2016. “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/.

Australlex 2016: Endangered Words, and Signs of Revival may be in Australia, in July 2016, though the months in which it has been held varies. For details go to: http://www.australex.org/.

NCAIS Summer Institute, May be in July and August, 2016, Recording the Native Americas: Indigenous Speech, Representation, and the Politics of Writing. For more information go to: www.newberry.org/mcnickle.

Issues in Intercultural Learning and Teaching Across L2 Contexts and Situations (12th ELIA) may be in July 2016. For details visit: http://www.eliaxii.es/.

7th International 3L Summer School: Endangered Languages: From Documentation to Revitalization may be in July 2016. For details visit: http://www.ddl.ish-lyon.cnrs.fr/.

The 11th Annual Vine Deloria, Jr. Indigenous Studies Symposium may be in July 2016 and will be held at the Coast Salish Institute Building on Lummi Campus. For details contact Native American Studies, Northwest Indian College, 2533 Kwina Rd., Bellingham, WA 98226 (360)392-4307, www.nwic.edu.
The National Indian Gaming Association Legislative Summit may be in July 2016, in Washington, DC. For information go to: http://www.indiangaming.org/legis.


11th Lancaster Postgraduate Conference in Linguistics and Language Teaching (LAELPG 2016) is in Lancaster, United Kingdom, is July 11, 2016. For details go to: http://www.lancaster.ac.uk/fass/events/laelpgconference/index.htm.

Tribal Interior Budget Council is July 12-14, 2016, at the Best Western Ramkota Hotel & Conference Center, Rapid City, SD. For information visit: http://www.ncai.org/events/2016/07/12/tribal-interior-budget-council-july-12-14-2016.

RES Oklahoma is July 12-14, 2016, at Hard Rock Hotel & Casino, Tulsa, Oklahoma. For details visit: http://www.ncai.org/conferences-events/ncai-events.

American Indian Higher Education Consortium (AIHEC) 2016 Summer Board Meeting is July 14-16, in Denver, CO. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.


SGAC/TSGAC Self Governance 3rd Quarter Advisory Committee Meeting is July 19-21, 2016 in Washington, DC. For details visit: http://www.ncai.org/conferences-events/ncai-events.

National UNITY (United National Indian Tribal Youth) Conference: Technology and Tradition for Today and Tomorrow" is July 22-26, 2016 at the Renaissance Oklahoma City Convention Center Hotel in Oklahoma City, OK 73102. UNITY also holds occasional training sessions. For details visit: http://www.unityinc.org.

The March for a Clean Energy Revolution is July 24, in Philadelphia to demand a clean energy future for ALL of us." For information go to: https://secure.foodandwaterwatch.org/site/Donation2;jsessionid=AE111C4E85A40DC90A31621DBEFE8AEF.app30112b?idb=751542432&df_id=4685&mfc_pref=T&4685.donation=form1&autologin=true&idb=0.


American Indian Higher Education Consortium (AIHEC) 2016 Chief Academic Officers Orientation is at Salish Kootenai College, July 31, 2016. For information visit: http://www.aihec.org/who-we-are/calendar.htm.

American Indian Higher Education Consortium (AIHEC) 2016 SKC TCU Summer Meeting (includes Chief Academic Officers, Registrars, Financial Aid Directors, and Student Service Staff), August 1-5 2016. For information visit: http://www.aihec.org/who-we-are/calendar.htm.

The 2016 annual meeting of the Linguistic Association of Canada and the United States, the 43rd LACUS Forum, is, August 2-5, at Saint Mary’s University, Halifax, Nova Scotia. For details visit:

**Women & Water Coming Together Symposium** (Indigenous perspectives on cultural, environmental and spiritual issues concerning water) is in Haywood, WI, August 7-11, 2016, For details visit: www.spiritofthewater.org.

**National AI/AN Behavioral Health Conference** is August 9-11, 2016 is at the Portland Marriott Downtown Waterfront, Portland, OR. For details visit: http://www.ncai.org/conferences-events/ncai-events.


NAAAS (including The National Association of Native American Studies) **International Research Forum** is August 14-22, 2016, co-sponsored by the University of Texas Rio Grande Valley, at South Padre Island, Texas. For details visit: https://www.naaas.org/view-calendar/.

**NACA Emerging Native Leaders Summit** is August 16-18, 2016, at Washington, DC. For details visit: http://www.ncai.org/conferences-events/ncai-events.

**Syntax of the World's Languages VII (SWL VII)** is August 17-19 in Mexico City. For details visit: http://swl-7.weebly.com/.

**NICWA Training Institute** is August 23-25, 2016, at Rapid City, SD. For details visit: http://www.ncai.org/conferences-events/ncai-events.

**2016 NATIONAL STOLEN GENERATIONS CONFERENCE** is at Grand Mercure Resort in the Gold Coast, Australia on 24th – 26th August 2016/ For details go to: http://www.indigenousconferences.com/#!2016-national-stolen-g-conference-r5smj.

**2016 World Indigenous Business** Forum is in Saskatoon, Saskatchewan, Canada, at Teachers’ Credit Union Place, August 25- 26, 2016. It is co-hosted by the Indigenous Leadership Development Institute (ILDI) and Saskatchewan First Nations Economic Development Network. For details go to: http://wibf.ca/.

**13th Language is Life Biennial Conference** may be in September 2016. For details, visit: http://www.aicls.org/.


**3rd Language and Language Teaching Conference (LLTC) 2016** may be in September 2016. For details visit: https://sites.google.com/site/usdlltc/.

The 2016 Global Indigenous Women's Conference is scheduled on September 12-14, 2016 at Stamford Grand Hotel Glenelg Adelaide South Australia. For details go to: http://www.indigenousconferences.com/#!2016-womens-conference-main-page/c1zfc.


3rd INDIGENOUS STOP DOMESTIC AND FAMILY VIOLENCE WORLD CONFERENCE is in Adelaide South Australia, Stamford Grand Adelaide Beach Hotel Glenelg, September 14-17, 2016. For details go to: http://www.indigenousconferences.com/#!2016-international-domestic-violence-c1zpe.

Colorado Association for Bilingual Education (CABE) is September 14 – 15, 2016, at the Westminster, 10600 Westminster Boulevard, Westminster, CO. For details visit: http://www.cocabe.org

44th Annual Meeting of the Linguistic Association of the Southwest will be held at the University of Texas at Austin, September 15-17, 2016. For details go to: http://clas.ucdenver.edu/lasso/index.html.

2nd 2016 Fall Finance & Tribal Economies Conference is September 18-20, 2016, at Charlotte, NC. For details visit: http://www.ncai.org/conferences-events/ncai-events.


The 2016 National Cultural and Linguistic Diverse Worker’s Conference: Drivers in Diversity” will be held at the Hervey Bay, Australia Community Centre scheduled for the 26th – 28th September 2016. For details visit: http://www.indigenousconferences.com/#!2016-cald/c1mhi.


2016 WINHEC Annual Meeting is in New Zealand, September 26-October 1, 2016. For information visit: http://www.aihec.org/who-we-are/calendar.htm.

NICWA Training Institute is September 27-29, 2016, at Oklahoma City, OK. For details visit: http://www.ncai.org/conferences-events/ncai-events.


The National Association for Multicultural Education (NAME) may be in October 2016. For details visit: http://www.nameorg.org/2015_name_conference_name2015.php.

The 24th EPA Region 9 Conference (Pacific Southwest Region of the EPA), covering 148 tribal nations) conference may be in October 2016. For information visit: http://region9tribal-epaconference.com.

CILLA VIII may be in October 2016, Convocatoria Séptimo Congreso sobre los Idiomas Indígenas de Latinoamérica. For details go to: http://ailla.utexas.org/site/events_sp.html.

Annual, Sunrise Gathering on Alcatraz Island may be in October or November 2016. For details go to: http://www.iitc.org/conferences-events/community-events/.

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

National Indian Education Association 47 Annual Conference and Trade Show is October 5-8, 2016, in Reno, NV. For details visit: http://niea.site-ym.com/events/event_list.asp.

American Indian Higher Education Consortium (AIHEC) 2016 Fall Board Meeting is October 6-8, 2016 is in New Orleans, LA. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

9th Annual Tusweca Tiospaye 2016 Lakota Dakota Nakota Language Summit and FirstNations Education Summit is October 6-8, 2016, at the Rushmore Plaza Civic Center, Rapid City, SD. For details visit: http://tuswecatiospaye.org/.

The Indigenous Studies Area of the Midwest Popular Culture Association at the annual Midwest Popular Culture Association/American Culture Association conference is, October 6-9, 2016 at the Hilton Rosemont/Chicago O’Hare. For more information about the conference please visit the conference website at www.mpcaaca.org/conference.

Governance Institute for Student Success TCUs (GISS-TCU 2) is in New Orleans, October 7-9, 2016. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

NCAI 73rd Annual Convention and Marketplace is in Phoenix, AZ, October 9-14, 2016. For details visit: http://www.ncai.org/conferences-events/ncai-events.

The 2016 International Conference of Indigenous Archives, Libraries, and Museums October 9-15, 2016 (Conference dates are October 11-12) at the Sheraton Wild Horse Pass Resort & Spa, Gila River Indian Community, Phoenix, AZ. For information, visit: http://www.atalm.org. Please direct questions to atalminfo@gmail.com.


The 48th Algonquian Conference is at the University of Wisconsin-Milwaukee, October 13-16, 2016. For information visit: http://uwm.edu/eqi/wp-content/uploads/sites/130/2016/06/48th-Algonquian-CFP.pdf, or
MSI Convening on Student Success: Using Data to Effect Change is October 14-15 in Dallas, TX. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.


Sixth International Conference on Language Immersion Education is October 20-22, 2016, in Minneapolis, MN. For details visit: http://www.carla.umn.edu/conferences/LTE2015/.

American Indigenous Research Association Meeting is October 21-22, 2016 in Joseph McDonald Health and Fitness Center, Salish Kootenai College in Pablo, Montana. Preconference workshop is October 20. For details go to: http://americanindigenousresearchassociation.org/meeting/.

USET SPF Annual, hosted by Eastern Band of Cherokee Indians, is at Harrah’s Cherokee Casino, Cherokee, NC, October 24-26. For details go to: http://www.usetinc.org/meetings-events/uset-annual-expo/2016-2/.


5th International Conference on Language, Education and Diversity (LED 2015) may be in Auckland, New Zealand, in November 2016. For details visit: https://led.education.auckland.ac.nz.

First Nations Language Keepers Conference may be in November 2016 at the Saskatoon Inn and Conference Centre in Saskatoon, Saskatchewan, Canada. Details are available at: http://www.sicc.sk.ca/.


FALCON Annual Conference is November 5-7, 2016 in Albuquerque, NM. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

Tribal Interior Budget Council is November 7-9, 2016 at Washington Plaza, 10 Thomas Circle NW, Washington, DC. For details visit: http://www.niea.org.

RES New Mexico is November 14-17, 2016, in Santa Fe, NM. For details visit: http://www.ncai.org/conferences-events/ncai-events.


Language Documentation and Linguistic Theory 5 is December 3-4, 2016, at Russell Square: College Buildings, University of London, London, England. LDLT5 aims to bring together researchers working on linguistic theory and language documentation and description, with a particular focus on innovative work on under-described or endangered languages. For information visit: https://www.soas.ac.uk/language-documentation-and-linguistic-theory-2016/.

NICWA Training Institute is December 6-8, 2016 in Portland, OR. For details go to: http://www.ncai.org/conferences-events/national-events.


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

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

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

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

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

UNITY 2017 Mid-Year Conference may be in February 2017 at the Phoenix Marriott Mesa, Mesa. AZ/ For details go to: http://www.unityinc.org.


10th International Conference on Language Teacher Education is at the UCLA, February 2-14, 2017. For details go to: http://nhlrc.ucla.edu/nhlrc.

USET Impact Week is February 6-9, 2017, at Crystal Gateway Marriott, Arlington, VA. For details visit: http://www.ncai.org/conferences-events/ncai-events.
American Indian Higher Education Consortium (AIHEC) 2017 Winter Board Meeting is February 6-9, 2017 in Washington, DC. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.


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

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


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

American Indian Higher Education Consortium (AIHEC) 2017 Student Conference, March 19-17, 2017 at Best Western Ramkota Hotel and Conference Center Rapid City, SD. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

SGAC/TSGAC Self Governance 2nd Quarter Advisory Committee Meeting is March 28-30, 2017. For information visit: http://www.ncai.org/conferences-events/ncai-events.

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

Alaska Native Studies Conference 2017 may be in April 2017 at the University of Alaska Fairbanks campus. For information go to: http://alaskanativestudies.org.

Washington Association of Bilingual Education: Annual Conference may be in April 2017, in Bellevue, WA. For details go to: http://wabewa.org/.

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

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

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

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


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

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


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

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

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

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

9th Austronesian and Papuan Languages and Linguistics Conference may be in May 2017, in London, UK. For information go to: https://www.soas.ac.uk/linguistics/events/apll8-conference/.
21st Navajo Studies Conference may be at Northern Arizona University, Flagstaff, Arizona, may be in May 2017. For details go to: http://www.navajostudies.org.

24th Annual Stabilizing Indigenous Languages Symposium may be at the University of Hawaii at Hilo, in June 2017. Information will become available at www.uhh.hawaii.edu.

Heritage Language Research Institute may be in 2017. For details go to: http://nhlrc.ucla.edu/.

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

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

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

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


The Society of American Indian Government Employees (SAIGE) is a national non-profit organization that advocates for American Indian and Alaska Native federal employees. SAIGE 14th Annual National Training Program may be in June 6, 2017. Information is available from the Society of American Indian Government Employees, P.O. Box 7715, Washington, D.C. 20044, www.saige.org.

Breath of Life / Workshop for California Indian Languages is in June 2016, For details visit: http://www.aicls.org.

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

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

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

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

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


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

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

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

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

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

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


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

**NIEA Annual Conference** is October 5-7, 2017 in Orlando, FL. For details visit: http://www.aihec.org/who-we-are/calendar.cfm.

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

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

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


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

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

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

**American Indian Higher Education Consortium (AIHEC) 2018 Student Conference** is March 11-14, 2018 in Rapid City, SD. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.
NICWA Annual Conference is April 15-18, 2018 in Anchorage, AK. For details visit: http://www.ncai.org/conferences-events/ncai-events.

NCAI 2018 Mid Year Conference & Marketplace is June 3 - Jun 6, 2018, in Kansas City, MO. For details visit: http://www.ncai.org/conferences-events/ncai-events.

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

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


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ONGOING ACTIVITIES
Steve Sachs

Environmental Activities

Sarah Alexander, Food & Water Watch, June 15, 2016, act@fwwatch.org, https://secure.foodandwaterwatch.org/site/SSurvey;jsessionid=4DC798678BDFAC0042902700E25522E6.app30112b?ACTION_REQUIRED=URI_ACTION_USER_REQUESTS&SURVEY_ID=46797, stated, "Our climate can't wait any longer. We need decisive action to quickly and justly transition away from dirty fossil fuels, and we need elected leaders who listen to the people, not fossil fuel companies.

At the March for a Clean Energy Revolution on Sunday, July 24, the day before the Democratic National Convention in Philadelphia — we're bringing the message home to Democratic Party officials: we demand a just transition to a clean energy future — now!

You won't want to miss this. Join us in Philadelphia on Sunday, July 24 for the March for a Clean Energy Revolution!

Our elected leaders need to make a commitment to clean energy NOW. Politicians on both sides of the aisle have been bought out by wealthy oil and gas interests, putting profits above our climate and the health and safety of our communities. Food & Water Watch is gathering in Philadelphia with a robust coalition of impacted communities, faith, youth, grassroots and national organizations — to call for a ban on fracking, keep fossil fuels in the ground, stop dirty energy, uphold environmental justice, and quickly and justly transition to 100% renewable energy.

Thousands will be coming together from across the country, meeting in the streets of Philadelphia, to peacefully march as one powerful movement. We're coordinating buses and transportation from across the region, and we're committed to helping you plan your logistics so you can join us in Philly.

Join the thousands convening in Philadelphia to March for a Clean Energy Revolution!
When you sign up, we'll walk you through everything you need to know to get to Philadelphia and participate in this powerful action on Sunday, July 24. I hope to see you there!

Deirdre Fulton, "As Obama Sells Pollution Inside Superdome, Protesters Demand: 'No New Leases! 'We are telling Big Oil to take their rigs and go home,' says local organizer" Common Dreams, March 23, 2016, http://www.commondreams.org/news/2016/03/23/obama-sells-pollution-inside-superdome-protesters-demand-no-new-leases, reported, "Hundreds of Gulf Coast residents and climate activists are protesting Wednesday at the Superdome in New Orleans, in a historic call to end federal offshore fossil fuel lease sales in the Gulf of Mexico.

The action is scheduled to coincide with Wednesday's lease sale of 43 million acres in that very location—the first such auction since the Obama administration unveiled a five-year offshore drilling plan last week that protects the Atlantic but leaves the Gulf and Arctic open to oil and gas extraction projects. In a letter last week (pdf), groups called on President Barack Obama to cancel the auction, saying it illustrates 'the dangerous disconnect between your administration's climate goals and the continued leasing of federal lands and waters for fossil fuel extraction.'

According to organizers, which include climate and social justice groups 350.org, Center for Biological Diversity, Louisiana Bucket Brigade, and Rainforest Action Network, busloads of concerned citizens came from around the region, hailing from Texas, Alabama, Mississippi, Florida, and Louisiana.

'The oil industry has drilled and polluted and destroyed the Gulf Coast for the last 100 years,' said Anne Rolfes, founding director of Louisiana Bucket Brigade.

'Those of us who live here have let them get away with it,' she continued. 'Today's action is historic precisely because of the past century of submission. We are telling Big Oil to take their rigs and go home. And we are telling our elected officials to get with it, to lead the transition from dirty energy to one that relies on wind and solar. Clean, safe jobs are the jobs we want; this is the future we want. If we don't grab it now, we risk being left behind in an oily puddle.'

In an essay for The Advocate co-written with Louisiana journalist Cherri Foytlin, Rolfes continued:

'The problems with the oil industry in Louisiana are painfully obvious. The relentless digging of canals has led to destruction of our wetlands that once offered important protections from storms. The first official climate refugees in the United States are the Louisiana community of Isle de Jean Charles. The destruction of this Native community underscores the harsh reality that poor communities, African-Americans, Native Americans and the Vietnamese communities are the most vulnerable, not just to coastal loss but to the industry's relentless pollution.'

The location of Wednesday's lease auction is painfully ironic, given the Dome's role as the evacuation of last resort during Hurricane Katrina. Who can forget what happened there? The oil industry had a hand in making us vulnerable to Katrina and to storms yet to come. And yet our government is using the Superdome as the venue to let the oil industry continue its harms.

Wednesday's demonstration—which is also demanding that the fossil fuel industry create at least 1,000 jobs to address its 'aging infrastructure and toxic legacy,' particularly in communities of color—builds on a national call to 'keep it in the ground.'

'The science is clear: in order to prevent climate catastrophe, we need to keep fossil fuels in the ground,' said May Boeve, executive director of 350.org, in a statement. "That means an immediate end to all new oil and gas leases in the Gulf and a full transition to 100 percent renewable energy."

Last fall, more than 400 groups and environmental leaders asked the Obama administration to end all federal fossil-fuel leasing, saying to do so would keep up to 450 billion tons of carbon pollution out of the atmosphere."

The Union of Concerned Scientists (UCS), has continued many actions. Including working to have Exxon Mobil held accountable for knowingly increasing global warming induced climate change, while publicly denying that was the case. In one piece of this, “Science Group Lauds California Attorney General’s
Move to Investigate ExxonMobil.” January 20, 2016, UCS commented, “California Attorney General Kamala Harris’s reported decision to investigate ExxonMobil brings us one step closer to holding hold fossil fuel companies accountable for decades of deception about the harm caused by their product.

“Since November, thousands of Californians—including more than 3,700 UCS supporters—have signed petitions calling on Attorney General Harris to launch an investigation into possible misconduct by ExxonMobil. Almost 13,000 UCS supporters are also among the nearly 390,000 people who have joined calls for a federal investigation of ExxonMobil.”


UCS has been taking stands on many issues relating to reducing greenhouse gasses, and otherwise better protecting the environment. In connection to that UCS has been vocal on policy being made on good science, and countering attacks on science, particularly by those who wish to pollute.

While on food policy, “National Food Policy Fails, But These Cities Show the Way Forward,” January 13, 2015, reported, “Research has found that low-income communities and communities of color have less access to healthy food and less equitable local food systems, forcing residents to rely on convenience stores and fast food restaurants rather than grocery stores and farmer’s markets. These populations also have higher rates of diet-related diseases, such as obesity and type II diabetes. Not only do national policies undermine health in poor communities, but they also fail to offer opportunities for much-needed jobs and entrepreneurship.

In a new report, “Fixing Food: Fresh Solutions from Five U.S. Cities,” [available at: http://www.ucsusa.org/food-agriculture/expand-healthy-food-access/fixing-food-fresh-solutions-five-us-cities-2016] the Union of Concerned Scientists (UCS) looks at how local governments and community groups are working to make affordable, healthy food available to more people and empower them to build better food systems.”

UCS has also found that relying more on local food reduces cost (and it is less CO2 polluting with less transportation – though in each case there is also the question of the fuel efficiency of the transportation).

For more information on all its activities visit: www.ucsusa.org.

The Union of Concerned Scientists (UCS), April 21, 2016, “What’s Next Following the Historic Signing of Paris Agreement? Statements by Alden Meyer and Ken Kimmell, Union of Concerned Scientists,”

WASHINGTON (April 21, 2016)—"Tomorrow, over 150 countries are expected to sign the Paris Agreement at the United Nations building in New York City. The number of countries participating makes this event one for the history books and also sends a strong signal to carbon polluter that the age of fossil fuels is coming to an end.

Below is a statement by Alden Meyer, director of strategy and policy at the Union of Concerned Scientists (UCS), and a leading expert on the UN’s international climate negotiations.

The unprecedented number of countries signing the Paris Agreement confirms there’s strong global will to act urgently to limit the dire impacts of climate change, by shifting away from fossil fuels toward clean renewable energy and efficiency technologies.

However, the signing ceremony is just the beginning. Countries—especially top emitters like the U.S. and China—must move aggressively to implement and strengthen their domestic action commitments, if we’re to meet the Paris Agreement’s ambitious temperature limitation goals. We also need to see collective action by leaders at the upcoming G-7 and G-20 summit meetings, to phase out fossil fuel subsidies, shift investments away from high-carbon infrastructure like coal, and do more to help vulnerable communities deal with the mounting impacts of climate change.’

Below is a statement by Ken Kimmell, president of UCS. Kimmell is the former commissioner of the
Massachusetts Department of Environmental Protection and Regional Greenhouse Gas Initiative board chair. The Paris agreement is the capstone of years and years of hard work. The U.S. showed great leadership by making an ambitious pledge in Paris, the backbone of which is the Clean Power Plan and fuel economy standards for cars and trucks. These policies are widely supported by the public and can save consumers money. But they won’t get us all the reductions we pledged to make. It’s now up to President Obama and his successor, Congress, state and local governments, and the private sector to roll up their sleeves to adopt additional policies that will make our Paris pledge a reality.”

UCS other concerns and efforts include:

Help prevent a nuclear catastrophe. Today, the United States keeps nuclear missiles on high alert, ready to be fired in a matter of minutes. **Tell President Obama to take our missiles off hair-trigger alert** and make us all safer.

Urge your governor to power ahead on the Clean Power Plan. The Supreme Court's recent ruling on the Clean Power Plan is a speed bump, not a stop sign. **Tell your governor to move forward with state plans to act on climate change** and transition to renewable energy.

Tell the next president to fix the U.S. food system. Our food system is out of balance, favoring corporate profits over the health of people and the environment. The next president should lead with a plan to make sure every American has access to healthy, affordable food. **Add your name to the petition today.**

Stop climate change deception. It's time to hold the largest oil, gas, and coal corporations accountable for their efforts to distort climate science and block action to reduce global warming emissions. **Urge the fossil fuel industry to stop supporting climate disinformation.**

For more information, visit: www.ucsusa.org.


The dark channels through which corporations influence legislation are notoriously hard to trace, but a new detailed report estimates that the world's largest fossil fuel companies are spending upwards of $500 million per year to obstruct climate laws.

Published Thursday by the UK-based non-profit InfluenceMap, the report (pdf) looked at two fossil fuel giants (ExxonMobil and Royal Dutch Shell) and three trade lobbying groups, discovering that **all together the five companies spend $114 million dollars a year to defeat climate change legislation.**

More significantly, InfluenceMap says, 'Extrapolated over the entire fossil fuel and other industrial sectors beyond, it is not hard to consider that this obstructive climate policy lobbying spending may be in the order of $500m annually.'

'It's remarkably useful to see exactly how much Exxon and its brethren are still spending to bend the climate debate,' responded (pdf) Bill McKibben of 350.org in a statement. "There's a shamelessness here that hopefully will be harder to maintain in the full light of day.'

Dallas Goldtooth of the Indigenous Environmental Network (IEN), June 17, 2016, http://www.ienearth.org/?utm_medium=email&utm_source=MyNewsletterBuilder&utm_content=368682913&utm_campaign=We+are+the+Grassroots+&+Join+the+campaign+to+stop+Energy+Partners+keepitintheground+1412643376&utm_term=The+Indigenous+Environmental+Network, commented, "My name is Dallas Goldtooth, Keep It In The Ground Campaign Organizer for IEN

Nationwide grassroots communities are coming together to oppose the many tentacles of the **Dirty Energy Behemoth** Energy Transfer Partners (ETP)!

And we are asking you to **Stand with communities nationwide to EXPOSE & OPPOSE ETP!**

This national #StopETP effort seeks to EXPOSE the various ETP projects, subsidiary companies & conspirators including, but not limited to:
Kelcy Warren, CEO of ETP, Energy Transfer Equity, Energy Transfer Crude Oil Company LLC, Williams Partners (through an ongoing merger), Dakota Access LLC, Sunoco LP, Sunoco Logistics, Carylye Group, Philadelphia Energy Solutions, Panhandle Eastern Pipe Line Company, LP, Rover Pipeline LLC, ETP Crude LLC, Lone Star NGL LLC, Sunoco Logistics Partners LP, and Energy Transfer LNG (fracked liquefied natural gas). In fact, Lake Charles LNG Export Company, LLC, an entity owned by Energy Transfer Equity and Energy Transfer Partners, is in the process of developing a gas liquefaction project in Louisiana in conjunction with Royal Dutch Shell.

Some ETP projects we OPPOSE that you may know or you should know about are:

- **Mariner East 2 NGL** (fracked natural gas liquids) Pipeline,
- **Atlantic Sunrise** fracked gas pipeline,
- **Trans Pecos** fracked gas pipeline,
- **Dakota Access** Bakken Crude Oil pipeline
- **Lake Charles LNG**
- The massively polluting Philadelphia Energy Solutions Refining Complex and...

A proposal to make Philly into a gargantuan dirty energy hub, a so-called "Houston of the East Coast"

And these are just a few examples of projects Indigenous and Front Line Communities are fighting across the country.

As you can see above, ETP has a diversified portfolio of extreme energy exploitation and maintains its agenda through community abuse -- a unifying issue that is impinged and defiled throughout all stages of ETP's business-as-usual dealings, which is the essential, immutable value of fresh, clean water.

The truth that "Water is Life", or "Mni Wiconi" in Lakota, unites resistance communities as well as all communities who value and understand the shared gift of water and the survival imperative to protect it at all costs.

There are ways you can join this national campaign individually, within an organization, or group of citizen activists - all are welcome. We need your voice to be heard (and creative photos, to start) and to help craft a platform for a public exposé of the sprawling web of industry-political collusion and the often suppressed story of community resistance to Energy Transfer Partners."


Joseph White Eyes, Lakota youth from the Cheyenne River Lakota Nation represented the Indigenous Environmental Network (IEN) at the summit as an invited keynote speaker and will be staying in Australia for a week to visit Indigenous communities fighting extractive development.

The Indigenous Environmental Network first began working with the Australian Youth Climate Coalition the summer of 2009; taking part in the Australian Power Shift in Sydney, which drew 1,500 young people, and visiting Queensland to meet with local Aboriginal groups working on climate change and its impacts. Since that time the youth have been working tirelessly to reach out across Australia and recognized the necessity to create space specifically for Indigenous youth, thus, the Seed Indigenous Youth Climate Network was formed.

SEED is comprised of Aboriginal and Torres Strait Islander young people who have a vision for a just and sustainable future with strong cultures and communities."
The group drew particular attention to the sinister lobbying group American Petroleum Institute (API), 'one of the best funded and most consistently obstructive lobbying forces for climate policy in the United States,' as InfluenceMap notes:

With a budget in excess of $200m, we estimate, through a forensic analysis of its IRS filings and careful study of its lobbying, PR, media and advertising activities, that around $65m of this is highly obstructive lobbying against ambitious climate policy. We estimate that ExxonMobil and Shell contribute $6m and $3m respectively to API's obstructive spending of $65m. Its CEO Jack Gerard received annual compensation of just over $14m in 2013, probably one of the world's highest paid lobbyists. In the run up to COP21 last year, he dismissed the Paris process as a 'narrow political ideology'.

InfluenceMap created the report to help concerned investors see how fossil fuel corporations were obstructing legislation to combat climate change. Since the #ExxonKnew scandal broke last year, such tactics have been under increased scrutiny from shareholders. 'So far in 2016 alone," the non-profit said, "there have been over 15 shareholder resolutions filed by investors in the US with fossil fuel
companies on the issue of influence over climate policy.'

In addition, the 'sheer fuzziness of corporate influence prompted the project,' wrote Bloomberg. 'Nations hold companies to different standards—or none at all—for disclosures of how they are trying to influence public policy and what it costs.'

_Bloomberg_ explained the study's methodology:

To come up with its numbers, Influence Map first had to define what 'influence' actually means. The researchers adopted a framework spelled out in a 2013 UN report written to help companies align their climate change policies with their lobbying and communications strategies. It's a broad approach to understanding influence that includes not only direct lobbying, but also advertising, marketing, public relations, political contributions, regulatory contacts, and trade associations.

Unfortunately, though, because of poor regulatory standards the 'new report excludes so-called dark money, or money spent on think tanks and institutes, as identified by Drexel University sociologist Robert Brulle in 2013,' Bloomberg said, because 'the researchers were unable to determine how these groups are funded.'

'We now know that Exxon knew about climate change impacts for decades, and kept the public in the dark while they lobbied to prevent meaningful action,' Vermont Gov. Peter Shumlin pointed out. "This report shows that while the world came together in Paris to embrace climate action in 2015, Exxon was doubling down with Big Tobacco tactics and obstruction. We cannot change this corporation by engaging with it, we must instead bring change from the outside by using economic pressure and divesting from Exxon.'"

The **Union of Concerned Scientists (UCS)**, "Urge the Environmental Protection Agency to Use Sound Science in Methane Rules," May 12, 2016, https://secure3.convio.net/ucs/site/Advocacy;jsessionid=FF0AA9C710E30706284669BD290B0EFA.app312a?pagename=homepage&page=UserProfile&id=5250&autologin=true, stated, "The Union of Concerned Scientists has an achievable, realistic plan to cut oil consumption in half in the next 20 years, but even as we reduce our oil use, the oil that we are using is changing—and not all oil is created equal.

**Currently, the oil industry is rapidly expanding its extraction of tight oil—an unconventional oil that is extracted through hydraulic fracturing, or fracking.** Extracting tight oil typically produces more pollution than conventional oil because it's mixed with methane gas, an extremely potent global warming emission. Methane has a heat-trapping potential 86 times that of carbon dioxide over a 20-year period. The industry does not monitor or disclose accurate methane emissions data, which is needed to set science-based standards on existing oil and gas operations.

The Environmental Protection Agency (EPA) has just finalized methane rules for new oil and gas operations, and needs to move quickly to propose standards for existing operations that currently have no pollution limits. It's a critical step to addressing the global warming emissions associated with extracting and producing oil, and we've waited long enough.

Thank the EPA for finalizing methane rules for _new_ oil and gas operations and urge them to move quickly on strong, science-based standards for _existing_ operations.

Please make your letter personal by adding your own thoughts and concerns. Every letter makes a difference, but customized letters have the biggest impact!

Learn more about the truth about tight oil, read our blog post about the EPA methane standards, and check out our realistic plan to cut oil use in half."

For more information visit: www.ucusa.org.

Lauren McCauley, "Anti-Fracking Momentum Grows with Another People's Victory in California: Measure E passed with an overwhelming 71 percent, making Butte County the fourth in the state to ban fracking," _Common Dreams_, June 08, 2016, http://www.commondreams.org/newswire/2016/06/08/anti-fracking-momentum-grows-another-peoples-victory-california, reported, "Notching another victory for the growing national anti-fracking movement, voters in Butte County, California on Tuesday overwhelmingly passed a measure that bans the controversial oil and gas drilling process in their communities.

Measure E won with 71 percent of the vote, making Butte the fourth California county to pass
such a measure, following Mendocino, San Benito, and Santa Cruz counties, and adding to the growing list of states and municipalities across the nation that have come out against fracking.

Agriculture is the top industry in Butte County, which sits just north of Sacramento. Proponents of the measure argued that threatening the aquifers with toxic fracking chemicals would destroy the 'lifeblood' of the local economy.

'We are thrilled that Butte County voters decided to protect our clean water and almond and walnut farms from fracking,' said Dave Garcia, of Frack-Free Butte County. 'We're proud that we can hand down a community that's green and pristine to our children and grandchildren.'

Despite the fact that a majority of Californians oppose the practice, Democratic Governor Jerry Brown has embraced fracking in the state. What's more, two federal agencies late last month quietly lifted the ban on offshore fracking in the waters off the California coast.

'We when our Governor and local elected officials fail to act, voters are taking the initiative at the ballot box to protect their health and their water from fracking,' said Ella Teevan, Northern California organizer with Food & Water Watch. 'The victory in Butte County will inspire other counties and cities to follow suit.'

Indeed, the Alameda County Board of Supervisors are expected to rule on a similar measure this summer while residents of Monterey County will be voting on a ban in November.

The oil industry has vowed a vigorous fight in Monterey, which sits atop the yet un-fracked, petroleum-rich Monterey Shale. Democratic hopeful Bernie Sanders endorsed that measure while campaigning in California's Salinas Valley last week, telling supporters in Spreckels: "There is a growing movement against fracking that is beginning to spread all across our country."

Thanks to fossil fuel energy company lobbying, 21 states have reduced or eliminated tax credits for installing rooftop solar and/or added fees or lowered incentives to the process. The U.S. government did extend the federal tax credit for rooftop solar installation in 2015, but numerous rooftop solar installation companies in the U.S. have recently suffered financial losses where state support has been cut ("Diane Cardwell and Julie Creswell, "Looking for Silver Linings: Losses Pile Up for Solar Companies, and the Future May Be Stormy," The New York Times, March 11, 2016).


The plan would permit Enefit, a foreign company, to build oil, gas and electric transmission lines across miles of public land to enable up to 9,000 acres of strip mining for oil shale. We have until June 14 to write the BLM and stop this plan from going through!

Oil shale is not oil at all, but a rock that, if superheated to hundreds of degrees for long periods, will release a goo that can be further refined into liquid petroleum.

Current oil shale technology requires that the land be effectively strip mined, which destroys wildlife habitat and requires massive amounts of water—already precious and dwindling in the arid and over-allocated Colorado River basin where oil shale rocks are found. It would likely also require large amounts of energy—and huge amounts of climate pollution—just to process the rock into petroleum.

Enefit hopes to produce 50,000 barrels of petroleum a day, every day, for 30 years. The company estimates that producing and burning this fuel will cause nearly 40% more greenhouse gas emissions than similar amounts of regular oil. To prevent the worst impacts of climate change we need to be moving to cleaner fuels, not dirtier ones.

For years Earthjustice has worked with groups in this region to stop any efforts to move forward with oil shale development. Now the public has an opportunity to send a message to the BLM that it should stop
subsidizing dirty fossil fuels and not allow Enefit to use our lands to pollute the climate, poison the air and
guzzle water from our shrinking rivers."

Wakíŋyaŋ Waánataŋ (Matt Remle), "Pipeline Fighters Set Up Spirit Camp to Block Construction of
set-up-spirit-camp-to-block-construction-of-the-dakota-access-pipeline/, reported in the Spring of 2-16, .

"the Dakota Access Pipeline threatens public health and welfare on the Standing Rock Indian
Reservation. The Standing Rock Sioux Tribe relies on the waters of the life-giving Missouri River for
our continued existence, and the Dakota Access Pipeline poses a serious risk to Mni Sose and to the very
survival of our Tribe." Standing Rock Sioux Tribe resolution opposing the Dakota Access Pipeline

Riders on horseback set out from the tribal administration building traveling dozens of miles to
the mouth of the Cannonball River where the projected pipeline will go through.

The Dakota Access Pipeline, if built, would transport as much as 450,000 barrels of oil per day
from the Bakken oil fields in North Dakota to Illinois with a future capacity of 570,000 barrels per day.
Its proposed route would cross the Cannonball River and across the Missouri River, twice.

The proposed pipeline would also threaten significant sites of historical and cultural significance
to many Northern Plains tribes, including the Lakota, Dakota, Mandan, Arikara and Cheyenne."

"Of paramount concern is the threat the pipeline poses to drinking water."

A Midwest Pipeline Alert was issued via E-mail, February 1q, 2016 (http://fallonforum.com/wp-
content/uploads/2016/02/IUB-meeting-security-e1455205005735.jpg). “ATTENTION Climate March
friends! Pipeline fighters. Defenders of land, water and personal liberty.

The Bakken Pipeline is seen by many as the replacement for the Keystone Pipeline. Folks across
the Upper Midwest have been working hard to stop it. The Iowa Utilities Board could make a decision
TODAY on the proposed Bakken Oil Pipeline. If you’re in the Des Moines area, please come if you can at
1:00 p.m. at 1375 E Court Ave.

Otherwise, watch the live stream here. The forces pushing for this drastic expansion of the fossil-fuel
infrastructure need to know we’re watching, engaged and ready to act regardless of today's outcome.
I'll live tweet the proceedings here, and "Face-tweet" (Ha! Did I just invent a new social media term?) on
this Facebook page: https://www.facebook.com/ed.fallon.3701 and this Facebook page:

Also, check out Bakken Pipeline Resistance (https://www.facebook.com/nobakken/?fref=ts) for
regular updates and information you'll never find in the corporate media.

Thank you, and in the words of Bob Marley, "Don't give up the fight!"

Jon Queally, “Calling for Ban on Dangerous Gas Storage, Residents Occupy State Regulatory
Building: 'It is unconscionable that these regulators are putting people at risk while giving companies a pass,'
declared one activist,” Common Dreams, February 16, 2016, http://www.commondreams.org/news/2016/02/16/calling-ban-dangerous-gas-storage-residents-occupy-state-regulatory-building, reported, While others demonstrated below, a pair of climate activists in San
Francisco on Tuesday scaled the headquarters of the California Public Utilities Commission (PUC) to
protest the regulatory body's failure to adequately address the danger posed by underground natural
gas storage facilities in the state.

Highlighted by the nearly four-month leak at the natural gas facility run by SoCalGas company at
Aliso Canyon near the town of Porter Ranch, the group of campaigners outside the PUC building—in addition
to the two who Scaling its front and dropped a large banner above the entrance—say that failure to properly
monitor such sites is both a risk to local residents as well as the planet due to the clear climate impacts of gas
and oil drilling.

Those on the ground held signs reading, "Natural Gas Hurts Communities’ and "Stop Climate Change: Keep Fossil Fuels in the Ground,’’ while the the larger banner hung from the building said, "Natural Gas
Leaks: Shut It All Down’ in large black letters.
‘It is unconscionable that these regulators are putting people at risk while giving companies a pass,’ said Kelsey Baker, from Occupy San Francisco Environmental Justice and one of the two people currently occupying the ledge.

The dramatic protest was scheduled to coincide with the arrival of U.S. Energy Secretary Ernest Moniz in southern California where he is scheduled to tour the Aliso Canyon facility later on Tuesday. Since the leak began in October, an estimated 96,000 metric tons of methane have escaped into the atmosphere, leaving many area residents sick and forcing thousands from their homes.

Even though SoCalGas has now claimed it has stopped the leak at the Aliso Canyon site, one of a dozen such facilities in the states, the demonstrators say the fact that this particular operation had not faced a major inspection since 1976 proves just how sparsely regulated the gas industry is by the state.

‘While plugging the leak at Aliso Canyon has been a good step, today we are demanding that the PUC shut down all gas storage facilities,’ said Christy Tennery-Spalding from Diablo Rising Tide, the San Francisco Bay Area chapter of Rising Tide North America. "Until they do,’ she said, "we are occupying the PUC."

Environmental Action reported, March 25, 2015, "The Rubber Stamp Rebellion is starting."

"Yesterday Gasland filmmaker Josh Fox, Megan Holleran and five others were arrested in the driveway of the Federal Energy Regulatory Commission (FERC). They came in peace - in fact they were waiting for FERC staff and commissioners to join them for pancakes topped with the last drops of maple syrup from Holleran's family farm in New Milford, Pa. But instead of coming to meet them, FERC stayed locked inside, away from the public view and avoiding a conversation about how their rubber stamped permit approved clear-cutting of a wide swath of maple trees at the Holleran farm." "We're proud to support Beyond Extreme Energy (BXE) and help support the "Rubber Stamp Rebellion" planned for this May," aiming to end fracking, telling FERC not to issue any more permits to frack. For more information visit: http://beyondextremeenergy.org/its-time-for-the-rubber-stamp-rebellion/.

Bill McKibben od 350.org wrote, May 3, 2016,

"Dear Friends,

Late last week, I got the interesting news that right wing operatives from the fossil fuel industry are mounting an impressive campaign against me (as well as a handful of other high-profile climate activists).

Apparently I’ll now have video trackers following me wherever I go; hired researchers are digging through fifty cartons of my papers at the university where they’re housed; and they’ll be running a six-figure digital advertising campaign to smear my reputation.

I have three takeaways from this:
It's not me they're after, it's you. I’ve been writing and speaking for the better part of forty years, and never attracted this kind of notice before. But you’ve built a movement that’s starting to inflict real pain on the industry: Just in the last couple weeks, the Constitution and NED pipelines were both blocked in the northeast; ditto the Tongue River coal train in Montana; over sixty students have been arrested occupying the offices of universities to call for fossil fuel divestment; and on and on.

No need to waste sympathy on me. It’s not fun being in their crosshairs -- and I don’t look forward to see how they twist my words -- but it’s not the end of the world. Right now, we should be keeping in mind the people who are taking real risks every day to take a stand -- people like Berta Cáceres, who was murdered for her activism two months ago in Honduras, or the farmers in the Philippines recently killed in a brutal police crackdown at a protest, or the thousands of people around the world who will be risking arrest as part of the Break Free mobilization these next couple weeks.

Above all, let's not be distracted. That’s their goal -- to get folks thinking about absolutely anything except the climate crisis, the greatest challenge humans have ever faced. February and March were record-hot months in the history of our planet, but May is going to be a record-hot political month for the fossil fuel industry.

Look, what we’re learning is this: When we fight, we win. It’s working. They’re fighting back. Let’s not back down.
If you haven’t already signed up to be part of one of the Break Free actions around the country, you can do that here.

And if you can’t make it to an action in person, sign up to help keep tabs on what’s going on around the world -- so that we can turn all this watching around, and help keep each other safe.

With great thanks for the solidarity near and far."

For more information go to: 350.org.

**Food and Water Watch** reported, April 30, 2016, "The March for a Clean Energy Revolution is shaping up to be a historic event — thousands will come together for the largest march to ban fracking that our country has ever seen!"

On July 24, people from different communities and backgrounds will converge on Philadelphia to demand a clean energy future for ALL of us." For information go to: https://secure.foodandwaterwatch.org/site/Donation2;jsessionid=AE111C4E85A40DC90A31621DBEFE8AEF.app30112b?idb=751542432&df_id=4685&mfc_pref=T&4685.donation=form1&autologin=true&idb=0.

In the United States, from Florida to the Northwest, battles over fracking for oil and natural gas between energy companies and local people and their environmentalist allies are continuing. Greenpeace, on April 28, 2016, https://co.breakfree2016.org, shouted out: "Fossil fuel extraction has transformed the Western landscape and is affecting communities from Montana to New Mexico to Colorado. Yet oil and gas companies are trying to get their hands on 200 million acres of public lands in the U.S. for more fracking. If they get their way, the consequences will be devastating.

Across the Rocky Mountain West, communities have been showing up in a real and powerful way at lease sales where our public land is being auctioned off by the federal government to the highest bidder for oil and gas development. These communities are organizing, fighting back, and demanding that fossil fuels be kept in the ground.

Denver is at the epicenter of the next battle, and we are prepared to raise our voices and escalate to protect our communities and our future. It's time for the Mountain West to rise up and stop fracking once and for all. In order to do that, we need you!

**Join a Community Resistance on May 12 and tell the BLM: Keep it in the Ground, Our Land is Not For Sale! The event is in Denver, but folks will be coming from all parts of the Mountain West.**

**What:** The Bureau of Land Management (BLM) intends to auction off thousands of acres of public land to oil and gas companies. But Mountain West communities will be there to protect our land and tell them to keep it in the ground!

**When:** Thursday, May 12 at 1:00 p.m.

**Where:** Holiday Inn Denver Lakewood, 7390 West Hampden Ave., Lakewood, CO 80227.

Join us May 12 for one of the largest mass mobilizations for climate action in the history of Colorado. Folks will be joining from all across the region!

Scientists estimate that in order to avoid the worst effects of climate change — floods, droughts, devastating hurricanes — we need to keep over 80% of the U.S.'s remaining oil, gas, and coal in the ground. We can't afford to continue policies that put frackers' profits over people's health and our environment — that's why we're standing up and resisting in order to break free from fossil fuels.

Together, we can be a powerful voice for the just transition to a 100% clean energy economy."

Nika Knight, "Scientists Say Canada's Proposed LNG Port Threatens Paris Climate Accord, "Common Dreams, May 30, 2016, http://www.commondreams.org/news/2016/05/30/scientists-say-canadas-proposed-lng-port-threatens-paris-climate-accord, reported, "Ninety climate change experts from around the world urged Canadian government officials to 'take urgent action' and reject a proposed, 'unjustified' liquid natural gas (LNG) export terminal to be built on the British Columbia coast, joining with fierce local Indigenous opposition to the controversial project.

'The carbon emissions of the proposed PNW LNG terminal and associated upstream natural gas development would be 'high in magnitude, continuous, irreversible and global in extent.'"
In an open letter (pdf) dated Thursday, the scientists warned 'that the B.C. project would belch out emissions rivaling a large plant in Alberta’s oil sands,' the Globe and Mail reported Monday. The export terminal, known as the Pacific Northwest LNG (PNW LNG) project, "poses serious risks' to the Canada's climate change commitments—particularly those made at last year's Paris accord, the scientists argue:

The export terminal, known as the Pacific Northwest LNG (PNW LNG) project, 'poses serious risks' to the Canada's climate change commitments—particularly those made at last year's Paris accord, the scientists argue:

The challenges to BC and Canada’s efforts to reduce GHG emissions will be exacerbated because of two issues: 1) the international agreement on climate change reached in Paris will require Canada to increase its ambition to reduce GHG emissions over time (and this requirement is embedded within the Vancouver Declaration signed by the Prime Minister and the premiers on March 3); and 2) the methane emissions from upstream gas included in the draft Environmental Assessment report likely underestimate the true contribution of emissions from the project.

Point by point, the letter writers critique proponents' arguments in favor of the PNW LNG project. The experts note that:

GHG emissions from the project are likely underestimated.
There is inadequate climate policy to reduce impacts for the project.
There is no evidence that LNG from the project will replace coal in Asia.

On this last point, the scientists also note that 'LNG will also likely displace nuclear power, renewables, and natural gas from other sources in many importing countries. There are many locations where LNG consumption would be additional to coal consumption, instead of replacing it. Importantly, GHG emissions from fracking, transport, liquefaction, and regasification significantly reduce LNG’s GHG benefits over coal.'

Moreover, the letter continues:

The Canadian Environmental Assessment Agency has found that the carbon emissions of the proposed PNW LNG terminal and associated upstream natural gas development would be 'high in magnitude, continuous, irreversible and global in extent.' Their research finds the project will emit at least 11.5 million tons of CO2 per year, not including downstream emissions when the gas is burned in Asia.

Finally, the scientists put forth an argument seemingly applicable to many fossil fuel projects being debated in North America today:

'Honoring the commitment Canada made in Paris to limit global warming to well below 2.0 degrees above pre-industrial levels will require a massive effort to reduce emissions,' the letter concludes. 'We must begin by rejecting plans that would increase GHG emissions and lock us in fossil fuel extraction for decades to come.'"

The Nuclear Information and Resource Service, in late March 2016, "launched a new campaign to put an end to the myth of 'clean nuclear power;' " the #NuclearIsDirty campaign with a series of online and social media events over 12 weeks. During that time, we will take you through the entire nuclear fuel chain, from uranium mining all the way to the impossible problems of radioactive waste and contamination. We are not only going to put on a series of powerful and exciting events, we are combining it with actions you can take and new online (and offline) resources to supplement the campaign. Our goals are simple: on the one hand to equip you with information and an opportunity to hear from communities and activists on the frontlines. And on the other hand, to spread the word and change the public's consciousness about nuclear power, so that everyone knows nuclear power is dirty energy, and has no place in our energy future." For details go to: https://attendee.gotowebinar.com/register/1343266032405296132.

The Nuclear Information and Resource Service (NIRS), Apr 23, 2016, http://org2.salsalabs.com/o/5502/p/dia/action3/common/public/?action_KEY=22778, reported, "Help stop A Global Mobile Chernobyl!, "A group of politicians and businesspeople are developing a plan to build an international high-level nuclear waste dump in South Australia—a nation that has no commercial nuclear reactors. The plan is strongly opposed by many South Australians and by an overwhelming majority of Aboriginal people, who own the land. The Australian Nuclear Free Alliance, representing
Aboriginal people from across Australia, calls on nuclear nations NOT to dump nuclear waste in Australia. The nuclear industry has a track record of Aboriginal dispossession and environmental pollution--from atomic bomb tests to uranium mining to nuclear waste dump proposals. NIRS is supporting our friends in Australia."

, lead levels in the soil were found to be 10 times higher than the accepted standard

Terrance Heath, "A Nation of Flints," Campaign for America's Future, February 11, 2015, reporting and commenting relating to the serious lead poisoning of the public water in Flint, MI, said, “Flint’s water crisis is no isolated event. Lead poisoning is a pervasive problem in our inner cities, where some children have higher levels of lead contamination than those in Flint. In Washington, D.C.’s historically low-income Stadium-Armory neighborhood ds of other developed countries. In Baltimore, the percentage of black households with lead contamination has increased, while the percentage of white households has decreased. Eighteen cities in Pennsylvania and 11 in New Jersey have higher shares of children with elevated levels of lead than Flint.”

Laura Orlando, "Is Your Water Worse than Flint's?" In These Times, April 2016, also discusses the wide spread water quality problems around the U.S. as does Michael Wines and John Schwartz, "Holes in Safety Net Let Contaminants into Water in Cities Across Country," The New York Times, February 9, 2016.

"Food and Water Watch commented, May 24, 2016, "We Can't Let the Crisis in Flint Happen Again. Take Action to support the WATER Act and fix America's crumbling water systems. The crisis in Flint, Michigan shows the desperate state of our nation's water crisis."

Most of our water pipes were built after World War II and some are over 100 years old — as old as Ford's first Model T car. We aren't investing nearly enough to make sure safe, clean water flows from our taps. Without adequate upgrades, our water systems are set up to fail. It shouldn't take poisoning kids in Flint to wake us up to this water crisis. That's why Food & Water Watch is joining Representative Conyers from Michigan as he introduces the WATER Act today — a bill to finally fund our water infrastructure, replace lead pipes and fix our national water crisis"

"The federal government has sharply decreased funding for public water systems – by 82% per capita since 1977, traded away in funding cuts and budget negotiations. EPA estimates that our public drinking water and sewer systems need at least $35 billion a year in investment to comply with key federal environmental laws."

The WATER Act - Water Affordability, Transparency, Equity and Reliability — will provide dedicated funding by closing corporate tax loopholes to keep our water and sewer systems up to date and protect our drinking water. It will:

Support publicly owned and managed water and sewer systems (which on average are more reliable and cost-effective than privately managed systems) so that no community has to sacrifice their clean water and their residents’ health to budget shortfalls.²

Provide grants to help homeowners replace lead pipes running to their homes, a costly but essential part of keeping everyone’s water free of lead contamination.

Help public schools test, repair and replace water lead infrastructure.

In the process of making all these improvements, create up to 945,000 jobs.

Multinational water corporations want to use national attention to capitalize on the crisis and pass weak legislation that would ultimately benefit big corporations more than local communities trying to provide safe drinking water." "If we don’t fix our aging drinking water systems now, more communities will be in danger — and Flint's crisis shows just how much is at stake. We can’t let this happen again."

Union of Concerned Scientists, "This Is Our Chance to Prevent Another Chemical Disaster," April 16, 2016, https://secure3.convio.net/ucs/site/Advocacy;jsessionid=966A32531E2FD8130B6697DB21340D16.app338a?pagename=homepage&page=UserAction&id=5202&autologin=true, commented, "Three years ago, 15 lives were lost in a horrific fertilizer plant explosion in West, Texas. Hundreds of others were injured and an
entire community was destroyed. Yet there has been little movement to improve protections from chemical disasters—until now.

The Environmental Protection Agency (EPA) is finally revising its Risk Management Plan, a set of protections to help communities and first responders prevent and handle chemical disasters. These revisions are a step in the right direction—but they’re not strong enough. The problems include loopholes for many high-risk facilities (including the kind that exploded in West) in reporting accidents and pursuing safer technologies; lack of community access to information about the risks; and an overly narrow definition for what constitutes "dangerous" exposures.

As you read this, 12,500 facilities are using highly hazardous chemicals throughout the country. That means more than 134 million people are living in areas vulnerable to chemical disasters. If the final rule is not strengthened, these families face the dangers of potential chemical disasters without the information and tools needed to be safe.

This is our chance. The EPA is currently welcoming feedback from the public to guide its next steps. Sign our petition urging the EPA to strengthen its Risk Management Plan to protect vulnerable communities from chemical disasters.

Join thousands of others in adding your name to our petition, which we'll deliver directly to the EPA—and help prioritize lives over corporate profit.


350.Org reported April 5, 2016, http://350.org/anti-coal-protest-in-bangladesh-turns-deadly/, "Anti-Coal Protest in Bangladesh Turns Deadly,""Resisting a coal plant can be a deadly action in Bangladesh. Yesterday in Banskhali (in the Chittagong district of Bangladesh) more than 1000 people marched against the building of a 1224 MW coal plant defying a police order banning any marches and rallies in the area. Around 3:00 pm when people were mobilizing peacefully, the police fired live rounds on them killing three people on the spot. Panicked villagers ran for their lives leaving the three dead bodies behind. But they say eight people have been shot dead and two more are missing. Two Chinese firms are backing the coal project — SEPCOIII Electric Power and HTG — who are financing $1.75 billion of the plants’ estimated $2.4 billion cost.

The proposed plant is located in the Chittagong district of Bangladesh. Resistance against the coal plant in Banskhali has been building up over the past week. People have been regularly marching despite threats from company goons and police. To protect the company’s interest the police had banned any assembly or marches in the area. Incidents of violence had followed, but what happened today is unprecedented.

Resistance against fossil fuel based projects has been growing in Bangladesh. In Banskhali, the people have been resisting the S.Alam group’s coal plant for two years. The coal plant will be built on fertile farmland and doesn’t even spare mosques and temples in the area. The villagers say without farmland they won’t have any work. In 2012-13, a sustained movement forced the government to pull back from open-pit mining in Phulbari. In spite of violence and threats, the movement against a coal plant in Sundarbans is continuing.

An investor or company, state-run or otherwise, should realize that it is unacceptable to be involved with this kind of brutality anywhere in the world."

"*Royal Dutch Shell Spills Over 88,000 Gallons of Crude Oil in the Gulf of Mexico: Spills Occurs as Gulf Coast Citizens Prepare to Speak Out Against Offshore Drilling in Washington DC,*" Indigenous Environmental Network, May 13, 2016, http://www.ienearth.org/, reported and commented, "*Royal Dutch Shell Spills Over 88,000 Gallons of Crude Oil in the Gulf of Mexico*

Spills Occurs as Gulf Coast Citizens Prepare to Speak Out Against Offshore Drilling in Washington DC.

New Orleans, LA - On Thursday, an 88,200 gallon oil spill was discovered in the U.S. Gulf of Mexico,
forcing Royal Dutch Shell to shut in all wells that flow to its Brutus platform.

An oil sheen 2 miles wide and 13 miles long, 2100 barrels equal to 90,000 gallons (or at least that's what being reported), from a Shell owned leaky pipeline, 2900 feet below the waters of the Gulf of Mexico.

The U.S. Bureau of Safety and Environmental Enforcement (BSEE) said an oil sheen 2 miles wide by 13 miles long was visible in the sea about 97 miles off the Louisiana coast. The spill occurred 2900 feet below sea level.

This Sunday, thousands will mobilize in Washington, DC as a part of the 'Break Free From Fossil Fuels' movement happening across the globe, demanding the Obama Administration to protect the waters of the Arctic Ocean and the Gulf of Mexico from new fossil fuel developments and offshore drilling.

Representatives from Gulf Coast and Alaska communities will be speaking at the rally in front of the White House on Sunday. Click here for more info about the rally: https://dc.breakfree2016.org.

In response to the news of the spill, the Indigenous Environmental Network released the following statements:

Tom Goldtooth, Indigenous Environmental Network Executive Director:
'Yet again the Gulf Coast experiences an oil spill, meanwhile the White House administration continues to lease federal public lands for more fossil fuel development. This does not demonstrate the leadership needed to addressing climate change. This is business-as-usual with frontline communities of the Gulf Coast paying the price; Mother Earth is paying the price. We implore the President of the United States to listen to the thousands of people who will be in Washington, DC this Sunday demanding the protection of our sacred waters and a moratorium on new offshore drilling.'

Monique Verdin, Houma Nation Council member-elect, Louisiana:
'Multinational corporations continue to drill off our coast, while the federal government is putting more offshore lands onto the auction block than ever before. This is absurd. The only way to ensure we protect the water and sanctity of life in and along the Gulf Coast is to put an end to extreme fossil fuel development. Oil and gas infrastructure, from pipelines to wells to refineries, are gambling with the health of our environment and the wellness of our communities along the coast. We need immediate action to facilitate just transitions and the ability to ensure we keep carbon in the ground for our communities across the Gulf and for communities around the planet.'

Faith Gemmill, Executive Director of REDOIL, Alaska:
'n Alaska, we are relieved that Shell Oil has decided not to pursue drilling in the Chukchi and Beaufort Seas of the Arctic Ocean. We fought hard to keep Shell Oil out of the Arctic. As such, we in Alaska stand in solidarity with Gulf Coast communities who are still fighting Big Oil in their waters. Our hearts go out to the communities’ dependent on the marine environment for job and food security, because we know first hand the devastation caused by oil development. When will America realize that it is time to transition our energy and economy beyond dirty fossil fuels to clean energy? It is time for President Obama to declare no new leases in the Arctic AND the Gulf Coast.'

NOTE: On May 24th, Monique Verdin, will travel to the Shell Annual General Meeting, in the Netherlands, supported by the UK Tar Sands Network to call on the board and investors to put an end to new offshore leases in the Gulf of Mexico in light of this recent spill and the history of devastation in the Gulf.

Earth Justice, “Take ACTION! Ban 7 dangerous neurotoxic pesticides that are poisoning our brains,” February 11, 2016, https://secure.earthjustice.org/site/Advocacy;jsessionid=0723EAD897442266CA9F41D72C46BDC2.app337b?cmd=display&page=UserAction&id=1838&utm_source=crm&utm_content=ResponsiveSidebarTakeActionButton&autologin=true, was engaged in a campaign, “Earthjustice and a broad coalition of partners have been fighting for years to convince the U.S. Environmental Protection Agency to ban an entire class of poisonous neurotoxic pesticides. The pesticides, called organophosphates, have been scientifically proven to poison farm workers and others who come into contact with them in communities near agricultural fields.

But recently the dangers of these seven neurotoxic pesticides have been shown to be even more
alarming. An extensive body of newer scientific evidence shows that even at minimal levels of exposure they damage children’s brains and lead to such alarming deficits as reduced IQ, autism and attention disorders.

The EPA is currently seeking public comment on these findings. Before the February 23 deadline, tell the agency to ban the seven neurotoxic pesticides that have been linked to brain damage.

After multiple Earthjustice lawsuits in recent years, and letters from more than 150,000 individuals like you, the EPA has finally started the process to ban most uses of one of these dangerous pesticides, called chlorpyrifos. But it’s time for the agency to ban this entire class of neurotoxic pesticides and keep them out of our food, our drinking water, our schools and yards, and our bodies.

We can’t let these pesticides continue to poison people.”

Friends of the Earth was participating in the Spring 2016 Keep the Hives Alive Tour, saying, "Bayer the Bee-Slayer will stop at nothing to protect its profits from bee-killing pesticides. It recently ran a “bee care tour,” driving around the country to promote “solutions” to the bee crisis -- solutions that don’t require it to stop selling its pesticides.

This spring, beekeepers and activists like you are giving Bayer a taste of its own medicine. We’re driving from California to Washington, DC with a truckload of dead bees in order to send the message: This is what Bayer’s toxic products do to our pollinators. Together, we can break through the spin and push the EPA to take action!"

For more information go to: https://org.salsalabs.com/o/455/p/salsa/donation/common/public/?donate_page_KEY=13678.

Environment America plans a major campaign to save Bees for summer 2016, with 29 field offices across the U.S., numerous events, and hopes of reaching 800,000 people to support action to save the bees. For details visit: https://environmentamerica.webaction.org.

The National Wildlife Federation Action Fund, in April 2016, https://online.nwf.org/site/Advocacy?cmd=display&page=UserAction&id=2250, was engaged in a campaign, "Europe’s demand for “renewable” energy from the United States is reducing flying squirrel habitat.

Thousands of acres of native forests in the U.S. Southeast are being clear-cut to produce “renewable” wood pellets for shipment to Europe. The result? Flying squirrels that glide among trees have no place to live.

The European Commission requires that 20% of all member states’ energy needs comes from renewable energy sources. While this is a commendable policy to meet climate goals, a problematic provision is allowing American bottomland hardwood forests to be cut down, pelletized and shipped to Europe to meet Europe’s renewable energy standard.

Please tell the European Commission to stop the destruction of flying squirrel forest habitat to provide “renewable” energy needs.

In our native forests, the older trees with cavities provide safe refuge for flying squirrels to roost and nest. At night, the squirrels glide from tree to tree by launching from the highest branches and extending their legs to stretch out folds of skin that act like a parachute. Clear cutting of native forests is harmful for the wildlife living in these ecosystems.

Fortunately, the EU is reevaluating its policy. Join us in speaking out to defend our forests that are hotspots of biological diversity. Tell the Commission to protect the flying squirrel: no harvesting America’s bottomland hardwood forests for wood pellets as a source of energy!"

Physicians for Social Responsibility reported on several issues, May 24, 2016, http://www.psr.org/assets/pdfs/psr-fracking-policy.pdf, "PSR Calls for Ban on Fracking: PSR’s national board of directors voted on May 14 to call for a ban on hydraulic fracturing (fracking). The newly adopted position cites the extensive leaks of methane, a powerful accelerator of climate change, as a significant cause for concern. It also acknowledges that a transition is needed to end fracking and calls on the gas and oil
industries to shoulder responsibility for, among other things, water testing, public disclosure on chemicals used, and the costs of managing health-threatening practices. The position replaces PSR's earlier position calling for a moratorium.

**New Methane Standards: A Good First Step:** The Environmental Protection Agency (EPA) recently released the first nationwide standards curbing dangerous methane pollution from proposed, not yet constructed, sources in the oil and natural gas industry. The rule is an important first step in minimizing leaks of methane, a powerful driver of climate change, and hazardous air pollutants, which are damaging to human health. Thousands of PSR members submitted comments to EPA calling on them to strengthen the new standards. Now we continue to advocate so that similar safeguards are extended to existing wells and infrastructure.

**Gates Foundation Sells Fossil Fuel Stocks:** The Bill and Melinda Gates Foundation is divesting its fossil fuel stocks – and PSR helped make it happen! Last fall, PSR circulated an open letter calling on the Foundation to divest from fossil fuels. PSR members from across the nation signed on, and in November, PSR/Washington delivered those signatures to the Gates headquarters in Seattle. The Foundation has now sold off its $187 million holdings in the oil giant BP, and earlier sold off $824 million in ExxonMobil stock. Now, it just needs to divest the rest! Read about our divestment actions: http://www.psr.org/.

"Anti-Frackers Vow Fierce Resistance as UK Goes Back 'Up for Shale': North Yorkshire council's 'appalling' decision comes just days after UK celebrated five years 'frack-free'," Common Dreams, May 24, 2016, http://www.commondreams.org/news/2016/05/24/anti-frackers-vow-fierce-resistance-uk-goes-back-shale, reported, "Furious environmental campaigners vowed to fight back on Tuesday after councilors in North Yorkshire approved the UK's first fracking permit in five years.

The North Yorkshire County Council on Monday approved Third Energy's application to frack the fields near the North York Moors National Park—just days after people across the country celebrated five years of being 'frack-free.'

According to The Independent, 'the application was passed despite the presence of hundreds of protestors, who gathered outside County Hall in Northallerton throughout the hearing which began on Friday.'

In fact, a council planning officer said there had been 4,375 letters of objection and 36 of support for the application.

'It is just appalling that despite the strength of public opposition to this application it has been pushed through by councilors, who are being told what to do by a government that is determined to support the fracking industry,' declared Ian Conlan from local campaign group Frack Free Ryedale. 'What faith can local people have in democracy if the members of the planning committee can just completely ignore both the strength of local opinion and the sound planning grounds that objectors have raised? It is a sham.'

Furthermore, said Green MEP Keith Taylor, "Councils in North Yorkshire will now find it more difficult to reject future fracking applications. This could result in hundreds of wells across Ryedale and the industrialization of North Yorkshire's precious countryside. The decision is also likely to send the message that Britain is 'up for shale' to other local authorities in England and the wider fracking industry.'

Indeed, he added, the announcement will also be welcomed by a government so determined to fast-track this dangerous industry that it is prepared to overrule authorities that wish to remain frack-free.'"

Nika Knight, "As Kinder Morgan Decision Looms, Trudeau's New Pipeline Panel Denounced as 'Smokescreen': First Nations reject new Kinder Morgan pipeline review panel, call for 'nation-to-nation' consultation," Common Dreams, "May 18, 2016, http://www.commondreams.org/news/2016/05/18/kinder-morgan-decision-looms-trudeaus-new-pipeline-panel-denounced-smokescreen, reported, "In a move widely seen as an attempt to quell resistance to the expansion of British Columbia's controversial Kinder Morgan oil pipeline, Prime Minister Justin Trudeau on Tuesday announced a new three-member ministerial review panel—with no veto power—that is meant to supplement the National Energy Board's (NEB) much-maligned analysis of the project.

The panel is intended as a fulfillment of Trudeau's Liberal party's campaign promises to expand
environmental reviews of upcoming pipeline projects—but critics decried the effort as nothing more than a 'smokescreen.'

The NEB will release its recommendation as to whether the pipeline expansion is "in the public interest" on Friday. 'If approved, the twin lines would carry nearly 900,000 barrels of crude a day starting in 2018,' notes CBC.

The new three-person review team, titled the Kinder Morgan Trans Mountain Expansion Project panel, will conduct an additional environmental review and consult with affected First Nations and local communities from June until November.

But critics note that the pipeline review process has still not fulfilled the Canadian law's requirements that the federal government honor its 'duty to consult' affected First Nations and that 'free, prior, and informed consent' be in place for projects on First Nations' traditional territory—and the new panel, with no power to override the NEB's decision on the pipeline, will do little to ease such concerns.

In anticipation of the NEB decision, kayaktivists in Vancouver blocked an oil tanker from entering the harbor on Wednesday afternoon.

The proposed pipeline expansion will increase tanker traffic in the region from about 70 per year to 400, as Common Dreams reported.

For many environmentalists and First Nations, the announcement was further evidence that Trudeau is reversing campaign promises and turning his time in office into nothing more than a continuation of Harper's pro-pipeline tenure.

'New Democrat Kennedy Stewart, the MP for Burnaby South, which is ground-zero for Trans Mountain protests," reported the Globe and Mail, "said the Liberals are breaking an election promise to 'redo the Kinder Morgan pipeline review.'"

Stewart condemned the panel review as "little more than a smokescreen."

The review process has been 'flawed from the start,' said Tsleil-Waututh Sacred Trust Initiative manager Rueben George to the North Shore News. The Tseil-Waututh First Nation has opposed the project and the NEB's review process for years. George told the newspaper that /Trudeau knows the public doesn't trust the NEB decision.'

'We know it's bad but it's hard to unscramble a scrambled egg," George said.

The North Shore News reported on some of the local contentiousness surrounding NEB's approval process and the Tsleil-Waututh's opposition to it:

In 2014, the Tsleil-Waututh filed a lawsuit against the National Energy Board, the federal government and Trans Mountain that argued they had not been properly consulted.

The newly elected federal government asked for a stay in that case in January in order to meet with the Tsleil-Waututh and re-evaluate whether it would continue the court battle. Since then, there were only cursory meetings and the federal government opted to maintain its position in the case.

I wouldn't call them meetings because our chief wasn’t there. It wasn't the proper consultation,' George said, noting the band did not get the opportunity to present its own assessment of the project and its risks.

While the new panel's members have a background in First Nations legal rights and consultation—and one member is a First Nations chief—without veto power and input from First Nation in its formation, the panel's existence is essentially meaningless, say critics. 'Our consultation is called nation-to-nation,' as George told CBC.

George said that his First Nation was prepared to take the government to court again, if necessary."

Occupy announced, April 20, 2016, http://www.therisingfilm.tv/live-
stream/?mc_cid=bc020bac9b&mc_eid=6c703ec369, "Tonight the gulf coast raises its voice: A message from filmmaker and Occupy supporter Mark Manning," Today marks the 6th anniversary of the BP oil spill, a day that will forever live in the memories of gulf coast residents. And tonight, Occupy activists and local residents gather to remember and to defend our community health. We'll be live-streaming a Community Town Hall event so that people all over the country, and the world, can see that the work
isn't over – and ask questions to local folks and experts alike."


They plan to arrive at Pike Island in Fort Snelling State Park in Minneapolis on April 1 at 4 p.m., where the Minnesota River empties into the Mississippi. Before setting out, they gathered water at the lake and will hold ceremonies as they pour the sacred elixir into the Mississippi River. It’s an effort to both call attention to river contamination and 'honor the water as a living being,' the organizers said in a statement."

"The Walks are extended ceremonies for the water led by Indigenous Peoples,” said Day, who has led a number of Water Walks along the Mississippi, Ohio, St. Louis, Cuyahoga and James rivers. “We believe the water has a spirit and is a living entity that we, humans, have been gifted with to love and cherish.”

"Recent improvements in pollution levels have not been enough to take the river out of danger, as evidenced by a do-not-swim advisory issued last summer, when authorities advised the public against swimming in any of the lakes or rivers in southwestern Minnesota. This led Day to choose the MNiSota River to walk along this time, the organizers said."

Ocean River Institute was running a campaign, in February 2016, “Healthier Waters in FL Indian River Lagoon,” https://ori.wufoo.com/forms/responsible-lawn-care-jupiter-island-palm-beach-co/?utm_source=Striped+Bass+and+Cleaning+the+Charles+River&utm_campaign=Striped+Bass+in+the+Charles&utm_medium=email, stated, “In Indian River Lagoon on the Atlantic Coast of Florida, dolphins were dying from diseases stressed by harmful algal blooms. In 2011, at the urging of Captain Nan Beaver and Rob Moir, Martin County passed a lawn care ordinance that banned fertilizing lawns June 1 through September 30th.

The fertilizing industry was not pleased. It took much organizing and the work of many groups throughout the state. In August of 2014 the last of five counties of Indian River Lagoon passed responsible stewardship lawn care ordinances, and the waters showed some signs of improvement.

Palm Beach County touches on Indian River Lagoon to the north. They have yet to pass an ordinance stopping summer lawn fertilizing. The Port Salerno Seafood Festival gave the Ocean River Institute a booth where in January we invited people to act for clean water by urging the last IRL county and the city of Jupiter Island (Martin County) to clean up their lawncare practices.

It is no surprise the wealthiest county and municipality in the region would be reluctant to alter care of their lawns for the common good of cleaner waterways. Today, the proof is in the adjacent lawns of Martin County; they are just as green as are the lawns of Palm Beach County. Yet Martin County residents are paying ¾ the costs, spreading three times a year instead of four. If beach front landowners don't want slimy algae fouling their beaches, they should not pay for unnecessary spreading of nitrogen and phosphorous on their lawns during the summer months when daylight is longest and waters warmest - give our waterways a break.

Greenpiece stated, May 3, 2016, https://secure3.convio.net/gpeace/site/Donation2;jsessionid=80AB4495657CC2F1935956E2B1566212.app360b?df_id=4442&4442.donation=form1&autologin=true, 100 million sharks are killed EVERY YEAR by commercial fishing operations.

That's almost 200 sharks killed every minute of every day. It’s beyond time to act, which is why we’re putting pressure on one of the biggest offenders: industrial tuna fleets.

These ocean destroyers needlessly kill millions of sharks and wreak havoc on fish populations with their giant nets and longlines. And if that wasn’t bad enough, the industry has also been connected
to human rights abuse. It’s time to escalate our campaign to stop devastating tuna fishing, but we can’t do it without your help."

Friends of Earth Action, in a campaign, warned of, May 28, 2016, https://org.salsalabs.com/o/455/p/salsa/donation/common/public/?donate_page_KEY=13858, "The situation is dire. Beekeepers lost nearly half of their hives last year -- even more than the year before. Meanwhile, Ace Hardware is spreading propaganda about how it’s “helping” bees -- while continuing to sell bee-killing pesticides!"


Albatross and petrels are some of the most imperiled birds on the planet. More than half of these species are now threatened with extinction. These birds face numerous threats as they navigate across oceans and raise their chicks on isolated islands. One of the most significant threats is from bycatch in longline fisheries. An estimated 100,000 albatross die every year, or one every five minutes, after becoming hooked on the lines and drowning. Additional threats include invasive species, such as rats and insects, on nesting islands and the growing problem of plastic pollution in our oceans.

Fifteen years ago, many nations came together to establish the Agreement on the Conservation of Albatrosses and Petrels (ACAP), in order to expand international cooperation to combat these threats. While this agreement has had the support of both President George W. Bush and President Obama, the U.S. has yet to sign on. This legislation enables the U.S. to join the agreement. The bill sets out the authorities necessary to conserve these species in this country, and adds the strong conservation voice of the U.S. to the international discussion.

The National Parks Conservation Association (NPCA), https://secure.npca.org/site/Advocacy;jsessionid=B8E3B3B86D307CE3F0563DC2883ED6ED.app338b?page=name=homepage&page=UserAction&id=1635&autologin=true&AddInterest=1084, April 5, 2016, stated, "Bad news: One of our nation's most amazing desert landscapes is at risk. On Tuesday, the Obama Administration could have chosen to protect Mojave National Preserve. Instead, it approved a massive development to be the park’s new neighbor.

Take action to let the administration know this is a dangerous decision!
In an extremely disappointing move, the administration approved the controversial Soda Mountain industrial solar project, widely considered by the government's own scientists to be harmful to wildlife, like the iconic desert bighorn sheep. This facility would be built less than a mile from Mojave National Preserve.

NPCA takes this threat to Mojave so seriously, that we featured it in our #ParksInPeril campaign of the nine most pressing national park protection issues in the country.

The administration decided to move forward with this poorly located project despite widespread opposition from the National Park Service, Interior Department advisors, scientists, environmental organizations, and local communities.

Environmental Action, http://environmental-action.org/blog/2612/, reported May 30, 2016. "When it comes to the rebellion against fossil fuels and fracked gas infrastructure, in particular, you need to do more than tune in -- you need to show up, speak out and get radical to make change. Fortunately that's exactly what we've been doing all week as part of the #RubberStampRebellion in Washington, D.C.

But the Federal Energy Regulatory Commission (FERC), has not made it easy. FERC commissioners closed their regularly scheduled May 19 meeting to the public due to "security concerns," with less than
They then held their meeting with members of the press and "invited guests," -- including executives from the infamous SoCal Gas -- while inviting the rest of us to watch them via a televised webcast.

Polluters are invited in while the public is told to stay home and watch T.V.?!! If you're as angry as I am at FERC right now, join the rebel alliance of pipeline fighters right now by.


Grijalva said he was calling on the president to invoke the Antiquities Act after becoming convinced that his bill to create the same monument would not get “a real, honest, rational hearing” from a Republican-led House."

"The proposed Greater Grand Canyon Heritage National Monument Act would protect 1.7 million acres in the canyon’s watershed, prohibiting mining and other natural resources development. It would make permanent a current 20-year moratorium on uranium mining that was imposed by the Interior Department."

"GE Trees and Indigenous Lands: Presentation at the Campaign to Stop GE Trees Tele-Press Conference, February 9, 2016," Indigenous Environmental Network, -- Click here to access all presentations and materials: http://www.ienearth.org/ge-trees-and-indigenous-lands/, commented, "Historically, U.S. Federal and State Governments, along with corporate/private interests, have targeted, lobbied, and used legislative processes to both coerce and convinced tribal officials to act against the best interests of their people by allowing extraction of fossil fuels and minerals from their lands.

Tactics used in the past to garner extraction agreements have included, but were not limited to: 1) making assurances that little or no negative impacts to the people and environment would be realized during or after their operations were concluded; 2) any damage done in the process of their operations would be rectified; 3) promising economic prosperity for the tribe as a government and individually for its citizens; and 4) limiting the ability for citizens to have a vote or say in the process. There are many examples of these promises and agreements that were not honored and caused great and irreversible harm.

Indigenous peoples are now facing continued and new forms of exploitation in the guise of renewable, sustainable and green development from genetically engineered trees for energy production. The other experts on this panel present the government, academic and private entities involved and others have presented the science-based reasons that the insertion and proliferation of GE trees into our natural world will further threaten both environmental and human health.

As Indigenous people, our opposition to these new threats are based on knowledge and adherence to Natural Law, which simply are comprehensive and unchangeable truths or principles inherent in the natural world that have allowed us to live and thrive for countless generations before the invasion of people who had long since destroyed their lands and sought to continue exploitation of ours.

Legislation and acts currently being considered and making their way through the government process, include language that, on the surface, would seem to give tribal governments more control over forest management and energy production on tribal trust lands. In reality, the language is purposely vague and leaves the door open for the continuation of exploitation of fossil fuel and mineral resources which now, if not stopped, will include using our lands for growing genetically engineered trees to fuel the new bioenergy and consumer pulp economy.

Specifically, the Native American Energy Act includes vaguely worded sections that may be used to, not only ensure tribal government acceptance of projects run by private corporations but also protect those corporations them from future liability or responsibility – and transferring that liability to the tribes.

These have and are being presented under the guise of Indian self-determination, when in fact they are
cleverly crafted mechanisms to lift barriers and fast-track the extreme energy and consumer economy by corporate and private interests.

There are also plans and funding currently available and being negotiated that are not specifically targeted to tribal nations, but may also be used to further promote biomass/bioenergy and GE trees, to include: The American Energy Innovation Act; EPA’s Clean Power Plan; Forest Incentives Program Act of 2015; and the Department of Energy’s Strategic Technical Assistance Response Team (START) Program. These also have the potential to impact not only tribal trust lands but traditional territories and communities where these projects are being proposed and that directly threaten long established subsistence rights.

We reject the efforts by the biotech, agriculture, biofuel, and biomass industries, governments and their agencies, to com-modify trees for commercial use at the expense of the earth’s delicate biodiversity and climate stability. They do not belong because they have been forcibly contaminated with genetic material from totally unrelated lifeforms which violates Natural Law and threatens the regenerative processes of our very diverse and complex ecosystems. The monopolization of land and water to grow GE trees to replace a fraction of the fossil fuels needed as energy demands increase, will only worsen human rights abuses and intensify global water, food, and the climate crises we face. These trees and their end use are just another way to com-modify nature and are a component of carbon trading and offsets that will further displace Indigenous and front-line and traditional"

The Environmental Defense Council (EDF), “A Tale of Two Wetlands,” February 1, 2016, edf.org, commented, Today, on World Wetlands Day, we recognize America’s wetlands as one of our most beautiful and precious natural resources.

They provide countless services on which wildlife, coastal communities, and the world at large depend. They protect us from storms, filter our drinking water, protect wildlife and even help sequester carbon.

But America’s wetlands are in trouble. Read on to learn what problems they face—and how your support as an EDF member is making a difference.

**SPOTLIGHT: THE COLORADO RIVER DELTA:**

Long ago, the Colorado River flowed from the Rocky Mountains across Arizona to the Gulf of California in Mexico, supporting more than 2 million lush acres of wetlands, teeming with plant and animal life.

Today, signs of life are few, and the Colorado River withers up near the U.S.-Mexico border—dams and diversions having taken every last drop it had to give.

For decades, people thought the Colorado River was simply ‘broken,’ and believed nothing could be done—until we found a way.

On March 23, 2014, the gates at Morelos Dam on the U.S.-Mexico border were opened to release a temporary ‘pulse flow’ designed to mimic the kind of periodic floods that once naturally inundated the Colorado River Delta for eons.

Eight weeks later, near the end of the ‘pulse flow,’” the Colorado River reached the Sea of Cortez for the first time in decades. Plants, animals, and birds have all benefitted from the pulse flow, which shocked the wetlands back to life.

**SPOTLIGHT: THE MISSISSIPPI RIVER DELTA**

Last year, 31 geographic locations were removed from an official map of Louisiana. They were swallowed by the sea, deprived by canals and levees of the sediment needed to replenish natural erosion.

Since the 1930s, an area twice the size of Boston, New York City, Philadelphia, and Washington, D.C. combined has disappeared.

But with your support, we’re helping to restore Louisiana’s coast. We helped Louisiana officials draft the 2012 Coastal Restoration Plan, which calls for diverting the Mississippi’s overrun toward collapsing wetlands to rebuild land over time. Help is on the way for Louisiana’s coastal communities.”
National Congress of American Indians President Brian Cladoosby, chairman of the Swinomish Indian Tribal Community, spoke the State of Indian Nations Address at the Newseum in Washington, D.C., January 14 2016. Cladoosby spoke of the progress Indian nations have experienced during the Obama administration, calling this “a moment of progress and promise,” with the passage of the Tribal General Welfare Exclusion Act of 2014, the Indian Health Care Improvement Act of 2010 and the Tribal Law & Order Act of 2010, reauthorization of the Violence Against Women Act in 2013, and amendment of leasing and right-of-way regulations in 2015. He stated, “we have not disappeared, and we are not victims. We have persevered. We are survivors and we are growing stronger every day. We are thriving 21st century governments, built on self-determination. Yes, our ancestors were central to America’s early days. But we are also central to America’s present – and vital to its future.”

He commented that moving well into the future will require a respectful partnership between the tribes and the federal government, more advances to be achieved in four areas: community security; economic equality; education, health and wellness; and climate change. Cladoosby called for reauthorization of the Tribal Law and Order Act, stating that Congress should fully fund important juvenile justice programs, efforts to collect accurate and relevant data, and preventative services for all families in Indian country. He asserted, “Tribes need full authority to protect them from harm caused by non-Indians on tribal lands. Across America, states and territories receive direct assistance from the Crime Victims Fund – and its time that tribes do, too.”

He said that economic equality for tribes requires creating a level playing field. “Tribes should be able to collect taxes without placing extra burdens on local businesses. We call on the Department of Interior to amend The Indian Trader regulations … eliminate dual taxation in Indian country … and empower tribes to invest in the infrastructure and services that make economic development possible. In addition, tribes must be able to issue tax-exempt bonds. They are an indispensable tool that every other modern government uses to seed private sector growth. Tribal governments must be treated the same as state and local governments on labor issues.”

Cladoosby stated, “Education is a promise made in exchange for our land. We have more work to do, to ensure that tribal governments are directing the education of their youth – especially on schools located on tribal lands.” During the question and answer session after his address, Cladoosby talked about the high rate of teen suicide, and indeed all suicide, in tribal communities, saying that he believed it was due to historical trauma, coupled with drug and alcohol abuse. He said that education was central key to combatting both.

Concerning health care, he asked Congress to “permanently reauthorize the Special Diabetes Programs for Indians, so that tribal communities can continue to combat this disease,” and for advance appropriations for the Indian Health Service.

He pointed out that global climate change “threatens not only food security … but all of humanity,” Cladoosby said, adding “In Paris, tribal leaders were proud to take their rightful place among leaders of nations. They shared their scholarship and their indigenous knowledge, and helped the world reach a historic agreement. We ask for the establishment of a permanent Climate Adaptation Task Force, in collaboration with tribal leaders…. Native peoples stand ready to serve as experts and partners.”

Congressperson Betty McCollum (D-MN) presented the Congressional response. She discussed the need to improve Bureau of Indian Education schools and urged members of Congress to accept Cladoosby’s invitation to visit Indian country, citing the impact of President Obama’s visit to the Crow Nation just before he was elected in 2008. She recommended strengthening relationships between American Indian women and their sisters in Congress, saying “When Native women lead, tribal nations succeed.” The speech can be viewed at: http://www.ncai.org/about-ncai/state-of-indian-nations (Tanya H. Lee, "Progress and Promise in Indian Country: NCAI’s 2016 State of Indian Nations Address, January 14, 2016, http://indiancountrytodaymedianetwork.com/2016/01/14/progress-and-promise-indian-country-ncais-2016-state-indian-nations-address-163073).

"NCAI Response to New Poll on R*skins Team Name," May 19, 2016, http://www.ncai.org/news/articles/2016/05/19/ncai-response-to-new-poll-on-r-skins-team-name, "It is true some Native people do not find the word offensive. However, thousands of Native people across the country have voiced their opposition to the name and the historic, disparaging connotations it carries to this day. More than 100 Native American organizations representing tribal nations and peoples across the United States have spoken out in opposition to the use of the R*skins mascot of the Washington D.C. NFL team. The tribal nations comprising the National Congress of the American Indians have repeatedly passed resolutions against the R*skins name and image, as well as many individual tribal governments and organizations.

The Washington Post surveyed a small sample of Native American adults, anyone can create a poll on any issue. The survey doesn't recognize the psychological impacts these racist names and imagery have on American Indian and Alaska Natives. It is not respectful to who we are as Native people. This poll still doesn't make it right." - Jacqueline Pata, NCAI Executive Director"


"NCAI and NPM Respond to FCC Commissioner Pai’s Criticism of Enhanced Tribal Lifeline Support," March 30, 2016, http://www.ncai.org/news/articles/2016/03/30/ncai-and-npm-oppose-fcc-commissioner-pai-s-lifeline-proposal, "In response to Federal Communications Commission (FCC) Commissioner Ajit Pai’s proposal to limit enhanced tribal support under the Lifeline program, the National Congress of American Indians (NCAI) and Native Public Media (NPM) believe the Commissioner’s justification relies on an inaccurate understanding of tribal lands. Commissioner Pai’s proposal to reform enhanced tribal Lifeline support will negatively impact the program’s purpose of providing affordable phone services to low-income residents on tribal lands.

On March 29th, Commissioner Pai issued a Press Statement outlining his proposals to reform the Lifeline program. Currently, the program provides a monthly phone bill discount for low-income consumers and enhanced tribal support for residents of tribal lands. Commissioner Pai proposes to limit enhanced tribal support to counties with less than 50 people per square mile and proclaimed that Lifeline was, 'intended to support the construction of [telecommunications] facilities in Indian Country, but has instead encouraged abuse of the program in large cities (like Tulsa, Oklahoma and Reno, Nevada) and suburban communities (like Chandler, Arizona).'

NCAI Executive Director Jacqueline Pata and NPM Board Chair Matthew Rantanen issued a joint response stating, 'We are supportive of sensible reforms to the Lifeline program to cut waste, fraud, and abuse. However, Commissioner Pai’s understanding of enhanced tribal support disregards the program’s purpose to provide affordable phone services for low-income residents on tribal lands. It is also important to note that areas like Chandler, AZ are not located within the legal boundaries of any tribal lands. These misinterpretations overshadow the needs of the over 40 percent of tribal lands lacking access to vital telecommunications services.'

NCAI and NPM assert that restricting enhanced tribal support to county level metrics—instead of the legal and historical boundaries of tribal lands—will further impede the build out and adoption of
communications services in Indian Country. Additionally, Commissioner Pai’s statements regarding Lifeline’s purpose as an infrastructure program is greatly misguided as other programs regulated by the FCC are specifically designed to support infrastructure build out.

During the FCC’s initial rulemaking last year to reform the Lifeline program, Oklahoma was targeted as the center of ‘waste, fraud, and abuse’ because most of the state was recognized as ‘tribal land’. Since then, Commissioner Pai has specifically targeted the enhanced tribal support without recognizing the unique tenants of federal Indian law and the legal tribal lands status of Oklahoma and elsewhere. "Commissioner Pai’s remarks overall are unfair to Indian Country and its citizens who need these vital services for healthcare, emergencies, social services, and to provide contact information for job applications," conclude Pata and Rantanen. The FCC is set to make a final ruling on proposals to finalize reforms to the Lifeline Program during its Open Meeting on March 31st.


Long considered a best practice in childcare, kinship placement creates stability while nurturing ties to the child’s extended family and community. Under the Indian Child Welfare Act (ICWA), kinship-based placements must be considered as soon as it becomes clear that the eligible child will be removed from their home. There is nothing unusual about child placement with relatives after a stay in a foster home. The only unusual factor in this case is that the foster family in California used extended litigation to prevent placement of a Native child with her family.

Kinship child placement is the law in 45 states, and also under ICWA. Federal law under title IV-E of the Social Security Act also requires that states ‘consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child…’"

NCAI works tirelessly with partners like NICWA to raise awareness of the benefits and legality of kinship placement for Native children, and encourages informed discussion around cases like Lexi’s.

'Lexi should have gotten a stable, long-term kinship placement years ago.' said Jacqueline Pata, Executive Director of the National Congress of American Indians. 'This is why laws like ICWA exist. Regardless of a child’s Indian status, the goal of foster placement has always been to provide a safe and loving temporary home. It is regrettable that Lexi and her relatives have been dragged through a lengthy legal process, and NCAI extends its support to her family for their long-term stability and well-being.'"

Lauren McCauley, "Ahead of Election, Native Americans Rise Up Against Repressive Voting Laws," Common Dreams, May 31, 2016, http://www.commondreams.org/news/2016/05/31/ahead-election-native-americans-rise-against-repressive-voting-laws, reported, " Refusing to be silenced by restrictive new voting laws, Native Americans across the western U.S. are taking their fight to the courts, arguing that tribal communities have become even further disenfranchised by rules passed in the wake of the Supreme Court's landmark voting rights ruling.

An in-depth report published by Reuters on Tuesday highlights revisions to a North Dakota law that 'eliminated a provision that had allowed people without proper identification...to vote if they were recognized by a poll worker or if they signed an affidavit swearing to their identity.'

In that state, which holds its Democratic primary on June 7, American Indian and Alaska Native peoples comprise the largest minority—just over five percent compared to less than one percent of the national household population, according to the state census (pdf).

As many tribal IDs don't include addresses, nor can those living on impoverished reservations afford to pay for updated identification, these restrictions 'disproportionately burden Native American voters in North Dakota,' argues a lawsuit (pdf) filed in January by the nonprofit Native American
Rights Fund (NARF).  
'Maybe it's no big deal if you work, but it's a big deal to people that don't have access to $10,' said Richard McCloud, chairman of the Turtle Mountain Band of Chippewa Indians, which has a reservation in Belcourt, North Dakota.

NARF is expected to file a motion by June 30 requesting that the court invalidate the changes to the ID law ahead of November's election, Reuters reports, as the state's growing Native American population may have the ability to "tip the balance" in key races.

'The Native American vote is not big enough to flip a safe Republican state such as North Dakota into the Democrat column in this year's presidential election,' notes Reuters, 'but Native Americans are a growing proportion of the population and a majority in some counties where increased voter turnout in recent years has tipped the balance in some congressional races.'

Indeed, since the U.S. Supreme Court dismantled key provisions of the 1965 Voting Rights Act in 2013, native groups have flagged voting-related problems in 17 states via litigation or tribal diplomacy with local officials, according to a recent survey by Indian Country Today Media Network (ICTMN).

In the past three years, five federal lawsuits involving Native Americans have been filed, including three in 2016 alone, Reuters notes.

'It's a very bad trend,' Laughlin McDonald, special counsel and director emeritus of the Voting Rights Project for the American Civil Liberties Union, told ICTMN. 'There is an illusion that we have a society based on democracy, but it was founded on the aristocracy of the white male property owner. This is merely the continuance of a long history of limiting the right to vote, so this isn't new. Voter suppression has been the reality since the beginning.'

In Arizona, which also has a substantial Native American population, voters experienced egregious problems accessing polls during the March primary.

'Arizona was one of the states covered under the Voting Rights Act, and when it got gutted, that hurt people here a lot,' Katherine Yell, director of operations for the Democratic Party in Coconino County, which is about 27 percent American Indian, told the International Business Times. 'Arizona has what I like to call draconian voter ID laws. You have to register in advance at least a month before the election, you have to have a photo voter ID with your permanent address on it, which makes it tough for people who travel for work because there's not a lot of work on the reservations.'

As IBT reporter Abigail Abrams wrote at the time, 'While much of the national conversation has been focused on Southern states and laws affecting African-American and Hispanic voters, Native Americans in places like Arizona also are affected by policies that discourage them from voting, which have resulted in some of the lowest voter participation rates of any demographic group in the country.'

Presidential hopeful Bernie Sanders—who, along with his wife Jane Sanders, have made a point of meeting with tribal leaders throughout the campaign—has specifically promised to "stand with Native Americans to fight for Indian voting rights.. Prayt Wiley, head of voter protection issues at the Democratic Party, said that new voting rules are part of a much broader, deliberate, and concerted effort by Republicans to reduce turnout among particular groups of voters on election day. adding that Native American voters 'are more vulnerable today than they were before the [Supreme Court ruling]."


The American Association of Indian Affairs (AAIA), current mission "is to promote the well-being of American Indian and Alaska Natives by:

Promoting the health, education and welfare of children and youth;
Sustaining and perpetuating tribal languages and cultures;
Protecting tribal sovereignty, religions and natural resources; Advocating for tribal constitutional, legal and human rights.
We do this through our various programs:

**International Repatriation**
The AAIA Repatriation Program has two components: (1) NAGPRA Compliance and (2) International Repatriation.

**Indian Child Welfare**
AAIA began its active involvement in Indian child welfare issues in 1967 and its research and advocacy directly led to the enactment of the Indian Child Welfare Act of 1978. ICWA has provided vital protections to Indian children, families and tribes,

**Juvenile Justice**
Working closely with the Annie E. Casey Foundation, we have commenced a project to address the disparate treatment of Native Americans by the juvenile justice system and develop alternatives to incarceration for Native American youth who come into contact with the juvenile justice system.

**Scholarships & Summer Camps**
AAIA is dedicated to supporting the education of Native American and Alaska Native people. We offer scholarships to undergraduate and graduate students from federally and non-federally recognized tribes.
We also support summer camps dedicated to education, language preservation and health. We offer this support in the form of small seed grants.

For more information visit: https://www.indian-affairs.org.

That’s the awareness #StopDisenrollment generated the first week since the campaign launched on February 8.

#StopDisenrollment is a crowsource campaign opposed to the practice of disenrollment – an indigenous nation’s government stripping a member of citizenship.
According to the campaign, more than 80 federally recognized Native Nations in 17 states have disenrolled their kin. The campaign estimates that as many as 10,000 Indigenous Peoples have been disenrolled in the U.S.
Disenrollment strips an individual of tribal citizenship, making them ineligible for the rights and benefits of tribal citizenship and, in the eyes of the United States, makes the individual a non-Indian."

Kirk Johnson, “Paiute Indians Assert Legacy on Occupied Wildlife Refuge Land,” The New York Times, January 6, 2016, http://www.nytimes.com/2016/01/07/us/paiute-indians-dispute-oregon-wildlife-refuge-protesters-standing.html?ref=todayspaper, Reported, concerning the take over in Burns Oregon of an empty building on the National Wildlife Refuge by armed protestors wanting the western federal lands turned over to the local people, “Earlier in the day, the Burns Paiute Indian tribe added its voice to the debate, saying that the protesters, in demanding that the federal property at the refuge be returned to ranchers who once owned it, were ignorant of history. If anyone should get the property back, they said, it should be them. Their ancestors were roaming the still wild and empty reaches of what is now called the Malheur National Wildlife Refuge perhaps as long as 15,000 years ago.”

The Guardians of the People at Navajo Nation, tired of Dinee government corruption, theft, and failure to listen to the people, has been working to change the laws of Navajo Nation to change the nation's laws to refflect that all power to govern and authority originat from the Navajo people (Arlyssa Becenti, "Group wants peopel to have more contol of government," Navajo Times, June 9, 2016.
International Activities

Steven Newcomb, "Face to Face with Pope Francis to Get the Inter Caetera Papal Bull Revoked," ICTMN, May 6, 2016, http://indiancountrytodaymedianetwork.com/2016/05/06/face-face-pope-francis-get-inter-caetera-papal-bull-revoked-164399, reported, "On May 4, 1493 Pope Alexander VI issued the Inter Caetera papal bull which called for non-Christian nations to be reduced and subjugated (“barbare nationes deprimantur”). On May 4, 2013, 200 years after our great Shawnee leader Tecumseh fell in battle on October 5, 1813, Dr. Debra Harry (Paiute Nation), Sharon Venne (Cree Nation, Treaty Six) and I saw two velum parchment originals of the papal bull at the General Archives of the Indies in Seville, Spain.

On May 4, 2016 I had the rare opportunity in St. Peter’s Square to call on Pope Francis to formally revoke that document. Our 20-plus years of effort to have that papal decree revoked as a document representative of a series of such documents is not a move toward what is being erroneously called “reconciliation.” It is a move toward decolonization and rectification. It is a move to end the domination language system that Pope Alexander VI directed at our non-Christian ancestors, our Original Free Nations, a language and legacy of devastation and oppression that is ongoing."


In a letter to the UN Special Rapporteur for Health, Survival International highlighted the failure of South American governments to address the contamination.

The unmonitored use of mercury, such as in illegal alluvial gold mining, often takes place on tribal peoples’ lands. Discriminatory attitudes towards tribal peoples mean that little action is taken to control it.

In Peru, 80% of a Nahua community have tested positive for high levels of mercury poisoning. 63% of those affected are children. Symptoms include anemia and renal failure, and one child has already died displaying symptoms consistent with mercury poisoning.

The Peruvian government has known about the mercury contamination since 2014 but has done little to identify the source. It is possible that other tribal peoples in the area have been affected, including uncontacted peoples.

In Brazil, new statistics reveal alarming rates of mercury poisoning amongst the Yanomami and Yekuana. 90% of Indians in one community are severely affected.

Illegal gold miners operate on Yanomami land, polluting the rivers and forest with mercury. Uncontacted Yanomami are particularly in danger as many miners work near where they live.

Indigenous spokesman Reinaldo Rocha Yekuana said: “We are worried about the results of this research. This pollution affects plants, animals, and future generations.”

The Brazilian authorities have known about the mercury contamination since at least the 1980s, yet have failed to put a permanent stop to the illegal gold mining. Little has also been done to treat the affected Indians.

In Venezuela, several tribes including the Yekuana, Yanomami, Piaroa, Hoti and Pemon are also being devastated. 92% of Yekuana women in one region have levels of contamination far exceeding accepted limits.

Survival’s Director, Stephen Corry said: ‘These governments are sitting on a ticking time bomb. Every week that they fail to act, more and more indigenous people are being harmed. When mercury poisoning is identified, the source must be halted immediately and those affected must be treated. The effects will be catastrophic if indigenous peoples’ lands aren’t protected.’"

Edison Lanza in an interview with Plaza Publica, a national online newspaper, commented on how the Guatemalan state has the duty of creating legal mechanisms to guarantee rural communities access to radio frequencies and to go beyond what the market dictates and what large media oligopolies want.

Lanza spoke about how the radio spectrum is accessible to a very select few, leaving many sectors of society excluded. Frequencies are to be State property and they have been given away to commercial radio as they are the only ones that can afford to buy at the auctions. These auctions and other transactions sometimes are not as transparent as they should be. A diversity of voices from around the country have been excluded in the conversation, as commercial radio station dominates the whole sector. Civic and Indigenous voices need to be heard. This is why the Guatemalan State has been called to reform its laws by the Inter-American Human Rights Commission several times in the past decade.

The Indigenous community radio movement in Guatemala hope that the visit and explanation of Edison Lanza to the technical study committee of Bill 4087 will positively influence their decision at the end of April and they will support the bill. Indigenous community radio stations continue to press their district congress people to support Bill 4087.

"Notes From NALEB’s 10th Gathering Of Guatemalan Indigenous Organization," Cultural Survival, December 23, 2015, https://www.culturalsurvival.org/news/notes-naleb’s-10th-gathering-guatemalan-indigenous-organization, reported, "On December 15, 2015 Naleb, a well recognized Indigenous group, gathered over 30 Guatemalan Indigenous organizations for their 10th workshop in Antigua, Guatemala. The previous nine workshops have focused on drafting a document of demands and recommendations from Indigenous Peoples to their government in order to bring to light these ongoing issues to the newly elected president. This last gathering brought to the table the ambassadors of Spain and Canada to discuss their role in Guatemala. As well, as distinguished national leaders like Thelma Aldana, Attorney General of the Guatemalan Public Ministry and Congressman, Amilcar Pop, current president of the UN Permanent Forum on Indigenous Issues.

The gathering began with a traditional Mayan ceremony celebrating the day marked by the Mayan calendar as Jun Toj. The 10th gathering hosted over 50 participants representing approximately 30 Indigenous organizations. After the ceremony, words of appreciation and admiration were expressed by the ambassador of Spain, Alfonso Portabales, said “the Spanish embassy has been a huge supporter of the Indigenous movement in Guatemala and it will continue to support it in the upcoming year. We are proud of the work done by this organism and all its members. We wish for the best on all pending activities.”

The ambassador of Canada also expressed her congratulations to the participants, ‘the government of Canada is a proud supporter of the Guatemalan Indigenous movement and we have big plans for the upcoming year. I am myself an Indigenous woman and I know some of the issues affecting my community also are a priority to the communities here. I am here not only to congratulate but to reiterate our support for the incredible work being done by all of you.’

Guatemala’s Attorney General, Thelma Aldana presented her work with the Public Ministry on issues pertaining to Indigenous community. Aldana expressed her gratitude and asked for the support to continue her work, she said “there is much left to be done in our country, I know there are many issues we should be following but we are doing our best to get to all of them. 2015 was an incredibly unstable year that left us with a lot of follow up work. I kindly ask for your comments both positive and constructive on issues affecting you and what I could be doing to improve or move forward these problems.” The event began early morning and was concluded around 7:00pm that same day, a productive day that ended with new connections and goals for the upcoming year.

Cultural Survival staff was present and spoke about the importance of recognizing and eliminating the
criminalization of Indigenous community radios. As a group there were also petitions to free the many political prisoners currently being held for acts such as protecting their land and environment. Naleb and its many members will continue to pursue agreements and recognition for the valuable work of Indigenous Peoples in Guatemala."

Global Exchange communicated, May 5, 2016, http://www.theguardian.com/world/2016/may/02/berta-caceres-murder-four-men-arrested-honduras?CMP=share_btn_tw, Earlier this week Honduran authorities arrested four suspects in the murder of Berta Cáceres [see International developments, below], the internationally recognized indigenous leader and co-founder of the Council of Popular and Indigenous Organizations of Honduras (COPINH), who was brutally murdered in her home on March 2nd.

While these arrests may be a possible step in the right direction, the recent attack and attempted murder of prominent journalist, Felix Molina, ally of Global Exchange's Caravan for Peace, Life and Justice, underlines continued dangers for truth tellers in Honduras.

Write Honduran authorities today to demand protection for Felix Molina and all independent journalists in Honduras.

Human rights defenders in Honduras are quick to point out that the attempt on Molina’s life was not an isolated event but part of the systematic repression against journalists and activists that has sharply increased since the U.S.-backed military coup hurled the country into crisis. Since the 2009 coup, 50 journalists have been assassinated in Honduras."

"Brazilian Indians protest plan to “undo” land rights progress," Survival International, June 2, 2016, http://www.survivalinternational.org/news/11300, reported, "Brazilian Indians are protesting against the country’s political elite’s threats to break up their lands and limit their rights.

As the impeachment of President Dilma Rousseff moves forward, interim President Michel Temer and his newly appointed ministers are attempting to put a stop to the protection of indigenous lands.

President Rousseff has been criticized for mapping out fewer indigenous territories than any of her predecessors since the end of the military dictatorship. But Rousseff and her colleagues signed several land protection decrees in the weeks leading up to her suspension from office.

These included the land of the uncontacted Kawahiva, one of the most vulnerable peoples on the planet, following Survival’s global campaign, one Guarani territory which had been stolen from the Indians leaving them in appalling conditions, and of the Avá Canoeiro, Arara, Mura and Munduruku tribes.

Brazil’s interim Justice Minister, Alexandre de Moraes, has since announced a plan to revise the recent land decrees, provoking outrage nationwide.

Many of the ministers of the interim government are members of Brazil’s anti-indigenous agribusiness lobby group which is trying to weaken indigenous land rights, including a move to change the constitution known as “PEC 215.”

If implemented, PEC 215 could make future land demarcations almost impossible, reduce the size of existing territories and open them up to mining, oil and gas projects, roads, military bases, and other developments which could be fatal for indigenous peoples.

The interim Agriculture Minister, Blairo Maggi, is known as the 'Soybean King'. His family has made billions from the plundering of forests and indigenous land. He has spoken out against the recognition of indigenous territories and in favor of dams and other projects which violate indigenous rights.

Last month saw demonstrations and protests by over 1,000 indigenous people in the capital, Brasilia. In a strongly worded open letter to Michel Temer, APIB, the network of indigenous peoples in Brazil, said: 'We reject any attempts to roll back our achievements and we demand total respect for our fundamental rights enshrined in the federal constitution.'
Hundreds of thousands of Indians across the country depend on their land for their survival. The Brazilian constitution and international law guarantee the protection of their land for their exclusive use, but the laws are being violated, and some tribes are facing genocide.

Survival’s ‘Stop Brazil’s Genocide’ campaign, ahead of this summer’s Rio Olympics, is calling on Brazil’s government to stop these potentially fatal legal changes, and to implement the order to fully protect the land of the uncontacted Kawahiva Indians, to prevent their annihilation."


Today is Brazil’s “Day of the Indian,” highlighting indigenous causes and culture across the country.

Despite the political chaos currently engulfing Brazil, the campaign aims to bring attention to serious human rights issues and threats facing the country’s indigenous people. These threats persist regardless of the political turmoil in the country.

The campaign, “Stop Brazil’s Genocide,” focuses on protecting uncontacted tribes of the Amazon such as the Kawahiva people; ending violence and land theft directed against the Guarani Indians in southern Brazil; and stopping PEC 215, a proposed constitutional amendment which would seriously undermine indigenous land rights and spell disaster for tribes nationwide.

For decades, Survival has campaigned on behalf of uncontacted tribes – of which there are estimated to be more than 100 in Brazil. They are the most vulnerable societies on the planet. Peoples like the Kawahiva are being wiped out by violence from outsiders who steal their land and resources, and by diseases like flu and measles to which they have no resistance.

In southern Brazil, ranchers have devastated the territory of the Guarani people, and nearly all of their land has been stolen. Guarani children starve and their leaders are being assassinated by ranchers’ gunmen, one by one. Hundreds of Guarani men, women and children have committed suicide.

Finally, PEC 215 would, if implemented, give landowners the chance to block the recognition of new indigenous territories, and could enable them to break up existing ones. As tribes depend on land for their very survival, this would pose an existential threat to many peoples, fatally undermining their human rights.

Survival is arguing that collectively, these causes comprise a genocidal threat to tribal peoples in Brazil which must be stopped.

Survival’s Director Stephen Corry said: ‘Tribal peoples have been steadily annihilated across the Americas for centuries. That has to end. Instead of looking at tribes as inconvenient obstacles to “progress,” Brazil must recognize that they are an intrinsic part of its modern nation, and deserve to have their land rights protected so they can survive and thrive. Political crisis or not, these are crucial issues which must be taken seriously. All eyes are on Brazil as it prepares to host the Olympics, and it’s up to Brazilians to make sure history looks back at their generation favorably.’"


Kamukaiká Lappa, from the Yawalapiti tribe in the Xingu region, carried the torch at the national Memorial to Indigenous Peoples in Brasília on the day it arrived in Brazil. He is known within his community for his involvement in Huka Huka wrestling, an indigenous sport popular with Xingu tribes.

In an interview on Monday (May 2) Kamukaiká said: “The Olympic games are democracy, they help to promote and celebrate peace.”

Many indigenous leaders are hoping that tribal involvement in the torch ceremony will help to

He said: 'The situation indigenous peoples face is being hidden and silenced. Brazil is making out that it treats its indigenous peoples well but people interested in the Olympics need to know that there is a lot of injustice and violence against indigenous peoples, and our lands are being stolen... It’s a great moment for us to show people the darker side of Brazil.'

The Guarani’s lands have been stolen and occupied by ranches and sugarcane and soya plantations, leaving them living on roadsides and in overcrowded reserves where they suffer malnutrition, disease, and the highest suicide rate in the world. They are frequently and systematically attacked by the ranchers’ gunmen and their leaders are being assassinated one by one.

Tonico – spokesman, anthropologist and coordinator of the Guarani Aty Guasu Association – is at the forefront of the Guarani’s campaign to return to their ancestral lands. He has received death threats and has been harassed by gunmen many times.

Tonico’s journey, supported by Front Line Defenders and Survival International, took him to Ireland, to the European Parliament in Brussels, and to London where he told his story to The Guardian newspaper and others, answered questions for an audience of thousands on the website Reddit, spoke to school students and protested against Brazil’s attack on its first peoples.

The Guarani fear that interim President Michel Temer and his anti-indigenous allies of Brazil’s agricultural business lobby group will drastically weaken their rights, and worsen their already critical humanitarian crisis.

Congress is debating ‘PEC 215’, a plan to change the constitution which would give anti-Indian landowners the chance to block the recognition of new indigenous territories – and might even enable them to break up existing ones. This would be a disaster for tribes around the country, who depend on their land for their survival.

Following a recent visit to the Guarani, the United Nations expert on indigenous peoples, Victoria Tauli-Corpuz, expressed great concern about the current political chaos in Brazil and the danger it poses to the country’s Indians.

As Tonico brought his people’s story to Europe, Guarani leader Eliseu Lopes spoke out at the UN in New York, and other Guarani leaders are protesting in Brasília, calling for their lands to be returned once and for all.

Survival’s global Olympics campaign is pushing Brazil to stop PEC 215, and to protect the land of the uncontacted Kawahiva, one of the most threatened peoples on the planet.

As one of the group explained, they were fleeing from a series of massacres in which many members of their families had been killed. The perpetrators remain unidentified.

Illegal loggers and drug smugglers have operated with impunity in the region for decades, especially on the Peruvian side of the border. The authorities have consistently failed to protect the many indigenous peoples who live in this area from these invaders, and this is the principal reason why some of these once-uncontacted Indians are now coming into contact with outsiders.

Stephen Corry, Survival International’s Director, said today: ‘We’re glad that this program has highlighted the violence and atrocities that are still being committed against uncontacted tribes, but much of the program was pretty dismaying.

To describe uncontacted tribes as ‘people that time forgot’ who ‘show us what we once were’ is dangerous nonsense. It implies that such peoples are less ‘evolved’ than ‘us’, and is just the kind of prejudice used by those who want to steal their land and resources.

The film-makers also described uncontacted Indians as living in an ‘almost constant state of terror.’ This is very far from the judgment of most people who have lived with tribal communities, and far removed from how once-uncontacted tribes themselves talk about their lives in the forest. An Awá man from Brazil’s northeastern Amazon, for example, said: ‘When I lived in the forest, I had a good life. Now, if I meet one of the uncontacted... I’ll say, ‘Don’t leave... there’s nothing in the outside for you.’

'Overwhelmingly, it is the invasion of uncontacted tribes’ land, physical attacks and dangerous epidemics that are causing some of them to live on the run. And it’s only when these threats are removed, by proper enforcement of the law, that their lives and futures can be secured'

Uncontacted tribes are the most vulnerable peoples on the planet. Survival’s global campaign is pushing governments to protect their land, as the only means to prevent their genocide."


The dam has cut off the Omo river’s regular flooding, which 100,000 people rely on to water their crops and livestock and a further 100,000 depend on indirectly. According to experts, this could also spell the end for Lake Turkana – the world’s largest desert lake – and disaster for the 300,000 tribespeople living along its shores.

Salini did not seek the consent of local people before building the dam, but claimed that an “artificial flood release” would compensate them for their losses. However, this promised flood never came and thousands of people now face starvation.

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

Survival’s Director Stephen Corry said: ‘Salini has ignored crucial evidence, made false promises and ridden roughshod over the rights of hundreds of thousands of people. Thousands are now facing starvation because Italy’s largest contractor, and one of its best known companies, didn’t think human rights were worth its time. The real consequences of the Ethiopian government’s devastating policies for its country’s 'development,”’ which are shamefully supported by western aid agencies like the UK’s DFID and USAID, are plain for all to see. Stealing people’s land and causing massive environmental
destruction is not “progress,” it is a death sentence for tribal peoples.”


These include actors Dominic West, Gillian Anderson, Joanna Lumley, Sophie Okonedo and Mark Rylance, as well as musician and photographer Julian Lennon and illustrator Sir Quentin Blake.

They join Survival’s campaign to secure the right of the Bushmen to return to their land in the Central Kalahari Game Reserve, established fifty-five years ago to protect the Bushmen’s rights and ancestral home. In protest at the Botswana government’s ongoing mistreatment of the Kalahari Bushmen, Survival is urging the authorities to allow all Bushmen access to their land.

Speaking at the time of the evictions, Tlhalefang Galetshipe, a Bushman, said: ‘We said that we didn’t want to abandon our culture here and go elsewhere. This is our ancestral land, why should we leave it and go elsewhere? If we agreed to relocation, would the government provide us with our natural resources and with our culture and heritage, which we have here?’

The Bushmen won the right to return to the reserve in a landmark 2006 court ruling. Despite this, the government continues to enforce a permit system limiting the number of Bushmen who are allowed to live in or visit the reserve. The permit scheme has been compared to apartheid-era pass-laws by veteran anti-apartheid activist Michael Dingake.

The government’s response to the 2006 court ruling has been widely criticized, including recently in a US state department report. Outside the reserve, most of the Bushmen live in resettlement camps, where disease is rife and the provision of vital services, including healthcare, is completely inadequate.

Survival International, the global movement for tribal peoples’ rights, is appealing to the Botswana government to respect its own high court’s decision and recognize the Bushmen’s human rights in the country’s fiftieth anniversary year.

Survival’s Director Stephen Corry said: ‘For decades now the Botswana government has dragged its heels and refused to acknowledge that the Bushmen have rights that need to be respected. In this historic year, that surely has to change. The country’s own high court has ruled in favor of the Bushmen’s right to their land, and to continue to limit access to the Kalahari to its first peoples is a sign of brutal authoritarianism in a country so often praised as a beacon of African democracy. Botswana needs to properly earn that reputation by ending this appalling mistreatment of its tribal peoples.’”

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INDIAN AND INDIGENOUS DEVELOPMENTS
Steve Sachs

Environmental Developments

Andrea Germanos, "UN Assessment: Global Destruction of Mother Earth on Fast Track: Without a change in current trends, 'the state of the world's environment will continue to decline'," Common Dreams, May 20, 2016, http://www.commondreams.org/news/2016/05/20/un-assessment-global-destruction-mother-earth-fast-track, reported, "With no region of the Earth untouched by the ravages of environmental destruction, the state of the world's natural resources is in a rapid downward spiral, a comprehensive assessment by the United Nations has found.

Published Thursday, Global Environmental Outlook from the UN Environment Programme (UNEP) involved the expertise of more than 1,200 scientists and over 160 governments, and exposes through reports on each of the world’s six regions that the rate of environmental deterioration is occurring faster than previously thought—and can only be halted with swift action.

'It is essential that we understand the pace of environmental change that is upon us,' stated UNEP
Executive Director Achim Steiner.

One threat many of the world's inhabitants are facing is that of water scarcity. For North America (pdf), for example, it 'is of increasing concern,' though it's just one of many 'worsening pressures.'

The report points to the recent five-year drought around Texas—a problem exacerbated by climate change. It also notes how the impacts of climate change were vividly felt when Hurricane Sandy struck in 2012.

'The 30 centimeters of sea level rise off New York City since 1900 likely expanded Hurricane Sandy's flood area by approximately 65 square kilometers, flooding the homes of more than 80,000 additional people in New York and New Jersey alone,' UNEP states, adding: 'Climate change is generating impacts across the region, and aggressive hydrocarbon extraction methods bring the possibility of increased emissions, water use and induced seismicity. The coastal and marine environment is under increasing threat from nutrient loads, ocean acidification, ocean warming, sea level rise, and new forms of marine debris.'

And even with successful efforts to rein in carbon emissions, the outlook for the region isn't bright, the report notes:

A wide range of potentially catastrophic impacts are built in to the near and medium term climate, so that climate change impacts are highly likely to increase regardless of how fast the region reduces greenhouse gas emissions, and how fast it supports global emissions reductions. The consequences for human lives and livelihoods will depend on measures to adapt to climate change and increase resilience that, while showing signs of promise, are not yet sufficient to meet the threats. The region has been surprised by the emergence of major failures in traditional environmental issues, such as drinking water safety, suggesting that past successes are in jeopardy.

Or take the Latin American and Caribbean region (pdf), where greenhouse gas emissions are growing, a problem fueled in part by agriculture. UNEP notes:

Agriculture has had a strong impact on the emission of nitrous oxide and carbon dioxide. Nitrous oxide emissions - from soils, leaching and runoff, direct emissions, and animal manure - increased by about 29 per cent between 2000 and 2010. The abundance of beef and dairy cattle in the region has also increased methane emissions, which grew by 19 per cent between 2000 and 2010.

Andean glaciers, which provide vital water resources for millions of people, are shrinking and an increase in the intensity and frequency of extreme weather events are affecting economies.

In Asia and the Pacific, meanwhile,

Increasing unsustainable consumption patterns have led to worsening air pollution, water scarcity and waste generation, threatening human and environmental health. Increased demand for fossil fuels and natural resources - extensive agriculture, palm oil and rubber plantations, aquaculture and the illegal trade in wildlife - are causing environmental degradation and biodiversity loss.

Spreading desertification is a key threat for West Asia, while Africa's land degradation, due, in part, to deforestation, are among the environmental challenges for those regions.

And, of course, there's the Arctic region — 'a barometer for change in the rest of the world' — with dropping levels of summer sea ice extent and glacier ice loss.

Among the recommendations UNEP calls for are scaling back fossil fuel dependency and increasing sustainable infrastructure investments.

While the UN body said there was still time to address many of the threats, urgent action, it stressed, was key.

'If current trends continue and the world fails to enact solutions that improve current patterns of production and consumption, if we fail to use natural resources sustainably, then the state of the world's environment will continue to decline,' Steiner said, emphasizing the urgency 'to work with nature instead of against it to tackle the array of environmental threats that face us.'"

Emily J. Gertz, "New Study Predicts an Intolerably Hot World: Researchers say that unless fossil fuels
are kept in the ground, global temperatures could rise nearly 12 degrees Fahrenheit by 2300," Take Part, May 23, 2016, http://www.takepart.com/article/2016/05/23/high-heat-global-warming-fossil-fuel-renewable-energy, reported, "Our grandchildren and great-grandchildren may live on a planet even hotter than we feared if countries fail to slash carbon emissions now, according to a new study.

'Our key finding is that if we continue to burn our remaining fossil fuel resources, the Earth will encounter a profound degree of global warming, of 6.4 to 9.5 degrees Celsius [about eight to 12 degrees Fahrenheit] over 20th-century averages by 2300,' said Katarzyna Tokarska, a climate scientist at the University of Victoria in Victoria, British Columbia, who led the study. The Arctic’s mean temperature could rise 19 to 25 degrees Fahrenheit over the next century if such trends continue.

Sea levels, which are on a trajectory to rise one to three feet by the end of the century, would increase catastrophically under such high temperatures, drowning coastlines and low-lying regions that are home to most of the world’s population. Food supplies and farming worldwide would be disrupted, potentially throwing tens of millions of people back into poverty.

Based on current climate trends alone, a recent Princeton University study suggested that up to 200 million people, including many children, could become environmental refugees in the next half-century.

Some earlier studies with relatively simple ocean and land vegetation modeling have suggested that climate change–driven heat increases would flatten out over time despite rising carbon emissions. But Tokarska and her colleagues, using more detailed ocean and plant-cover scenarios, found a linear relationship—that is, as long as the total amount of carbon in the atmosphere keeps rising, so will the temperature."

"Tokarska said the research, which was published Monday in the journal Nature Climate Change, represents 'the worst-case scenario.'

'The results suggest that it would be better to do something now,' she said, 'and now is the time to do it.'

The study appears on the heels of record-setting April heat. Scientists from the National Oceanic and Atmospheric Administration announced last week that global temperatures ran 1.43 degrees Fahrenheit above the 20th-century average, the 12th consecutive month temperatures hit a record high.

The Arctic saw even stronger warming, with temperatures in Alaska between January and April averaging more than 11 degrees higher than the historic average."

"Her field research has shown, for instance, that land-based emissions of the potent greenhouse gas methane from the Arctic will likely increase dramatically as the region continues to heat up. To have a chance of keeping warming at or below 3.6 degrees Fahrenheit, said Rooney-Varga, use of coal, oil, and natural gas must end between 2050 and 2070. 'That seems like it might be kind of far off. The reality is it’s actually a very pressing deadline,' she said. 'Think of a building built today, expected to remain functional beyond 2065. If it is not built to maximize energy efficiency and use of renewable energy, expensive retrofits or abandonment before the end of its useful life would be needed to meet our climate goals. The same is true for power plants and energy transmission and transportation infrastructure. The faster we act, the less expensive and reckless our transition away from fossil fuels will be.'"

Catrina Rorke, director of energy policy at the R Street Institute, a libertarian think tank, said her organization advocates a universal tax on carbon emissions as the best way to encourage low- and no-carbon development, with the money collected used to lower taxes elsewhere."

Tom Randall, "Climate Records Keep Shattering with Hottest April in 12th Record-Setting Month," Insurance Journal, May 20, 2016, http://www.insurancejournal.com/news/international/2016/05/20/409307.htm, reported, "The number of climate records broken in the last few years is stunning. But here’s a new measure of misery: Not only did we just experience the hottest April in 137 years of record keeping, but it was the 12th consecutive month to set a new record.

It’s been relentless. May 2015 was the hottest May in records dating back to 1880. That was followed
by the hottest June. Then came a record July, August, September, October, November, December, January, February, March—and, we learned from the National Oceanic and Atmospheric Administration on Wednesday—the hottest April. In an age of rising temperatures, monthly heat records have become all too common. Still, a string of 12 of them is without precedent.

Perhaps even more remarkable is the magnitude of the new records. The extremes of recent months are such that we’re only four months into 2016 and already there’s a greater than 99 percent likelihood that this year will be the hottest on record, according to Gavin Schmidt, who directs NASA’s Goddard Institute for Space Studies.

If NASA’s Schmidt is right, 2016 will be the third consecutive year to set a new global heat record—the first time that’s ever happened. So far, 15 of the hottest 16 years ever measured have come in the 21st century."

Deirdre Fulton, "Hottest March on Record as Earth Keeps Hurtling Past Temperature Milestones: Data from Japan Meteorological Agency 'is a reminder of how perilously close we now are to permanently crossing into dangerous territory'," Common Dreams, April 15, 2016, http://www.commondreams.org/news/2016/04/15/hottest-march-record-earth-keeps-hurtling-past-temperature-milestones, reported, 'Earth is on a roll.

Adding yet another month to a new mountain chain of extreme global temperature peaks,' March 2016 was the warmest since at least 1891, according to the Japan Meteorological Agency (JMA).

Not only that, but, as February did, March broke the previous record by the greatest margin yet seen for any month. Compared to the 20th-century average, March was 1.07°C hotter across the globe, according to the JMA figures, while February was 1.04°C higher.

If April also sets a monthly record—and there's no reason to think it won't—'the Earth will have had an astonishing 12 month string of record-shattering months,' writes Andrew Freedman for Mashable.

The JMA's findings are likely to be confirmed by forthcoming reports from the UK Met Office as well as NASA and NOAA, whose satellite data indicates last month was the warmest March in records dating to 1979. Scientists have pinned the record warmth to a combination of human-caused climate change and this year's strong El Niño event.

Responding to the news, professor Michael Mann, a climate scientist at Penn State University, told the Guardian: 'Wow. I continue to be shocked by what we are seeing.'

'The [new data] is a reminder of how perilously close we now are to permanently crossing into dangerous territory,' Mann said. 'It underscores the urgency of reducing global carbon emissions.'

As Common Dreams reported, last month's NASA data showed that February 2016 was not only the hottest in recorded history, but it soared past all previous records, prompting scientists to describe the announcement as 'an ominous milestone in our march toward an ever-warmer planet.'

Meanwhile, NOAA said last week that March 2016 was among the warmest on record for the contiguous United States, and that Alaska had seen 'its warmest start to the year on record, while 32 states across the West, Great Plains, Midwest and Northeast were much warmer than average' between January and March.

What's more, pointed out NOAA climatologist Deke Arndt in a blog post this week, 'If you were alive during March 2016, and I'm betting you were, you witnessed U.S. history.'

'One stunning feature from the March 2016 temperature map was just how universally warm the month was,' wrote Arndt. 'Every one of the 357 climate divisions across the contiguous United States and Alaska ended up—at least—in the 'warmer than normal' category.'

Justin Gillis, “2015 Was Hottest Year in Historical Record, Scientists Say,” The New York Times, January 20, 2016, http://www.nytimes.com/2016/01/21/science/earth/2015-hottest-year-global-warming.html?ref=todayspaper&_r=0, reported, “Scientists reported Wednesday that 2015 was the hottest year in the historical record by far, breaking a mark set only the year before — a burst of heat that has continued into the new year and is roiling weather patterns all over the world.
In the contiguous United States, the year was the second-warmest on record, punctuated by a December that was both the hottest and the wettest since record-keeping began. One result has been a wave of unusual winter floods coursing down the Mississippi River watershed.

Scientists started predicting a global temperature record months ago, in part because an El Niño weather pattern, one of the largest in a century, is releasing an immense amount of heat from the Pacific Ocean into the atmosphere. But the bulk of the record-setting heat, they say, is a consequence of the long-term planetary warming caused by human emissions of greenhouse gases.

‘The whole system is warming up, relentlessly,’ said Gerald A. Meehl, a scientist at the National Center for Atmospheric Research in Boulder, Colo. It will take a few more years to know for certain, but the back-to-back records of 2014 and 2015 may have put the world back onto a trajectory of rapid global warming, after a period of relatively slow warming dating to the last powerful El Niño, in 1998."


Sizzling at 51 degrees Celsius (123.8 degrees F), the temperature in the city of Phalodi in the western state of Rajasthan topped the nation's previous record of 50.6 Celsius set in 1956.

CNN reports:

The IMD [India Meteorological Department] has issued a red-level alert for Rajasthan as well as for other states like Madhya Pradesh and Gujarat, where temperatures, despite not having crossed the 50-degree mark, are higher than average.

India has recorded higher than normal temperatures throughout 2016. Many areas are experiencing severe heat waves and state governments estimate more than 370 people killed so far. And relief isn't coming soon.

'Severe heatwave conditions will prevail in north, west India and central India for the next 10 days,' the IMD warns.

According to Laxman Singh Rathore, director general of the IMD, look to climate change for the cause in the increasing temperatures. 'It has been observed that since 2001, places in northern India, especially in Rajasthan, are witnessing a rising temperature trend every year. The main reason is the excessive use of energy and emission of carbon dioxide. Factors like urbanization and industrialization too have added to the global warming phenomenon," he stated.

Weeks of high temperatures have "also led to acute water shortage in many areas of central and western India which has seen water riots, government-monitored rationing and armed guards at reservoirs," the Hindustan Times reports.

There is a prolonged drought as well, withering crops and sprouting hopelessness in farmers.

'Constant failure of crops. Very low produce. He couldn't recover the investments, could not pay back the bank loans. That's why he killed himself," said the brother of 41-year-old cotton and sugarcane farmer Srikrishna Pandit Agge who hanged himself this month.

His was among the roughly 400 farmer suicides that have already occurred since the beginning of the year.

Dnyaneshwar Jadhav says his brother Tukaram, a small cotton farmer in the state of Maharashtra, took his own life over the distress of loans and failed crop yields. 'When I look into the well, I feel like dying. Life is such a struggle,' Dnyaneshwar said to NPR. 'We used to earn over $300 for our cotton, we now get less than $100 because the yield is so small.'

Last year offers a grim picture of what could be in store.

In 2015, after a heatwave claimed the lives of some 2,500 people and was followed by low monsoon rains, India's earth sciences minister said, "Let us not fool ourselves that there is no connection between the unusual number of deaths from the ongoing heat wave and the certainty of another failed monsoon."
'It's not just an unusually hot summer, it is climate change,' he said at the time.

Jon Queally, “Portending a Very Hot 2016, January Eviscerates Global Temperature Record: With the hottest year in recorded history behind us, new data shows that warming trend—now coupled with powerful El Niño—shows no letup for 2016,” Common Dreams, February 17, 2016, http://www.commondreams.org/news/2016/02/17/portending-very-hot-2016-january-eviscerates-global-temperature-record, reported, “Last month was the hottest January the planet has experienced since record-keeping began nearly 140 years ago, new data released by NASA on Tuesday confirmed—and not by just a little.

January's global average surface temperature during was 1.13º Celsius (or 2.3º Fahrenheit) above historical averages, according to the data.

Making the single-month record even more troubling, as Andrew Freedman notes at Mashable, is that January also capped a three-month period of record-shattering warming, making it much harder to claim that the spike in January represents a fluke.

Climate Central took a close look at the new figures:

This January was the warmest January on record by a large margin while also claiming the title of most anomalously warm month in 135 years of record keeping. The month was 1.13°C — or just a smidge more than 2°F — above normal. That tops December's record of being 1.11°C — or just a smidge below 2°F — above average.

It marks the fourth month in a row where the globe has been more than 1°C (1.8°F) above normal. Incidentally, those are the only four months where the globe has topped that mark since record keeping began.

As Phil Plait explains at Slate, the latest temperature data comes from "land and ocean measurements analyzed by the NASA Goddard Institute for Space Studies, using NOAA temperature measuring stations across the world. These are extremely high quality and reliable datasets of global temperature measurements — despite the fallacious cries of a few."

According to Sally Elliot writing for The Inquisitr:

The findings emerge amid a series of other studies which have identified similar trends outside of this January — the past three months, in fact, was the hottest three-month period ever — and verified links between human activity and climate change. Scientists from NASA and the National Oceanic and Atmospheric Administration (NOAA) have pointed out that, while the hottest January and preceding hottest 12 months ever were aided by the heat-intensifying effects of El Niño, the extremity of global warming has now surpassed the capabilities of natural weather phenomena.

Though expert cautions the data sets are still open to analytical refinement, experts and journalists who cover the global warming trends of recent years say the latest figures portend a frightening year ahead as this year's El Niño combines with already elevated atmospheric and ocean temperatures caused by man-made greenhouse gas emissions.

And as Plait reports:

As it happens, we’re in the middle of an El Niño, an event in the Pacific Ocean that tends to warm surface temperatures. This is also one of if not the most intense on record. Some of that record-breaking heat in January is due to El Niño for sure, but not all or even a majority of it. As I pointed out recently, climate scientist Gavin Schmidt showed that El Niño only accounts for a fraction of a degree of this heating. Even accounting for El Niño years, things are getting hotter.

The root cause is not El Niño. It’s us. We’ve been pumping tens of billions of tons of CO2 into the air every year for decades. That gas has trapped the Earth’s heat, and the planet is warming up.

Several of the months in 2015 were the hottest on record, leading to 2015 overall being the hottest year ever recorded (again, despite the ridiculously transparent claims of deniers). Will 2016 beat it? We can’t say for sure yet, but judging from January, I wouldn’t bet against it.

Last month, a joint analysis by NASA and the National Oceanic and Atmospheric Administration (NOAA), confirmed that 2015 was by far the hottest year recorded since the Industrial Revolution took hold.

‘Climate change is the challenge of our generation, and NASA’s vital work on this important issue
affects every person on Earth,” said NASA Administrator Charles Bolden in a statement at the time.

Those findings, Bolden continued, ‘not only underscores how critical NASA’s Earth observation program is, it is a key data point that should make policy makers stand up and take notice - now is the time to act on climate.’"

New Research suggests that the models climate scientists have been using to predict the rate of global warming may be overestimating the cooling effect of clouds. If these findings are correct, warming is occurring faster than previously projected, and this would narrow the range of remaining warming before absolutely horrendous damage occurs to .7 degrees Celsius, and the Paris target to .2 degrees Celsius (John Schwartz, "Climate Paper Says Cloud's Cooling Power May Be Overstated," The New York Times, April 9, 2016).


The year, expected to be the hottest on record, may be over at midnight Thursday, but the trouble will not be. Rain in the central United States has been so heavy that major floods are beginning along the Mississippi River and are likely to intensify in coming weeks. California may lurch from drought to flood by late winter. Most serious, millions of people could be threatened by a developing food shortage in southern Africa.

Scientists say the most obvious suspect in the turmoil is the climate pattern called El Niño, in which the Pacific Ocean for the last few months has been dumping immense amounts of heat into the atmosphere. Because atmospheric waves can travel thousands of miles, the added heat and accompanying moisture have been playing havoc with the weather in many parts of the world.

But that natural pattern of variability is not the whole story. This El Niño, one of the strongest on record, comes atop a long-term heating of the planet caused by mankind’s emissions of greenhouse gases. A large body of scientific evidence says those emissions are making certain kinds of extremes, such as heavy rainstorms and intense heat waves, more frequent.

Deirdre Fulton, “The Future is Flooded: Seas Rising Faster Than They Have In 28 Centuries: 'With all the greenhouse-gases we already emitted, we cannot stop the seas from rising altogether, but we can substantially limit the rate of the rise by ending the use of fossil fuels,'” Common Dreams, February 23, 2016, http://www.commondreams.org/news/2016/02/23/future-flooded-seas-rising-faster-they-have-28-centuries, reported. “When it comes to swelling oceans that threaten coastal communities around the world, it's bad, and it's going to get worse.

Sea levels are rising faster than they have in the last three millennia, and that rate continues to accelerate due to the burning of fossil fuels, according to new research published Monday. "Our study is for sea level what the now well-confirmed famous 'hockey stick' diagram was for global temperature." —Stefan Rahmstorf, Potsdam University

One study appearing in the journal Proceedings of the National Academy of Sciences states that "almost certainly, more than half of the 20th century rise has been caused by human activity, possibly even all of it."

Employing a database of geological sea-level indicators from marshes, coral atolls, and archaeological sites around the world, the paper shows that global sea levels stayed fairly steady for about 3,000 years. Then, from 1900 to 2000, the seas rose 5.5 inches—a significant increase, especially for low-lying coastal areas. And since 1993, the rate has soared to a foot per century.

"The new sea-level data confirm once again just how unusual the age of modern global warming due to our greenhouse gas emissions is—and they demonstrate that one of the most dangerous impacts of global warming, rising seas, is well underway," said Stefan Rahmstorf, a physics professor at Potsdam University in
Germany and one of 10 authors of the paper.

As John Upton explains at *Climate Central*:

By trapping heat, rising concentrations of atmospheric pollution are causing glaciers and ice sheets to melt into seas, lifting high tides ever higher.

**Globally, average temperatures have risen about 1°C (nearly 2°F) since the 1800s. Last year was the hottest recorded, easily surpassing the mark set one year earlier. The expansion of warming ocean water was blamed in a recent study for about half of sea level rise during the past decade.**

Changes in sea level vary around the world and over time, because of the effects of ocean cycles, volcanic eruptions and other phenomenon. But the hastening pace of sea level rise is being caused by climate change.

As the *Washington Post* reports, ‘[t]he new work is particularly significant because, in effect, the sea level analysis produces a so-called 'hockey stick' graph—showing a long and relatively flat sea level 'handle' for thousands of years, followed by a 'blade' that turns sharply upwards in very recent times.’

Indeed, said Rahmstorf: ‘Our study is for sea level what the now well-confirmed famous 'hockey stick' diagram was for global temperature. We can confirm what earlier, more local sea-level data already suggested: during the past millennia sea-level has never risen nearly as fast as during the last century.’

Meanwhile, a separate study also published Monday warns that without a sharp reduction of greenhouse gas emissions, sea levels worldwide will likely rise by one to four feet by the end of this century.

This study, led by the Potsdam Institute for Climate Impact Research, combined the two most important estimation methods for future sea-level rise to show that ‘increasingly routine tidal flooding’ events, as the *New York Times* wrote, ‘are just an early harbinger of the coming damage.’

Furthermore, it found that ‘even if ambitious climate policy follows the 2015 Paris agreement,’ sea levels are still projected to increase by 20 to 60 centimeters by 2100, necessitating coastal adaptation such as building dikes, designing insurance schemes for floodings, or mapping long-term settlement retreat.

But most important will be to follow experts' warnings and ‘keep it in the ground.’

‘With all the greenhouse-gases we already emitted, we cannot stop the seas from rising altogether, but we can substantially limit the rate of the rise by ending the use of fossil fuels,’ said study co-author Anders Levermann, of the Potsdam Institute for Climate Impact Research and Columbia University's Lamont-Doherty Earth Observatory. ‘If the world wants to avoid the greatest losses and damages, it now has to rapidly follow the path laid out by the UN climate summit in Paris.’ — but go still further.

The Biloxi-Chitimacha-Choctaw of Isle de Jean Charles in southeastern Louisiana are about to become the lower continental 48 states’ first climate refugees, as rising oceans will soon make their home uninhabitable because of increasing flooding. A $48 million federal grant has been allocated to resettle its residents inland as a community. That will keep the people together, but with them living in a very different location, and leaving open the question of how the residents will now make a living will be approached, and possibly solved, is likely to bring culture change. A key concern is how holistic the process of relocation will be to appropriately meet economic and cultural concerns (Corall Davenport and Campbell Robertson, "Resettling the First American ‘Climate Refugees’," *The New York Times*, May 2, 2016, http://www.nytimes.com/2016/05/03/us/resettling-the-first-american-climate-refugees.html?ref=todayspaper&_r=0).

Nadia Prupis, "'Warning for the World': Five Pacific Islands Officially Lost to Rising Seas: The event is the first official confirmation of what the future could be under climate change, researchers say," *Common Dreams*, May 10, 2016, http://www.commondreams.org/news/2016/05/10/warning-world-five-pacific-islands-officially-lost-rising-seas, reported, “Five Pacific Islands have been swallowed by rising seas and coastal erosion, in what Australian researchers say is the first confirmation of what climate change will bring.

The submerged region, which was part of the Solomon Islands archipelago and was above water
as recently as 2014, was not inhabited by humans.

However, a further six islands are also experiencing 'severe shoreline recession,' which is forcing the populations in those settlements—some of which have existed since at least 1935—to flee, according to a study published last week in *Environmental Research Letters*.

Researchers used aerial and satellite images dating back to 1947 to track coastal erosion across 33 islands. At least 11 islands across the northern region of the archipelago "have either totally disappeared over recent decades or are currently experiencing severe erosion," the study found.

'This is the first scientific evidence...that confirms the numerous anecdotal accounts from across the Pacific of the dramatic impacts of climate change on coastlines and people,' the researchers wrote at *Scientific American* on Monday.

Lead author Dr. Simon Albert, a senior research fellow at the University of Queensland, told *Agence France-Presse* that rates of sea level rise in the Solomons are almost three times higher than the global average.

The five that sank ranged in size from one to five hectares (roughly two to 12 acres) and supported "dense tropical vegetation that was at least 300 years old," the researchers wrote for *Scientific American*, calling the event "a warning for the world."

**Rates of sea level rise were substantially greater in areas exposed to high wave energy, the researchers found, 'indicating a synergistic interaction between sea-level rise and waves.'**

That means islands exposed to higher wave energy in addition to sea level rise face faster and more widespread loss than sheltered islands.

They wrote:

*These higher rates are in line with what we can expect across much of the Pacific in the second half of this century as a result of human-induced sea-level rise. Many areas will experience long-term rates of sea-level rise similar to that already experienced in Solomon Islands in all but the very lowest-emission scenarios.*

Understanding the factors that put certain regions at greater risk for coastal erosion is vital to help frontline communities adapt, the study concluded.

The families that have already been forced to relocate did so using their own limited resources and received little to no assistance from their government or international climate funds, the researchers noted. The exodus had the additional impact of fragmenting established communities of hundreds of people.

Melchior Mataki, who chairs the Solomon Islands' Natural Disaster Council, told the researchers, 'This ultimately calls for support from development partners and international financial mechanisms such as the Green Climate Fund. This support should include nationally driven scientific studies to inform adaptation planning to address the impacts of climate change in Solomon Islands.'

The Solomon Islands were among the 175 nations that signed the Paris climate agreement in New York last month."

Deirdre Fulton, "Surveying Damage on World Oceans Day, Experts Say Worst is Yet to Come: 'We cannot continue to treat our seas as an out-of-sight, out-of-mind dumping ground,'" *Common Dreams*, June 08, 2016, http://www.commondreams.org/news/2016/06/08/surveying-damage-world-oceans-day-experts-say-worst-yet-come, reported, "Threatened by climate change, pollution, overfishing, and oil spills, the world's oceans are suffering, scientists warned on Wednesday—the day designated by the United Nations as one to honor the deep blue sea."

From widespread coral bleaching to floundering fish species to garbage stretching across the water's surface and hundreds of feet down, it's clear that human activity is taking its toll on the world's oceans, which cover more than 70 percent of the Earth's surface.

Indeed, dead coral reefs 'are perhaps the starkest reminders—like the melting Arctic—that a thickening blanket of greenhouse gases is irrevocably changing the face of the Earth,' *Inside Climate News* wrote on Wednesday.

'And, as the National Oceanic and Atmospheric Administration's Coral Reef Watch warned in April, those 'ghostly underwater graveyards' are only going to grow.
'There's even worse news ahead,' Mark Eakin, coordinator of NOAA's Coral Reef Watch, told *Inside Climate News*. "There are a lot of places with similar mortality rates. We've got bleaching going on from the east coast of Africa to French Polynesia. Right now, it's basically covering half the Southern Hemisphere."

A separate study published Tuesday in the journal *Nature* found that overfishing and polluted run-off from farms and lawns made corals more vulnerable to above-average temperatures.

'Although the research showed that controlling pollution and overfishing can help corals survive in a warming world,' John Upton reported on the study for *Climate Central*, "the scientists said curbing pollution from fuel burning, farming and deforestation, which is causing water temperatures to rise, would be the best way to protect them in the long run."

Deron Burkepile, a University of California-Santa Barbara ecologist involved with the research, told Upton: 'We have to start controlling carbon emissions and start cooling our planet again for coral reefs to really have a chance in the future.'

In fact, *Inside Climate News* warned that '[a]t the current rate of emissions, the average global temperature is expected to rise at least 2.5 degrees Celsius by 2100, a level that would be fatal to nearly all reefs."

Even a temperature rise of 1.5 degrees by 2050 would put 90 percent of coral reefs at risk, said Michiel Schaeffer, a scientist with the Berlin-based research institution Climate Analytics.

Meanwhile, the ocean conservation group Oceana used World Oceans Day to warn of how 'rubbish dumping and waste pollution'—the impacts of which it has witnessed during its many expeditions at sea—'is hampering global conservation efforts to protect marine habitats and to restore depleted fish stocks.'

'The group says it has seen marine litter far below the water's surface, a 'worrying problem [that] is often overlooked in reports on plastic pollution, which tend to focus on waste floating on the sea surface or in shallow waters.'

'[W]e cannot continue to treat our seas as an out-of-sight, out-of-mind dumping ground,' said Lasse Gustavsson, executive director of Oceana in Europe.

As ocean scientist and explorer Sylvia Earle wrote Wednesday at the *Daily Beast*: 'If the ocean is in trouble, so are we. It is time to take care of the ocean as if our lives depend on it, because they do.'"

David Wiwchar, "Climate Change Could Devastate First Nation Fisheries in British Columbia: Study," ICTMN, January 18, 2016, http://indiancountrytodaymedianetwork.com/2016/01/18/climate-change-could-devastate-first-nation-fisheries-british-columbia-study-163112, reported, "The effects of climate change are going to have a devastating effect on coastal British Columbia First Nations within the next few decades, according to a new scientific report.

'First Nations fisheries could decline by nearly 50 percent by 2050, and coastal First Nations communities could suffer economic losses between $6.7 and $12 million," lead researcher Laura Weatherdon told Indian Country Today Media Network.

The study was conducted by an international research team led by University of British Columbia scientists at the Institute for Oceans and Fisheries. The researchers modeled how climate change is likely to affect 98 fish and shellfish species up to the year 2050. Forecasted changes in ocean temperature upwards of one degree Celsius were examined, along with salinity and oxygen levels, and even the best-case scenario results proved frightening.

Thom Hartmann, "The Mainstream Media's Climate Malpractice," *Smirjing Chimp*, June 5, 2016, http://www.opednews.com/articles/The-Mainstream-Media-s-Cli-by-Thom-Hartmann-Climate-Crisis_Flooding_Malpractice_Media-Complicity-160605-828.html, commented and reported, "The corporate media in this country need to stop kowtowing to vested fossil fuel advertisers that want to keep the US public in the dark, and they need to start telling people the truth about the connections between extreme weather events and climate change. We can't expect the US public to rally to aggressively address our climate crisis if the mainstream media refuses to talk about the realities of climate change.
A state of disaster has been declared in 31 flooded Texas counties as rivers in the region are cresting at historic highs.

Six people have died, up to four more people are missing and hundreds of people were evacuated from their homes in Houston as the Brazos River reached over 54 feet in Fort Bend County.

On the East Coast, the National Hurricane Center declared that Tropical Depression Bonnie, which caused significant flash flooding in the US Southeast over Memorial Day weekend, has "revived" off the coast of North Carolina.

It's not just remarkable that Bonnie "revived" itself as a Tropical Depression -- it's remarkable that 2016 is the second year in a row that the Atlantic hurricane season has begun before June 1. Over in Europe meanwhile, the French government issued an orange alert in response to days of torrential rains that brought the Seine's water level to over five meters.

As a result, the Louvre announced earlier today that it was not admitting any more visitors to the museum and that the museum will be closed to the public on Friday so that staff can prepare for the worst.

Nine people in total have died across northern Europe as a result of the storms and subsequent flooding: Streets are submerged, schools have been forced to close, thousands of people have been evacuated and others have been stranded on their rooftops.

The Loiret region in France alone has gotten six weeks of rainfall in three days, and the situation in Europe has been described as "worse than the floods of 1910," which cost France roughly $1.5 billion in today's dollars.

And the mainstream media in this country is committing malpractice with their coverage of these events.

The simple fact is these storms are directly connected to global climate change. More specifically, these storms are directly related to the "water vapor positive feedback loop."

Right now according to climate scientist Kevin Trenberth, there is about 5 percent more water vapor in the atmosphere above the oceans than there was in 1968 when Richard Nixon was sworn in, thanks to the fact that the oceans have already warmed 1 degree Celsius.

We know that the planet is warming and that it's warming because of human activities: We rip fossil fuels out of the Earth and burn them into the atmosphere, we destroy our soils with industrial farming and we clear cut carbon-rich rainforests to plant fields of monocrops.

All of those activities have contributed to unprecedented, and unnatural, global warming during the last century and a half.

And as a result, the planet's atmosphere can hold more moisture than it could have in the absence of human-caused global warming."

Deirdre Fulton, "On Borrowed Time': Human Activity Puts One in Five Plant Species at Risk of Extinction: Habitat loss from agriculture and deforestation is a leading threat to world's plants," Common Dreams,. May 10, 2016, http://www.commondreams.org/news/2016/05/10/borrowed-time-human-activity-puts-one-five-plant-species-risk-extinction, reported, "Human activity, from the razing of forests to the spewing of carbon, has imperiled large swaths of the plant kingdom, according to a landmark survey of the world's flora published Tuesday."

The State of the World's Plants (pdf) report 'provides, for the first time, a baseline assessment of our current knowledge on the diversity of plants on earth, the global threats these plants currently face, and the policies in place and their effectiveness in dealing with these threats,' according to scientists at the Royal Botanical Gardens (RBG) in Kew, London.

Culling from three previously-existing databases, the botanists estimate that—including excluding algae, mosses, liverworts, and hornworts—there are 390,900 plant species worldwide, of which approximately 369,400 are flowering and about 31,000 have a documented use for medicines, food, and materials.

And they find that fully one in five—21 percent—is at risk of extinction due to threats associated with climate change, land-use change, invasive plants, and diseases.

As the Guardian reports, 'the biggest factors threatening plant species with extinction are the destruction of habitats for farming (31%)—such as palm oil production and cattle ranching—
While the botanists found global warming currently playing a smaller role in species-extinction (4%), they note that 'the true impacts of climate change might not be seen for some time.'

'[B]ased on what is known about plants' environmental tolerances and the predicted climate change by 2050...models predict that many plant species may be on 'borrowed time,'" the report reads. 'These models predict that suitable climate space will become so severely restricted for many species that widespread climate-related extinctions are expected.'

However, the news from Kew isn't all bad.

The study also found that 2,034 new plant species were discovered in 2015, including a massive leguminous tree (*Gilbertiodendron maximum*), more than 90 species of begonia, 13 new species from the onion family, and a close relative of sweet potato (*Ipomoea batatas*). The global assessment will now be carried out annually, allowing scientists to monitor how plants are changing over time.

'Given how absolutely fundamental plants are for human well-being, for food, fuel, climate regulation, it's pretty important we know what's going on,' said Kathy Willis, director of science at the RBG. 'Unless we look at this information—the knowledge gaps—and then do something about it, we are in a very perilous situation, if we ignore the thing that underpins all our human well-being.

I do find it extraordinary we worry about the state of the world's birds,' Willis added, 'but we don't worry about the state of the world's plants.'"

A study led by Robin L. Chadon working at the Rio de Janeiro International Institute for Sustainability, published in May 2016, found that recently established forests on abandoned farm land in Latin America, if allowed to grow for 40 years, would likely be able to absorb at least 31 billion tons of carbon dioxide from the atmosphere, enough to offset almost 20 years of CO₂ emissions in the region (Justin Gillis, "In Brazil, Forests Rise to Challenge Of Carbon Dioxide," *The New York Times*, May 17, 2016).


More than 90 percent of the Great Barrier Reef (GBR) is suffering some level of coral bleaching and will likely never return to its original state, a new study from the Australian Research Council Center of Excellence for Coral Reef Studies released Tuesday confirms. 'We've never seen anything like this scale of bleaching before,' said Terry Hughes, director of the research council. "In the northern Great Barrier Reef, it's like 10 cyclones have come ashore all at once." The researchers, who conducted aerial surveys of hundreds of reefs in the system and published their findings in the journal *Science*, said although a strong El Niño season exacerbated the effects, climate change is the underlying cause of the bleaching event—which means the destruction is likely to continue.

Bleaching occurs when overly warm ocean waters cause coral to expel the algae living inside of it, which turns the coral white and erodes its structures. That, in turn, provides less shoreline protection and destroys natural habitats for marine life.

The current devastation, which is part of the third-ever global coral bleaching event in history, dwarfs previous events 'by a long mark,' Hughes said. The northern portion, where 80 percent of reefs have been 'severely' bleached and 50 percent are already dead, 'won't get back to what it was, certainly not in my lifetime,' Hughes said.

In a best-case scenario, recovery of the northern GBR would take decades, and 'even then the reef will be only a shadow of its prebleaching self,' the report states. Hughes told reporters on Tuesday that 'close to 50 percent of the coral is already dead or dying.' Environmental activists say addressing the issue will require moving away from the use of fossil fuels.

Greenpeace Australia Pacific reef campaigner Shani Tager said, 'This is heartbreaking news that the Australian government must act on. It's not good enough for them to say they care about the Reef while they keep backing the coal industry and avoid tackling climate change.'
Indeed, Environment Minister Greg Hunt—who called the event 'significant,' and added that the government is taking the findings seriously—in December approved expansion of a coal terminal in Abbot Point in northern Queensland, despite outrage from environmental groups.

'The most pristine part of the Great Barrier Reef is on the brink of permanent damage,' Tager continued. "Now is the time to act, to put the brakes on the coal industry before this sort of devastating bleaching becomes an annual event.'

'Mining and burning coal is driving climate change and warms our waters.'"

"After the COP21: How Bangladesh Can Move Past Coal and Why Rich Countries Must Help, Cultural Survival, December 24, 2015, https://www.culturalsurvival.org/news/after-cop21-how-bangladesh-can-move-past-coal-and-why-rich-countries-must-help, reported, December 2015– The COP 21 brought 195 countries to the table to commit to decreasing their carbon emissions to keep global temperature rises at a maximum of 2 degrees Celsius above pre-industrial levels. It is novel in that where the Kyoto Protocol only required certain countries to cut emissions, the Paris Agreement brings everyone to the table, requiring both developed and developing countries to take action, albeit recognizing their differing situations and circumstances. The question on the table now that the goal has been set is, how to we get there, and who will pay for it?

We know that the richest 10 per cent in the world produce half of the world’s carbon emissions, while half of the poorest are responsible for just 10 percent of emissions.

Two weeks of sticky negotiations in Paris had much to do with this question: to what extent will the richest countries cover the financial burden for the scores of poorer nations who are experiencing the effects of climate change, but lack almost any of the historical responsibility for creating this mess, as well as the capital needed to fix it?

Furthermore, if limits are set on developing countries’ emissions, who will cover the costs of leapfrogging over existing inefficiencies in energy production, towards renewable energies?

Each country has now submitted its own nationally determined climate action plan, called an INDC. Yet a report released last month by the Civil Society Review analyzing each country's INDC has found that the ambitions of major developed countries fall well short of their fair shares. For example, the United States and the European Union’s pledges, which include not only domestic action but also international finance, address only about one fifth of their ‘fair share’ that they were responsible for creating. Rich countries have the potential to do much more, as small adjustments to rich countries’ pledges can have major implications in reducing carbon emissions globally, but are lacking the political will. This is climate injustice."
Meanwhile on average poor countries are anteing up at least as much as they are responsible for, if not more. Bangladesh, for example, carries responsibility for less than 0.35% of global emissions. Bangladesh’s INDC may be promising to cover enough of its fair share to cover its responsibility, but the nation’s energy policy over the next 5 years is still heavily dependent on coal, rather than renewables. Less developed countries have a major opportunity to skip past some of these least efficient forms of energy production, just like many countries in Africa did when they skipped telephone land lines and headed straight to mobile networks.

In fact, doing so is imperative: an analysis by the Climate Action Tracker presented at the COP 21 found that attempts to keep global warming to 2 degrees will be wildly off course if existing plans for coal-fired plants are carried out, as coal is the world’s single biggest contributor to global warming. Just by allowing the 2,440 coal-fired power stations that are currently planned would cause emissions rates four times higher than the 2-degree target by 2030. Without a single new coal plant, allowing existing coal plants to continue operating would lead to emissions rates 150 percent higher than what is consistent with a 2-degree target.

But Bangladesh, like India and other nations making up the Group of 77 coalition of developing nations (G77), argue that their citizens cannot be expected to forego access to basic services like electricity in their homes. In 2012 more than 20 percent of the Indian population lacked access to electricity. In Bangladesh that number is 40 percent.

Harjeet Singh, a New Delhi–based international climate policy manager for ActionAid, explained that India doesn’t want to have to expand coal, but cannot currently afford renewables. “Coal is not an obsession
for India, it's a compulsion,' he said at the COP 21. Despite being on board with emissions reductions globally, India has plans to double its own coal production in the next five years, and Bangladesh is also hoping to increase its coal production by 2030.

One of the coal projects that has been promoted by the Bangladesh government is the Phulbari Coal Mine, designed as a massive open-pit coal mine to extract 572 million tons of coal in Northwest Bangladesh. But the mine is a devil’s deal: if implemented, it would destroy over 14,660 acres of fertile agricultural land that produce three food crops annually, trading electricity needs for increased hunger in a country in which nearly half of all people currently live below the nutrition poverty line. Seven UN human rights experts have called for an immediate halt to the project, on the grounds that it threatens the fundamental human rights of hundreds of thousands of people, including entire villages of Indigenous Peoples, and poses "an immediate threat to safety and standards of living." Still, parent company GCM Resources in London is aggressively moving forward on its plans implement the project despite massive local and international protest.

The Government of Bangladesh has lately shown hesitancy in granting approval to the project, but in its INDC, includes continued coal extraction as an objective in mitigating carbon emissions.

G77 countries have argued that their countries can only cut back on the energy sector if money is made available from rich counties to boost renewable energy development. At the COP 21, 'Asked whether India would cut back on coal if the Paris agreement ensures it receives international support that brings down the cost of expanding renewable energy,' Ajay Mathur, the director of India's Bureau of Energy Efficiency, told AP reporters, 'Absolutely…Solar and wind is our first commitment. Hydro, nuclear, all of these non-carbon sources are what we will develop to the largest extent we can," he said. 'What cannot be met by these would be met by coal.'

In 2009, developed nations set a goal to contribute $100 billion per year by 2020 to finance climate change mitigation and adaption. Adaptation would include investments in renewable energies like solar to help leapfrog countries like Bangladesh past projects like the Phulbari Mine and towards alternatives. But in reality, these countries haven't come close to contributing that amount.

Bangladesh is one of the few countries that has benefitted in receiving some of that climate financing, through UNDP’s green climate initiative. But the majority of this funding goes to mitigation projects, rather than adaptation to new technologies. With a highly exposed coastline, Bangladesh is already experiencing trauma due to rising sea levels and changing cyclone patterns. The World Bank, known for its more conservative estimates, released a study in 2013 noting that an expected rise of 2 degrees Celsius (now the targeted goal under the Paris Treaty) will make Bangladesh among the most affected countries in South Asia, threatening food production, livelihoods, infrastructure, and poverty levels.

If Bangladesh wants to keep its coal in the ground, which is urgently necessary in order to reach the already lofty goal of 2 degrees Celsius, while still bringing much needed electricity to many of its rural areas, it will need much stronger investment from developed nations.

Robert Watkins, UN Resident Coordinator in Bangladesh, called for this investment in an op-ed after the COP 21. 'Now is the time for markets to invest in the low-emission economy and to move away from fossil fuels in order to minimize the loss and damage from climate change. The Paris Agreement represents a unique opportunity for Bangladesh and the rest of the world to move towards a global transformation that will help to safeguard our planet for generations to come.'

So, in the end the question lies with taxpayers in rich developed nations like the US and the EU. Will we pony up and vote to fund climate change adaptation technologies that will help clean up the mess we created for developing nations? Or will we continue to force the world’s poor to shoulder our burden?'

Lauren McCauley, "First Nation Wins Historic Victory Over Mammoth Coal Export Terminal: US Army Corps of Engineers denies permit for proposed Cherry Point terminal, which would have been the largest in North America," Common Dreams, May 10, 2016, http://www.commondreams.org/news/2016/05/10/first-nation-wins-historic-victory-over-mammoth-coal-export-terminal, reported, "In a move being hailed as a landmark victory for the climate movement, Pacific Northwest communities, and tribal members alike, the U.S. Army Corps of Engineers on
Monday denied federal permits for the largest proposed coal export terminal in North America. "This is big—for our climate, for clean air and water, for our future," declared Mary Anne Hitt, director of the Sierra Club's Beyond Coal campaign.

For years, the Lummi Nation led the campaign against the proposed Gateway Pacific Terminal in Xwe'chi'eXen (also known as Cherry Point), Washington. Last year, tribal leaders asked (pdf) the Army Corps to reject the project on the grounds that it would violate treaty rights and cause 'irreparable damage to important crab and salmon fisheries' in the Salish Sea.

The Army Corps, Hitt said, 'did its duty by upholding treaty rights and honoring the U.S. government’s commitment to those treaties.' The decision marks the first time that a coal export facility has been rejected based on its negative impacts to the treaty rights of a tribal nation.

Quinault Nation President Fawn Sharp, who also serves as president of the Affiliated Tribes of Northwest Indians and vice president of the National Congress of American Indians, called the ruling 'an appropriate and just decision.'

Sharp said that 'everyone who cares about fish and wildlife, the environment and human health should be happy with the Corps’ decision. This is an historic victory for tribal treaty rights as well as for everybody else who lives here./

'Those who understand the great value of our natural resources to our health and culture, as well as the sustainable economy of the entire region, will applaud today’s announcement,’ she added.

'This is an historic win, and we are grateful to the Lummi Nation for their leadership in delivering a tremendous victory for northwest families,’ said Crina Hoyer, executive director of Bellingham's ReSources for Sustainable Communities. 'The message rings loud and clear: communities will never accept the health, safety, economic or environmental impacts of dirty coal exports.'

The proposed terminal would have exported up to 48 million tons of Powder River Basin coal each year to markets in Asia. That coal would have been carried on coal trains—as many as 18 additional each day—through communities in Washington, Idaho, and Montana, before being loaded on giant ships which would carry the pollutant across the Salish Sea to the Pacific Ocean.

The project's opponents cited a host of negative environmental impacts—from increased coal dust around the terminal and rail lines to the atmospheric effects of burning coal overseas.

Indeed, the denial comes amid a marked decline in the coal industry, including the recent bankruptcies of fossil fuel giants Peabody and Arch Coal.

At the same time, climate campaigners worldwide have launched a series of peaceful direct actions targeting key fossil fuel infrastructure to pressure their governments to commit to a clean energy future.

'The Lummi Nation’s victory brings even more energy to local movements,’ said Cesia Kearns, who serves as co-director of the Power Past Coal coalition, an alliance of health groups and businesses, as well as environmental, clean-energy, faith, and community organizations working to stop coal export off the West Coast.

'From British Columbia, to Longview, Washington, to the Gulf of Mexico,' Kearns declared, 'we will continue to stand together to say no to corporate special interests and yes to healthy, community-driven futures.'

Lizette Alvarez, "Dredging of Miami Port Badly Damaged Coral Reef, Study Finds," The New York Times, May 1, 2016, http://www.nytimes.com/2016/05/02/us/dredging-of-miami-port-badly-damaged-coral-reef-study-finds.html?ref=todayspaper&_r=0, reported, "The large-scale dredging of Miami’s port to accommodate the newest generation of freighters, an undertaking that prompted a long-running battle with environmentalists, caused widespread damage to a portion of the area’s fragile and already distressed coral reef, according to a new report by the National Oceanic and Atmospheric Administration.”

With seas rising faster than previously expected, there has been an increase in tidal flooding on the U.S. East Coast directly related to human caused, global warming induced climate change that can only worsen (Justin Gillis, "Green House Gas Linked to Floods Along U.S. Coasts," The New York Times, February 23, 2016).
Another report, in March, projected that rising seas threaten to disrupt the lives of millions of people in the U.S., with oceans likely to rise three feet or more by the end of the current century, unless greenhouse gas production is significantly cut. [Indeed, even this report, with its likely three foot or more, without rise rapid and massive moves away from using fossil fuels, may be an under estimate, as other reports indicate some massive Arctic and Antarctic ice sheets are becoming much more unstable than was previously known, so that oceans may rise even faster than these newer projections] (Tariana Schlosberg, "Rising Seas May Disrupt Millions in U.S. Study Says," The New York Times, March 15, 2016).


The likely consequences would include killer storms stronger than any in modern times, the disintegration of large parts of the polar ice sheets and a rise of the sea sufficient to begin drowning the world’s coastal cities before the end of this century, the scientists declared. 'We’re in danger of handing young people a situation that’s out of their control,' said James E. Hansen, the retired NASA climate scientist who led the new research. The findings were released Tuesday morning by a European science journal, Atmospheric Chemistry and Physics.

A draft version of the paper was released last year, and it provoked a roiling debate among climate scientists. The main conclusions have not changed, and that debate seems likely to be replayed in the coming weeks.

The basic claim of the paper is that by burning fossil fuels at a prodigious pace and pouring heat-trapping gases into the atmosphere, humanity is about to provoke an abrupt climate shift. Specifically, the authors believe that fresh water pouring into the oceans from melting land ice will set off a feedback loop that will cause parts of the great ice sheets in Greenland and Antarctica to disintegrate rapidly.

Short Answers to Hard Questions About Climate Change
The issue can be overwhelming. The science is complicated. We get it. This is your cheat sheet.

That claim has intrigued some experts who say the paper may help explain puzzling episodes in Earth’s past when geological evidence suggests the climate underwent drastic shifts. Yet many other scientists are unconvinced by some of the specific assertions the authors are making."

New research shows melting of Antarctic ice sheets, and other ice, is not linear, but increasing, so that if current trends continue oceans could rise three feet by 2100, flooding many cities, islands and low lying coastal areas (Justin Gillis, Ice Sheet Melt Seen Harming Cities by 2100," The New York Times, March 31, 2016).

Climate change causing the spread of insects that carry diseases to new areas, and also possibly changing the behavior of some viruses, has been a growing concern. It is not clear if it is climate related, but the recent rise of an epidemic in places in Brazil in babies with the mosquito carried virus, Zika, apparently (but not yet proven to be) causing microcephaly (my-kroh-SEF-uh-lee), a rare, incurable condition in which they are born with abnormally small heads. Brazilian officials registered at least 2,782 cases in 2015, compared with just 147 in 2014 and 167 the year before. At least 40 of the infants have recently died, and some Brazilian researchers warn that cases could multiply in the months ahead. Babies who survive may face impaired intellectual development for life.

The Zika virus has already spread to several countries in Latin America, including Mexico, and the Centers for Disease Control and Prevention warns that it could reach areas of the United States. Some cases have been diagnosed in the United States, in travelers who visited affected countries, and the C.D.C. expects these instances to increase (Simon Romero, “Alarm Spreads in Brazil Over a Virus and a

This is only one of many diseases spreading as a result of climate change, How this is and may impact the United States is discussed in “Newly Opening Door To Tropical Diseases: Climate and Human Factors send viruses like Zika toward the U.S.,” The New York Times, January 5, 2016).


But the agency stopped short of declaring a global health emergency, because a fast-moving outbreak that began in Angola in December appears to be coming under control."

Coral Davenport, "Global Warming Linked to Public Health Risks, White House Says," The New York Times, April 4, 2016, http://www.nytimes.com/2016/04/05/us/politics/climate-change-health-risks.html?ref=todayspaper, reported, "Global warming could lead to an increase in allergies and asthma, deaths by extreme heat and the proliferation of insect-borne diseases such as the West Nile virus, according to a scientific report released Monday by the White House.

The conclusions of the report on the health effects of climate change in the United States are not new. But Obama administration health officials, including Dr. Vivek H. Murthy, the surgeon general, said the study, which was reviewed by the National Academies of Science, offered the strongest evidence to date that links climate change to health risks.

A number of scientific reports have suggested that a warming planet may exacerbate certain health problems. Even so, scientists have cautioned that no connections had been proved, given the multitude of variables that influence health."


That’s the message from a team of scientists who analyzed dozens of recent research papers on climate change’s impact on ocean conditions. Their work was published in in the journal BioScience [George N. Somero, Jody M. Beers, Francis Chan, Tessa M. Hill, Terrie Klinger and Steven Y. Litvin, “What Changes in the Carbonate System, Oxygen, and Temperature Portend for the Northeastern Pacific Ocean: A Physiological Perspective,” http://bioscience.oxfordjournals.org/content/66/1/14, Abstract” The northeastern Pacific Ocean is undergoing changes in temperature, carbonate chemistry, and dissolved oxygen concentration in concert with global change. Each of these stressors has wide-ranging effects on physiological systems, which may differ among species and life-history stages. Simultaneous exposure to multiple stressors may lead to even stronger impacts on organisms, but interacting effects remain poorly understood. Here, we examine how single- and multiple-stressor effects on physiology may drive changes in the behavior, biogeography, and ecosystem structure in coastal marine ecosystems, with emphasis on the California Current Large Marine Ecosystem. By analyzing the effects of stressors on physiological processes common to many marine taxa, we may be able to develop broadly applicable understandings of the effects of global change. This mechanistic foundation may contribute to the development of models and other decision-support tools to assist resource managers and policymakers in anticipating and addressing global change–driven alterations in marine populations and ecosystems.”].

From British Columbia to Mexico, increasing acidity, rising temperatures, and lower oxygen levels are putting multiple stresses on marine life at the same time, said George Somero, a marine
biologist at the Hopkins Marine Station of Stanford University in Pacific Grove, California, and the lead author of the analysis.

Scientists are just starting to understand how these threats combine to affect animals throughout the food web, Somero said. “You can go from the level of a proton, a single unit of acidity, all the way up to the level of marine mammals. If you acidify the water, the food chain starts to crumble literally and figuratively, all the way up to killer whales.”

The effects extend to our dinner plates because the ecosystem shifts have affected Pacific salmon, shellfish, and other commercially valuable species. Along with ocean acidification, “we see small rises in temperature,” said marine biologist Jody Beers of the Hopkins Marine Station. “We also see more pronounced levels in hypoxia, with shoaling—spreading of the oxygen minimum zone—into coastal areas.”

These conditions have contributed to mass die-offs of fish, crabs, and seabirds in recent years, including last summer’s starvation of seabirds from Northern California to British Some species are moving northward in search of cooler waters, said Beers, as well as moving deeper into the ocean, where oxygen levels remain livable.”

Michelle Innis, "Climate-Related Death of Coral Around World Alarms Scientists," The New York Times, April 9, 2016, http://www.nytimes.com/2016/04/10/world/asia/climate-related-death-of-coral-around-world-alarms-scientists.html?ref=todayspaper&_r=0, reported, "Kim Cobb, a marine scientist at the Georgia Institute of Technology, expected the coral to be damaged when she plunged into the deep blue waters off Kiritimati Island, a remote atoll near the center of the Pacific Ocean. Still, she was stunned by what she saw as she descended some 30 feet to the rim of a coral outcropping. 'The entire reef is covered with a red-brown fuzz,' Dr. Cobb said when she returned to the surface after her recent dive. 'It is otherworldly. It is algae that has grown over dead coral. It was devastating.'

The damage off Kiritimati is part of a mass bleaching of coral reefs around the world, only the third on record and possibly the worst ever. Scientists believe that heat stress from multiple weather events including the latest, severe El Niño, compounded by climate change, has threatened more than a third of Earth’s coral reefs. Many may not recover.

Coral reefs are the crucial incubators of the ocean’s ecosystem, providing food and shelter to a quarter of all marine species, and they support fish stocks that feed more than one billion people. They are made up of millions of tiny animals, called polyps, that form symbiotic relationships with algae, which in turn capture sunlight and carbon dioxide to make sugars that feed the polyps.

An estimated 30 million small-scale fishermen and women depend on reefs for their livelihoods, more than one million in the Philippines alone. In Indonesia, fish supported by the reefs provide the primary source of protein."


The campaign by two of the largest international lenders comes as world leaders have begun to sign the Paris agreement on climate change, the United Nations accord that is supposed to commit nearly every country to take action to reduce emissions of greenhouse gases. The document opened for signatures on Friday and will remain open for a year.

But the leaders of the World Bank, the I.M.F. and other major global institutions say cutting emissions enough to stave off the worst effects of climate change will not be possible unless all fossil fuel polluters are forced to pay for the carbon dioxide they emit."

An airport hangar outside Paris shook with cheers, toasts and foot-stomping in December as diplomats ushered a landmark climate agreement into existence. On Friday morning, world leaders will gather again at the United Nations for a grand ceremony to sign the document. But can they deliver on their promises to fight global warming?

After a quarter-century of failed diplomatic efforts, signs are growing that nations have turned a corner in their political willingness to tackle climate change. Many leaders are pushing to make the Paris agreement legally binding years earlier than originally expected. The falling cost of clean energy is providing a powerful tailwind for their efforts.

For all the signs of progress and political will, however, new challenges to implementing the accord have arisen just since December. Outside experts also say the countries’ bare-bones plans are still far from enough to keep global warming to tolerable levels. No country has shared a detailed, credible strategy to achieve what scientists think is necessary: ending the era of fossil-fuel emissions and converting entirely to clean energy no later than the middle of this century.

Unless countries develop more ambitious plans, the experts say, the world could ultimately suffer profound consequences, including debilitating heat waves, food shortages and fast-rising seas."

The Environmental Defense Fund (EDF) reported, April 10, 2016, "The U.S. and China—the world’s two largest greenhouse gas emitters—pledged last week to sign last December’s Paris climate agreement on April 22, the day it opens for signature, and to "take their respective domestic steps in order to join the agreement as early as possible this year."

The Paris agreement needs at least 55 countries representing at least 55% of global emissions to formally accede to it before it can enter into force, making early action from the U.S. and China critically important.

China also reaffirmed its commitment to launching a national carbon market in its recently-released five-year plan. China will draw on lessons learned from the seven pilot programs that EDF’s China team helped design and put into action over the past several years."

"The 2015 National Climate Assessment, unveiled last week by U.S. Global Change Research Program (USGCRP), outlines the multiple ways that climate change threatens the lives and health of all Americans.

The new report lists a frighteningly long list of ways that climate change can make us sick, hurt us, or even kill us. In nine chapters, it covers temperature related deaths and illnesses, air quality impacts, water related illnesses, food safety, and diseases transmitted by pests like fleas and mosquitos.

Among its disturbing findings:

An increase of thousands to tens of thousands of premature heat-related deaths each summer by the end of the century.

Failure of drinking water, wastewater, and stormwater infrastructure due to increases in some extreme weather events and storm surges, especially in areas with aging infrastructure.

Increased spread of mosquito- and tick-borne illnesses.

Happily, global greenhouse gas emissions stayed flat for the second year in a row while the global economy still grew by 3%, according to preliminary 2015 data released by the International Energy Agency (IEA) last month. Emissions in the U.S. and China actually decreased, by 2% and 1.5% respectively.

The IEA report cited surging renewables as "key" to keeping emissions flat, accounting for around 90 percent of new electricity generation in 2015. Wind produced more than half of new electricity generation.

In fact, the world set a new record for clean energy investments in 2015, with a total of $286 billion invested in renewables according to the U.N. Environment Program’s new report. China alone invested $103 billion, proving the strength of their commitment to a clean energy path forward. By comparison, the U.S. invested just $44 billion.

Leading companies across America stood up for clean energy last month by supporting the Clean Power Plan, which establishes the first limits on carbon pollution from the nation’s existing fossil fuel-fired power plants.

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Among them were major consumer brands Ikea, Mars, Adobe, and Blue Cross Blue Shield of Massachusetts, as well as technology giants Google, Apple, Microsoft, and Amazon, which filed “friend of the court” (or amicus) briefs with the D.C. Circuit Court of Appeals urging the Court to uphold the Clean Power Plan. Google posted a public statement on their blog explaining why Google supports clean energy.

They were joined by a wide and diverse coalition of scientists, health advocates, major power companies, business associations, city and state representatives, workers’ unions, faith communities, consumer groups, and more. EDF maintains a full list of filed briefs in our CPP Resource Center.

**New EDF Program Can Save Monarch Butterflies from Extinction**

This spring and summer, EDF field ecologist and Director of Conservation Strategies David Wolfe will be following the monarch butterfly’s migration route and launching the first phase of our new initiative to save the iconic butterfly from extinction.

Under the innovative Habitat Exchange model, ranchers and farmers who plant and maintain milkweed habitat for monarchs can earn revenue, just as they would from planting a crop. The higher-quality habitat they maintain, the more they can earn, ensuring maximum bang for the buck—and for the butterfly."

"**One Year Later, Momentum for Carbon Markets in Agriculture Continues to Grow**"

In June of 2015, the California Air Resources Board approved the first-of-its-kind protocol that enables rice growers who reduce their methane emissions to generate valuable carbon credits that can be sold on California’s carbon market.

Thanks to the rice protocol milestone, pilot projects are now taking off or development to reward private landowners for keeping grasslands intact, and for reducing nitrous oxide emissions.

Last month, Climate Progress caught up with Mark Isbell, a third-generation rice grower in central Arkansas participating in one of our pilot projects, and Robert Parkhurst, director of agricultural greenhouse gas markets for EDF, to hear their take on the first year in the field.

**Getting the Lead Out**

EDF has launched a major new health initiative to accelerate replacement of dangerous lead pipe infrastructure across America.

**Between 7 and 10 million homes are serviced by lead pipes in America today.** Lead is a dangerous neurotoxin, and exposure in childhood—even a low levels—can lead to a lifetime of learning and behavioral problems and reduced IQ. And the methods used to keep lead out of those families’ drinking water water are imperfect and at risk of sudden, unpredictable failure.

Our multi-prong approach will include applying pressure to EPA to overhaul their lead in drinking water rule to make lead pipe replacement a top priority instead of a last resort. We’ll also work with communities around the country to support policies that promote disclosure and replacement lead pipes, with a focus on solutions that can work for low-income communities like Flint, MI."

**Under Better Management, Global Ocean Fish Populations Could Double by 2050**

New research shows the majority of the world’s wild fisheries could be at healthy levels in just 10 years, and that global fish populations could double by 2050 with better fishing approaches compared to business as usual.

Not only that, it could also lead to bigger catches and more food for the hundreds of millions of people around the world who rely on fish as an important source of protein."

For more information, go to: https://www.edf.org/.

China, acting consistently with its pledge to reduce carbon emissions, and having already somewhat reduced coal use, in April 2016 cancelled plans for building a number additional coal power plants, and postponed completing several others already under construction until at least 2018. Meanwhile, China is building a number of nuclear electric generating plants, and plans to place some on ships to power military facilities on the islands in the South China Sea that it has constructed to reinforce its claims to those ocean areas (Michael Forsythe, "China Curbs Plans for More Coal-Fired Power Plants," *The New York Times*, April 25, 2016, http://www.nytimes.com/2016/04/26/business/energy-environment/china-coal.html?ref=todayspaper).
China's coal fueled power plants use large amounts of water, significantly contributing to severe water shortages in the northern part of the country, according to a Greenpeace report (Edward Wong, "Report Ties Coal to Water Shortage in Northern China," The New York Times, March 25, 2016).

China instituted a program in 1996 to stop deforestation in its own country (its imports may be continuing it abroad), that between 2000 and 2010 resulted in China gaining forest ("China's Bid to Protect Its Forests," Christian Science Monitor, April 18, 2016).

Officials in the Xingjiang Province of China have banned tourism on glaciers, to reduce their reduction from global warming (Edward Wong, "Chinese Region Bans Glacier Tourism, Citing Risk to Ecosystem," The New York Times, February 17, 2016).

Air pollution is a serious and deadly problem in China, especially in cities, but much of the future harm can be greatly reduced by ending the burning of coal. More serious, and quite difficult to fix is the widespread pollution of water in rural areas of China (Chris Buckley, "Rural Water, Not City Smog, May be China's Pollution Nightmare," The New York Times, April 12, 2016).

Daniel F. Becker, "Stalling on Fuel Efficiency," The New York Times, March 10, 2016, argues that there is a growing need to increase the relatively low fuel efficiency standards in the U.S. for light trucks and SUVs (in comparison with cars), as with lower gas prices, an increasing number of people are driving SUVs and light trucks.

Jad Mouawb, “Deal on Aviation Emissions Sets Can’t-Miss Goals,” The New York Times, February 15, 2016, reported, “If the global goals laid out at the recent Paris climate conference are to be met, curbing aviation emissions is critical. But don’t expect last week’s agreement to set the first standards for airplanes to make a big dent. In fact, it will do little to reduce the rise in emissions from airlines, the fastest-growing source of greenhouse gases responsible for climate change.

The International Civil Aviation Organization, the United Nations’ aviation agency, approved the first-ever binding agreement to cover emissions for aircrafts. New efficiency standards will apply to all new commercial jets delivered after 2028, as well as existing jets produced from 2023. The rub is that the long-awaited standard is lower than what the industry is on track to achieve anyway in the next decade.

As it stands, the most advanced jets being built by Boeing and Airbus (such as the twin-aisle B787s and A350s, or the newest versions of the narrow-body B737s and A320s) already meet or exceed this new efficiency goal.

About two decades after aviation started talking about limiting carbon emissions, and after six years of negotiations, the result is lower than ‘business as usual.’

All this matters given the size of aviation and the industry’s growth, with airlines projected to add 50,000 new large planes to meet rising demand for air travel around the world by the middle of the century.”

The Australian government has cut funding for important research on greenhouse gasses at the Cape Grim research station in North West Tasmania that receives winds blowing over 6,800 miles of southern oceans, that without it will not be as directly measured, making climate change research less accurate. The government wants to concentrate research on commercial development (Michelle Innis, "Scientists Fear Australian Cuts Imperil World Climate Studies," The New York Times, February 28, 2016).

been given notice of his dismissal as part of deep cuts at Australia’s national science agency that will reduce the country’s role in global climate research.

The scientist, John Church, confirmed Tuesday that he was one of 275 scientists whom the agency, the Commonwealth Scientific and Industrial Research Organization, or Csiro, said would be laid off.

Nika Knight, “Robin Hood in Reverse: Climate Change Takes from Poor, Gives to Rich: A new study finds that climate change is triggering a massive reallocation of resources to the world's wealthiest countries,” Common Dreams, February 24, 2016, http://www.commondreams.org/news/2016/02/24/robin-hood-reverse-climate-change-takes-poor-gives-rich, reported, “A warming climate is exacerbating global inequality by pushing critical natural resources, such as fish stocks, away from impoverished equatorial regions and making them more exploitable by the wealthy, according to a study released on Wednesday.

While the gap between the rich and poor in the U.S. and worldwide has expanded at a mind-boggling pace in recent decades, the new study, designed by scientists at Princeton, Rutgers, Yale, and Arizona State, shows that the frightening speed with which the globe is warming will only compound the economic trend.

The study looked specifically at fish to better understand the phenomenon.

‘We tend to think of climate change as just a problem of physics and biology," Malin Pinsky, professor of ecology and evolution at Rutgers explained to Rutgers Today. ‘But people react to climate change as well, and at the moment we don't have a good understanding for the impacts of human behavior on natural resources affected by climate change.’

In an effort to examine those impacts, Pinsky observed to the newspaper that ‘[w]hat we find is that natural resources like fish are being pushed around by climate change, and that changes who gets access to them’

The study, published in the journal Nature Climate Change, looked at what the authors call ‘inclusive wealth,’ or the 'sum of a community's capital assets.'

The researchers looked at natural resources, such as fish and forests, but also took into account a community's infrastructure—buildings, roads, factories—and the education level and health of its human population, Rutgers Today reports.

The newspaper wrote:

The stronger and more conservation-oriented the natural resource management in a community, the higher the value that community places on its natural resources, whether those resources are increasing or diminishing, Pinsky reports. If wealthier communities and countries are more likely to have strong resource management, then these wealthy groups are more likely to benefit, thus exacerbating inequality.

The study used data collected by Pinsky in his studies of fish migration and applied a mathematical formula created by Yale University economist Eli Fenichel to illustrate the connection between the migration of natural resources and the migration of wealth. The scientists created two fictitious fishery-dependent communities, Northport and Southport, and used Fenichel's formula to examine potential future interactions between the two communities and their fish stocks.

The findings also echo the changes and depletion reported by commercial and Indigenous fisheries around the world.

The researchers observed in the study that ‘a changing climate can reallocate natural capital, change the value of all forms of capital, and lead to mass redistribution of wealth.’


Under the governor’s executive order, emergency drought regulations, like bans on hosing down
driveways or watering lawns within 48 hours of a rainstorm, will remain indefinitely. Urban water suppliers will be required to report their water use to the state each month and develop plans to get through long-term periods of drought.

Despite winter rains that replenished reservoirs and eased dry conditions in parts of Northern California, Mr. Brown suggested that the drought may never entirely end, and that the state needed to adapt to life with less water."

Chickasaw Nation, "Chickasaw Drought Resiliency Project Focuses on Arbuckle Region, ICTMN, March 12, 2016, http://indiancountrytodaymedianetwork.com/2016/03/12/chickasaw-drought-resiliency-project-focuses-arbuckle-region-163735, reported, "A regional task force is developing a plan to alleviate the effects of drought on more than 140,000 people throughout south-central Oklahoma who depend on the waters of the Arbuckle-Simpson Aquifer.

Shortly after the exceptional drought that gripped the region from 2010 to 2015, the Chickasaw and Choctaw Nations joined with the U.S. Bureau of Reclamation to organize the Arbuckle-Simpson Aquifer Drought Contingency Plan (DCP) task force. The task force is focused on strategies for alleviating the effects of future drought events on municipalities, rural water districts, and others who depend on the aquifer."


The drought has affected large parts of southern Africa including South Africa, Zimbabwe, Malawi, Zambia, Mozambique, Botswana and Madagascar.

A government statement released last week confirmed that South Africa’s agriculture sector has incurred losses of copy billion. South Africa's diverse agricultural sector, from grains to livestock, has been hard hit by a scorching drought which has been exacerbated by a powerful El Nino weather pattern.

El Nino is the name given to a weather pattern associated with a sustained period of warming in the central and eastern tropical Pacific which can spark deadly and costly climate extremes in other parts of the world.

However, a unique attempt to stave off the serious effects of the drought has been spearheaded by a team of researchers at the Central University of Technology in the Free State in South Africa.

They have integrated modern approaches of predicting drought using sensor networks with indigenous knowledge on drought for an effective drought early warning system."


The first global assessment of the threats to creatures that pollinate the world’s plants was released by a group affiliated with the United Nations on Friday in Kuala Lumpur, Malaysia. The summary will be posted
Pollinators, including some 20,000 species of wild bees, contribute to the growth of fruit, vegetables and many nuts, as well as flowering plants. Plants that depend on pollination make up 35 percent of global crop production volume with a value of as much as $577 billion a year. The agricultural system, for which pollinators play a key role, creates millions of jobs worldwide.

Many pollinator species are threatened with extinction, including some 16 percent of vertebrates like birds and bats, according to the document. Hummingbirds and some 2,000 avian species that feed on nectar spread pollen as they move from flower to flower. Extinction risk for insects is not as well defined, the report notes, but it warned of “high levels of threat” for some bees and butterflies, with at least 9 percent of bee and butterfly species at risk.

The causes of the pressure on these creatures intertwine: aggressive agricultural practices that grow crops on every available acre eliminate patches of wildflowers and cover crops that provide food for pollinators. Farming also exposes the creatures to pesticides, and bees are under attack from parasites and pathogens, as well.

Climate change has an effect, as well, especially in the case of bumblebees in North America and Europe, said Sir Robert Watson, vice chairman of the group and director of strategic development at the Tyndall Centre for Climate Change Research at the University of East Anglia."

In addition, genetically engineered plants to have them produce natural pesticides, are also playing a major role.

Tove Danovich, "Climate Change May Turn Crops Into Junk Food: Rising CO2 levels will make plants produce more carbohydrates and fewer nutrients and protein," April 18, 2016, http://www.takepart.com/article/2016/04/18/climate-change-obesity?cmpid=tpdaily-eml-2016-04-18, reported, "Plants love carbon dioxide. Higher levels of CO2 in the air increase the rate of photosynthesis—it’s why planting more trees helps to clean the air, after all. For a time, that love had some scientists convinced that the world’s greenery could keep CO2 levels in the atmosphere in check—but research has now shown not only that plants alone can’t halt the rise of CO2 but that the increase will make food crops less healthy for human consumption. According to one new study, higher carbon dioxide levels could turn healthy fruits and veggies into junk food."

According to a report released in early April by the U.S. Global Change Research Program, the level of CO2 we’re predicted to reach by 2100 could result in plants that are high in carbohydrates but low in proteins and important micronutrients. In areas with high levels of food insecurity, this could result in even higher levels of malnutrition and micronutrient deficiencies. In parts of the world that retain a more consistent food supply, people would have to eat considerably more just to get the same levels of nutrition—increasing the prevalence of obesity in the process.

Overall, the report states, "This direct effect of rising CO2 on the nutritional value of crops represents a potential threat to human health."

Joe Romm, "Why Used Electric Car Batteries Could Be Crucial To A Clean Energy Future," Think Progress, May 9, http://thinkprogress.org/, reported, "Battery costs are plummeting to levels that make EVs a truly disruptive technology, as we’ve explained. That’s why electric vehicle (EV) sales are exploding world-wide, and why Tesla broke every record for pre-sales with its affordable ($35,000), 200+ mile range Model 3 last month.

But what you may not realize is that major EV makers — BMW, GM, Nissan, Toyota — are now exploring how much value their EV battery has for use in the electricity storage market after that battery can no longer meet the strict requirements for powering its car. This potential second life for EV batteries is a clean energy game changer for two reasons:

These used EV batteries hold the promise of much cheaper electricity storage for renewables than is available today.

If used EV batteries have value, then EV makers can charge less for their cars, making them even more affordable.
Together, these two factors make EVs even more disruptive than most people realize, particularly for enabling deep and rapid penetration of renewables in the 2020s.

“California: Gas Utility Plugs Well Leaking Since October,” The New York Times, February 11, 2016, http://www.nytimes.com/2016/02/12/us/california-gas-utility-plugs-well-leaking-since-october.html?ref=todayspaper, reported, “A blowout at a natural gas well that gushed uncontrollably for 16 weeks and drove thousands of residents from their Los Angeles homes was plugged Thursday, a utility said. While the well still needs to be permanently sealed with cement and inspected by state regulators, the announcement by the utility, Southern California Gas Co., was the first time the leak has been under control since it was reported Oct. 23. If the plug holds and the well is sealed, the upscale Porter Ranch community in the San Fernando Valley could begin to return to normal after schools were closed and about 6,000 families were uprooted as they complained of headaches, nausea, nosebleeds and other symptoms.”


Pakalolo, “There is something odd and ominous afoot in Greenland. Did a huge melt water pulse occur 1-16-16?” January 18, 2016, http://www.dailykos.com/story/2016/1/18/1471288/-There-is-something-odd-and-ominous-afoot-in-Greenland-Did-a-huge-melt-water-pulse-occurred-1-16-16?detail=emailclassic, reported, “After the last ice age, glacial melt caused sea levels to rise rapidly by 120 meters. Large expanses of land that were once migratory paths and habitations for prehistoric civilizations gradually submerged through a series of catastrophic floods and mega-tsunami. (Meltwater Pulse 1A and 2B are discussed in the video at the bottom of this story.) If this event in Greenland is the start of another Meltwater Pulse we are effed.”

From Robert Scribbler.

The remnants of hurricane Alex were pulled into a storm system just south of Greenland on Friday January 15, 2016. An event that then flooded both Baffin Bay and Western Greenland with warm, tropical air. At the same time, Greenland observers both noted what appears to be ice mass losses over Western Greenland as well as a possible large melt water outflow issuing from the Disko Bay area. [...] Perhaps more ominously, this widespread clearing of ice from these Arctic bays occurs in concert with what appears to be a large ice-calving event along the ocean-facing front of the Jacobshavn Glacier. We see a large retreat of the glacier together with what looks like a major sediment outflow. Sediment hitting water in this way would be a sign that a very large volume of water had been expelled along the basal zones of the Jacobshavn. In addition, the ice itself appears to have been forcibly ejected. This apparent sediment flush, the concave bowing of sea ice away from Disko and Uummannaq and the inland recession of the calving face are all indicators that something terrible is afoot in Western Greenland.

A large flush of melt water coming from Greenland during Winter would, indeed, be that terrible thing. Something that now may become a more and more common feature of our age as Winter continues its ongoing retreat against a relentless assault by human greenhouse gas emissions.’

Glaciologists Tenney Naumer, Alun Hubbard and Jason Box believe that a large melt water pulse occurred at Jakobshavn Glacier — one of the swiftest-melting glaciers on Greenland. Over recent years, it has been one of the primary hot-spots for summer Greenland ice mass loss. But during recent days, mass loss also appears to have occurred in this area.”

the judiciary in their efforts to blunt climate change.

In the United States, an environmental law nonprofit is suing the federal government on behalf of 21 young plaintiffs. Individuals in Pakistan and New Zealand have sued to force their governments to take stronger action to fight climate change. A farmer in Peru has sued a giant German energy utility over its part in causing global warming.

And while the arguments can be unconventional and surprising, some of the suits are making progress. Last month, a federal magistrate judge in Oregon startled many legal experts by allowing the lawsuit filed on behalf of 21 teenagers and children to go forward, despite motions from the Obama administration and fossil fuel companies to dismiss it; the suit would force the government to take more aggressive action against climate change. The ruling by the magistrate judge, Thomas M. Coffin, now goes to Federal District Court to be accepted or rejected."

"It is the first time a federal court has suggested that government may have a constitutional duty to combat climate change, and that individuals can sue to enforce that right."


Unfortunately, I can't tell you that the partisan divide over climate change has disappeared. Republicans are still more likely to doubt the reality or importance of climate change.

But it’s also wrong to think of the party as an anti-climate monolith.

The poll breaks Republicans down into four main blocks – Evangelicals (17%), Tea Partiers (30%), Observant Catholics (14%), and Moderates (31%). Each group was asked if the statement that “scientists agree that human activity is a significant factor in climate change” was a “fiction of the liberal media.”

The first two groups, which together make up nearly half of the Republican Party, embraced that idea. But both the Observant Catholics and Moderates, the other half, rejected the notion that media made it up. They accepted the scientific consensus on climate change. (Side note: It’s happening.)

But here’s another important take-away from the Democracy Corps poll: Even those who reject climate science are receptive to the idea of long-term investments in clean energy.

The pollsters report that the single most effective way for those outside the Republican Party to appeal to those in it is over the assertion that “our country should be making long-term investments so America can lead in the 21st century…America must modernize our infrastructure, expand our energy and Internet grid and ensure we lead in all scientific research.”

That’s a message tailor-made for those of us who think we should be moving toward a clean energy economy. With both the United States and China setting records for investments in renewables, and with so many jobs at stake, it’s easy to see this message having broad appeal.

By focusing on economic strength, we can begin to build a bridge across our growing partisan divide, and get things done. Because, like it or not, every major environmental law in American history was passed with bi-partisan majorities.

It doesn’t mean that we stop talking about climate change – that would be a mistake – but we can begin to reach out where we agree."

Environmental Defense Fund (EDF), "The Times They Are A-Changing, March Eco News Round-Up, via E-mail, March 13, 2016, reported, "Last September, we reported to you that a group of House Republicans, led by New York Representative Chris Gibson, had broken with their leadership and introduced a resolution acknowledging the reality of climate change and calling for economically viable solutions to address it.

At the same time, new scientific polls from the University of Texas at Austin and the University of Michigan revealed a massive shift in Republican opinion on climate change: Between 56% and 59% percent of Republicans now say climate change is happening, up from 47% just six months to a year prior."
And last month, we were thrilled to hear that Maryland’s Senate passed some of the nation’s strongest state requirements for tackling carbon pollution, voting 38 to 8 to cut greenhouse gas emissions to 40 percent below 2006 levels by 2030.

What makes this victory so promising is that 5 of the Senate’s 13 Republicans voted in favor of the reduction and the bill was reported to have been passed with relative ease.

As a coastal state, Maryland is among the states most acutely feeling the early effects of climate change and sea level rise. While it’s unfortunate that it took so long to get here—a similar bill was defeated 7 years ago—and that there were still some who opposed the bill, we’re encouraged to see that climate action is increasingly becoming a non-partisan, common-sense issue."

David Kirby, “The World's Largest: Temperate Rainforest Has Just Been Saved: An agreement preserves British Columbia's Great Bear Rainforest, home to the rare spirit bear and other wildlife, but allows some logging,” Take Part, February 2, 2016, http://www.takepart.com/article/2016/02/02/words-largest-temperature-rainforest-has-been-saved-logging-mostly?cmpid=tpnews-eml-2016-02-06-rainforest, reported, “At least 85 percent of the Great Bear Rainforest, a dazzling stretch of old-growth wilderness along the coast of British Colombia, will be permanently off-limits to commercial logging under a major new agreement reached by environmentalists, First Nation tribes, forestry companies, and the provincial government.

The settlement, announced on Monday, follows nearly two decades of bitter fighting over the world’s largest temperate rainforest, one whose preservation is key to fighting climate change. It seeks to strike a balance between ecosystem preservation and commercial activities that help sustain indigenous communities.”

The Great Bear Rainforest extends from the Discovery Islands, in B.C. north to Alaska's Tongass Rainforest. Under the agreement, protected old-growth forest within the reserve will be expanded by 50% to 70%, to 73.6 million acres, while logging is to be banned on an additional 730,000 acres, although activities such as mining, tourism, and biodiversity projects will still be allowed under “a science-based forest management system that recognizes the importance of maintaining old-growth forest,” and will control all logging and mining in the forest under what Greenpeace called, “some of the world’s most stringent commercial logging legal standards”. The protected area of the forest, according to Greenpeace, “will lock up about 640,000 tons of carbon pollution every year.”

First Nations tribes will share in the decision making about the forest, and in profits from logging. In addition, there is to be a $15 million payment from the province to the tribes. The agreement also bans trophy hunting of grizzlies on their traditional lands.

“BIRD DIE-OFF, AVIAN - USA (02): (ALASKA) MURRE, STARVATION,” A ProMED-mail post, http://www.promedmail.org (ProMED-mail is a program of the International Society for Infectious Diseases, http://www.isid.org, January 12, 2016, Source: RT [edited] https://www.rt.com/usa/328675-murre-die-off-alaska/, reported, Warming water temperatures are believed to have decimated the stock of fish eaten by common murres in Alaska. Lack of food has led to about 8000 dead murres being found in just one location -- part of the most extreme die-off in 40 years, one expert says. In Alaska, there are about 2.8 million breeding common murres, a land-averse seabird that dives as deep as 600 feet underwater to find prey, such as herring and capelin. Thousands of murres were recently discovered dead on a beach in Whittier, Alaska, according to the Associated Press [AP]. Others were emaciated, suggesting a change in diet that the murres could not handle.

‘That's unprecedented, that sheer number in one location is off the charts,’ said John Piatt, research wildlife biologist at the US Geological Survey's Alaska Science Center, referring to the 8000 dead murres in Whittier. Piatt told the Alaska Dispatch News the die-off is “the most extreme I have ever seen or heard of" in 4 decades of research in the Atlantic and Pacific Oceans.

Federal researchers are trying to assess the extent of the die-off while stopping short of offering an estimate of how many have perished, the AP reported. Researchers are planning to comb more Alaska beaches for signs of murres in peril. Last summer, murre carcasses were found throughout Alaska, including on
Large accumulations of dead murres have appeared in Homer’s Mud Bay and Kachemak Bay, and elsewhere along coastal Alaska as of late.

‘It's turning out to be something that does have the potential for population-level effects,’ Andrea Medeiros, a spokeswoman for the Fish and Wildlife Service, told Alaska Dispatch News. ‘It is just off the chart as far as what we typically see with these events.’"

While winter storms can impact murres' hunting strategies, this die-off is showing signs of starvation likely caused by an extraordinary warming of surface water temperatures -- possibly due to climate change or an El Nino weather pattern in the central Pacific Ocean -- that has diminished the populations of capelin and other forage fish sought after by murres.

‘If the water (temperature) goes above that threshold, they're out of there," said biologist David Irons, who noticed the mass die-off in Whittier. ‘They either die or they move.’

Many stranded murres have been collected by wildlife treatment outlets over the past year. A US Geological Survey examination of around 100 carcasses found no sign of parasites or disease that would suggest a cause for the latest die-off.

Irons led a research effort in 2008 that showed a correlation between natural murre die-offs and rising ocean temperatures connected with climate change. When ocean surface-water temperatures rose a few degrees, murres showed depleted numbers, Irons found. Given no one monitors numbers of forage fish in Alaska, the large number of dead murres points to a lack of prey. Murres need to track large schools of fish, as they eat as much as 30 percent of their body mass per day.

‘So when they're gone, no one has any information on them to show that they're gone, except birds are showing us they're gone,” Irons said.

Water temperatures in 2015 were above average overall, and, prior to the die-off, murres were found in uncommon areas. In addition, many females were too weak to breed last year, according to Kathy Kuletz, a biologist for the US Fish and Wildlife Service. "The length of time we've been seeing dead birds, and the geographic scope, is much greater than before in other die-off events," said Kuletz. "We're looking at many times that. So possibly a good chunk of the population." The approximately 2.8 million common murres in Alaska are part of a population of as many as 20 million of the birds worldwide, AP reported.

[Large die-offs of this species linked to strong "El Nino" events have been reported in the past. In 1993, after a prolonged series of high temperature anomalies in the Tropical Pacific, thousands of murres were found dead with signs of emaciation in the Gulf of Alaska (Marine Pollution Bulletin 34: 656-662). Food supplies may have been affected by the high temperatures observed during the last months of 2015 in the Pacific Ocean. In the previous mass die-off event, an unusually and unprecedented prolonged El Nino event, with anomalously warm water temperatures (+ 1 to 4 deg C) persisted in the northeast Pacific from California to Alaska during the winter of 1992-1993 and spring of 1993.]

If climate change affects the El Nino Southern Oscillation resulting infrequent warm water anomalies, the ecosystems of America will suffer dramatic disruptions like this one.

For a picture of a healthy common murre, go to: https://upload.wikimedia.org/wikipedia/commons/6/64/Common_Murre_Uria_aalge.jpg. Here is an image of this episode: http://www.adn.com/sites/default/files/styles/ad_slideshow_wide/public/Comm on%20Murre%20on%20beach%203x2.jpg?itok=M_fItOSN.”

Rising oceans and more intense storms have been eroding the Alaska coast damaging, destroying and threatening coastal villages. Most of these villages are Native Alaskan, and one of the most eroded, Newtok, is seeking a grant to move, and be a model of how this might be accomplished. If the project is successful, there are plans to apply it to three other coastal villages (“In Alaska, Town Seeks Grant to Flee Erosion Area,” The New York Times, October 5, 2015).

Nadia Prupis, “Deep Ocean Warming Happening at 'Alarming' and Increasingly Rapid Rate: New study reveals ocean levels below 700 meters have already been affected by rising greenhouse gases,” Common Dreams, January 18, 2016

Deep underwater, below 700 meters, the ocean holds 35 percent of the world's heat associated with greenhouse gases—an increase from the 20 percent it had absorbed just two decades ago, according to the study, published in the journal Nature Climate Change. Little is known about temperature measurement at that depth, which is partially what makes the findings so distressing, the researchers said.

‘In recent decades the ocean has continued to warm substantially, and with time the warming signal is reaching deeper into the ocean,’ said lead author Peter Gleckler, a scientist with Lawrence Livermore National Laboratory (LLNL).

‘The takeaway is that the rate, at which the global ocean is absorbing excess heat, has rapidly increased—so that in more recent times since 1997, it has absorbed as much heat as it took over 100 [years] to absorb,” Gleckler said. "That is alarming.'

Gregory Johnson, a researcher with the National Oceanic and Atmospheric Administration (NOAA), added, ‘Given the importance of the ocean warming signal for understanding our changing climate, it is high time to measure the global ocean systematically from the surface to the ocean floor.’

Overall, the ocean absorbs more than 90 percent of the world's heat associated with greenhouse gases. Quantifying oceanic temperatures is paramount to understanding the climate crisis and projecting how fast the planet will warm and sea levels will rise in the future, the researchers said.

Indeed, as Gleckler told the Guardian on Monday, "When we discuss global warming, the most familiar way we do that is talk about temperature changes on the surface—but it’s clear that the oceans are doing the bulk of the work in terms of absorbing the heat in the system. And if we want to really understand how much heat is being trapped, we can’t just look at the upper ocean anymore, we need to look deeper.'

The researchers analyzed an array of ocean temperature observations and models dating back to the 1870s, including data from a fleet of 3,000 robotic floats known as Argo.

New "Deep Argo" floats that measure temperatures from the seabed found that even the bottom levels of the ocean have warmed in recent decades.

As oceans heat up, they set the stage for extreme weather events and related phenomena, such as "terrifying" tropical storms, the historic coral bleaching currently underway throughout the globe, widespread species loss, or the "changing contours" of the U.S. fishing industry. These, in turn, threaten to bring devastating consequences for the food security and livelihoods of millions of people within 85 years.”

Deirdre Fulton, "Save the Starfish: Deoxygenated 'Dead Zones' Threatening Marine Life: Widespread deoxygenation is possible between 2030 and 2040, study finds," Common Dreams, April 28, 2016, http://www.commondreams.org/news/2016/04/28/save-starfish-deoxygenated-dead-zones-threatening-marine-life, reported, "Imperiling fish, crabs, squid, sea stars, and myriad other marine creatures, climate change is sapping the oceans of oxygen, according to a new study that warns of widespread deoxygenation within decades."
Using models and maps, researchers at the National Center for Atmospheric Research (NCAR) in Boulder, Colorado, were able to quantify and differentiate between large-scale changes in oxygen in the oceans due to both natural variability and climate change.

They confirmed deoxygenated "dead zones"—which leave marine creatures struggling to breathe—caused by climate change already exist in the southern Indian Ocean and parts of the eastern tropical Pacific and Atlantic basins, and determined that more widespread detection of deoxygenation caused by climate change would be possible between 2030 and 2040.

The findings were funded by the National Science Foundation and published in the American Geophysical Union journal *Global Biogeochemical Cycles*.

"Loss of oxygen in the oceans is one of the serious side effects of a warming atmosphere, and a major threat to marine life," said NCAR scientist Matthew Long, lead author of the study. "Since oxygen concentrations in the ocean naturally vary depending on variations in winds and temperature at the surface, it's been challenging to attribute any deoxygenation to climate change. This new study tells us when we can expect the effect from climate change to overwhelm the natural variability."

Putting the study in context, *Popular Science* wrote:

Low levels of oxygen in the oceans can be devastating. Not only can they kill or slow down ocean life in the present, but if low oxygen levels persist, they can have grave impacts on the future. 'The Great Dying' is an extinction event that killed roughly 90 percent of species on Earth 250 million years ago. Researchers looking at the event found that low levels of oxygen in the oceans probably slowed down the recovery of life on Earth. After that extinction, it took five million years for the diversity of life to recover as oxygen levels in the oceans slowly rose back to normal.

On Twitter, United Nations climate chief Christiana Figueres said the findings represented the 'Alarm bells...of science ringing loud & clear.'

Climate change threatens the world's oceanic ecosystems on several fronts. Just last week, *Common Dreams* reported that climate change is the underlying cause of the coral bleaching event that has all but destroyed the Great Barrier Reef.

And as the *Sydney Morning Herald* wrote on Thursday, 'We also know that our oceans have become about 30 percent more acidic since pre-industrial times as they absorb the billions of tons a year of carbon dioxide released from our burning of fossil fuels and forests, making it harder for shellfish and crabs to form shells.'

'We're driving pretty massive changes in the environment—and we're not just changing one variable,' Long told the paper. 'We're changing a suite of variables to which marine organisms are sensitive, and basically putting significant demands on their adaptive capacities.'"

Recent research finds a very large increase over the last decade in the amount of methane released into the atmosphere. Methane is an extremely global warming producing gas, in the long term about 30 times more warming than carbon dioxide, but in the short run more like 100 times more heating.

A. J. Turner, D. J. Jacob, J. Benmergui, S. C. Wofsy, J. D. Maasakkers, A. Butz, O. Hasekamp, and S. C. Biraud, "A large increase in U.S. methane emissions over the past decade inferred from satellite data and surface observations," *Geophysical Research Letters*, March 2, 2016, http://onlinelibrary.wiley.com/doi/10.1002/2016GL067987/abstract, "Abstract: The global burden of atmospheric methane has been increasing over the past decade, but the causes are not well understood. National inventory estimates from the U.S. Environmental Protection Agency indicate no significant trend in U.S. anthropogenic methane emissions from 2002 to present. Here we use satellite retrievals and surface observations of atmospheric methane to suggest that U.S. methane emissions have increased by more than 30% over the 2002–2014 period. The trend is largest in the central part of the country, but we cannot readily attribute it to any specific source type. This large increase in U.S. methane emissions could account for 30–60% of the global growth of atmospheric methane seen in the past decade." The full article is at: http://onlinelibrary.wiley.com/doi/10.1002/2016GL067987/full.

Bill McKibben relates at least most of the increase in methane emissions to Fracking in, "Global Warming’s Terrifying New Chemistry: Our leaders thought fracking would save our climate. They were


The draft regulation, proposed by the Interior Department, is the latest step by President Obama to use his executive authority to clamp down on the fossil fuel emissions that contribute to climate change, and to make it more expensive for oil, gas and coal companies to mine and drill on public land. It follows last week’s controversial move by the Interior Department to halt new leases for coal mining on public lands, and to reform the government’s program for leasing federal lands to coal companies with an eye to raising their costs.

It also comes as the administration has particularly targeted emissions of methane, a chemical contained in natural gas that is about 25 times more potent than carbon dioxide. The Obama administration wants to cut methane emissions from the oil and gas sector by 40 to 45 percent from 2012 levels by 2025.”

Environmental Defense Fund, April 28, 2016, edf.org, Reported: "Proposed BLM Methane Waste Rule Will Increase Production, Revenue in New Mexico’s San Juan Basin," reported, "A new study [http://www.conservationecon.org/#!og/kl7ht]by the Conservation Economics Institute has found that the Bureau of Land Management’s (BLM) proposed methane waste rule will have a net positive impact on oil and gas production and revenue in New Mexico’s San Juan Basin.

An analysis of more than 8,700 low-producing natural gas wells in two counties in the San Juan Basin, San Juan and Rio Arriba, determined that BLM’s rule will have little to no negative impact on these marginal wells. The results of the study indicate that the new rule—which aims to reduce waste from venting, flaring and leaks from oil and gas operations on public and tribal lands—will actually increase overall production and royalties paid to support vital services in the state of New Mexico.

'This study finds that by applying the BLM leak detection and repair provisions in the San Juan Basin alone, the state can expect an increase in royalty revenue of between $1 million to $6 million per year, depending on future price scenarios,’ said the lead author of the report Pete Morton, Ph.D., Senior Economist at the Conservation Economics Institute.

'Under all of the price scenarios examined, we estimate that detecting and repairing leaks at natural gas well pads will have a positive effect on production and royalties in the San Juan Basin,' continued Morton. 'Our analysis indicates that capturing the methane currently wasted provides a win-win scenario for the environment and for industry’s bottom line.'

The study also found that, under the BLM’s methane waste rule, the vast majority of the marginal wells in the San Juan Basin will see a reduction in emissions and an increase in efficiency and revenue. Costs of implementing BLM’s leak detection and repair (LDAR) requirements will exceed revenue for only the very smallest wells (those producing less than 15 thousand cubic feet per day of natural gas) in the basin, which are responsible for less than 1 percent of the production.

Even then, these costs are projected to be very small—less than 3 percent of annual costs for the average marginal well. And after the new revenue from capturing the leaked methane is factored in, LDAR compliance costs will drop close to 1 percent of annual costs for the most marginal wells.

'This report fits with what New Mexicans know intuitively to be the case—that less waste of New Mexico’s natural gas resources means more funding for schools, roads and local communities,” said Jon Goldstein, Senior Energy Policy Manager with Environmental Defense Fund. “Despite protestations from some in industry, study after study has shown that capturing methane is very cost effective, not to mention has huge air quality and climate co-benefits'
CEI’s study examines the economic factors currently impacting the San Juan Basin’s oil and gas industry, determining that the current economic downturn in the basin is due to external factors, such as low commodity prices, competition from shale gas and market saturation—not regulatory burdens. It finds that the cost of the BLM methane rule will not be a primary economic factor for the determination of continued production versus well shut-in, and may very well improve most well financials.

‘Reducing natural gas waste is simply common sense,’ said Josh Mantell, Carbon Management Campaign Manager for The Wilderness Society. ‘This independent economic analysis confirms what the BLM has said over and over again: Capturing natural gas is good for consumers, taxpayers and the environment.’

The San Juan Basin is one of the most concentrated areas for oil and gas development on public lands in the U.S. and the site of a large methane hot spot—the most concentrated plume of this pollutant in the country.

The San Juan Basin also has a very high rate of wasted gas relative to the amount of gas it produces. The area is responsible for only 4 percent of U.S. gas production, but is responsible for 17 percent of overall methane loss according to a recent analysis.

These new findings support previous national studies that have found that implementation of methane-capture requirements are very cost effective. In fact, according to a 2014 study, capturing most lost methane costs little more than one penny per thousand cubic feet of gas produced. In addition, a recent study from the Center for Methane Emissions Solutions found that 70 percent of oil and gas producers interviewed in Colorado found compliance with that state’s methane-capture requirements to be very cost effective.

BLM’s new natural gas waste rule is expected to be finalized sometime this year.

The Sierra Club announced, May 12, 2016, https://www.facebook.com/NMSierraClub/photos/a.195140053433.129119.122558948433/10153708233438434/?type=3&theater, "The EPA has just announced its final new source rules for methane pollution that they proposed last year. We're using this moment to celebrate the administration's steps forward on methane pollution and to encourage them to continue with their plans to curb methane pollution."

EPA announced the rule change, May 12, 2015, https://www3.epa.gov/airquality/oilandgas/may2016/nsps-overview-fs.pdf, saying, "EPA’s Actions to Reduce Methane Emissions from the Oil and Natural Gas Industry: Final Rules and Draft Information Collection Request

Overview
On May 12, 2016, the U.S. Environmental Protection Agency (EPA) took another set of steps under the President’s Climate Action Plan: Strategy to Reduce Methane Emissions and the Clean Air Act to cut methane emissions from the large and complex oil and natural gas industry and keep the Administration on track to achieve its goal of cutting methane emissions from the oil and gas sector by 40 to 45 percent from 2012 levels by 2025.

EPA’s actions include three final rules that together will curb emissions of methane, smog-forming volatile organic compounds (VOCs) and toxic air pollutants such as benzene from new, reconstructed and modified oil and gas sources, while providing greater certainty about Clean Air Act permitting requirements for the industry.

EPA also took a critical step needed to carry out the Administration’s commitment to regulate methane emissions from existing oil and gas sources: the agency issued for public comment an Information Collection Request (ICR) that will require companies to provide extensive information instrumental for developing comprehensive regulations to reduce methane emissions from existing oil and gas sources.

Methane, the key constituent of natural gas, has a global warming potential more than 25 times greater than that of carbon dioxide. Methane is the second most prevalent greenhouse gas emitted by human activities in the United States, and approximately one-third of those emissions come from oil production and the production, processing, transmission and storage of natural gas.
Methane from the oil and gas industry comes packaged with other pollutants: VOCs, which are a key ingredient in ground-level ozone (smog); and a number of pollutants known as “air toxics” – in particular, benzene, toluene, ethylbenzene and xylene.

Ozone is linked to a variety of serious public health effects, including reduced lung function, asthma attacks, asthma development, emergency room visits and hospital admissions, and early death from respiratory and cardiovascular causes. Air toxics are known or suspected to cause cancer and other serious health effects. The methane reductions from the final New Source Performance Standards (NSPS) will build on the agency’s 2012 rules to curb VOC emissions from new, reconstructed and modified sources in the oil and gas industry. EPA’s final rule will get more methane reductions than estimated at proposal because of changes made in response to the more than 900,000 public comments we received. For example, the final rule requires low production wells to monitor leaks, rather than exempting them as proposed. Also, the final rule requires compressor stations to monitor leaks four times a year, rather than twice a year.

Reducing methane emissions is an essential part of an overall strategy to address climate change. Climate change impacts affect all Americans’ lives, from stronger storms and longer droughts to increased insurance premiums, food prices and allergy seasons. The most vulnerable among us -- including children, older adults, people with heart or lung disease and people living in poverty – are most at risk from the impacts of climate change.

The reductions from the final NSPS, along with methane reductions from EPA’s new Natural Gas STAR: Methane Challenge Program and actions by other federal agencies, will help the country continue moving toward safe and responsible oil and natural gas development. EPA also is working to complete final Control Techniques Guidelines (CTGs) for reducing VOC emissions from existing oil and gas sources in certain ozone nonattainment areas and states in the Ozone Transport Region. The agency anticipates issuing the CTGs later this spring.

**Summary of Actions**

**Reducing Methane and VOCs from New and Modified Sources**

Building on its 2012 requirements to reduce VOC emissions, EPA has updated the NSPS for the oil and gas industry to add requirements that the industry reduce emissions of greenhouse gases and to cover additional equipment and activities in the oil and gas production chain. The final rule will accomplish this by setting emissions limits for methane, which is the principal greenhouse gas emitted by equipment and processes in the oil and gas sector. Owners/operators will be able to meet the limits using technologies that are cost-effective and readily available.

The final NSPS will yield significant reductions in methane emissions from new, reconstructed and modified processes and equipment, along with reducing VOC emissions from sources not covered in the agency’s 2012 rules. These sources include hydraulically fractured oil wells, some of which can contain a large amount of gas along with oil, and equipment used across the industry that was not regulated in the agency’s 2012 rules.

The final rule also requires owners/operators to find and repair leaks, also known as “fugitive emissions,” which can be a significant source of both methane and VOC pollution.

Most sources subject to the 2012 VOC reduction requirements now also are covered by the new requirements to reduce methane. However, they will not have to install additional controls, because the controls to reduce VOCs also reduce methane.

- EPA made a number of changes to the final rule based on information received during the public comment period. The final rule:
  - **Sets a fixed schedule for monitoring leaks.** The final rule sets a fixed schedule for monitoring leaks rather than a schedule that varies with performance. For well sites, including low-production well sites, the rule requires leaks monitoring twice a year. Compressor stations -- generally large facilities encompassing numerous pieces of equipment that operate continuously and under significant pressure -- must conduct quarterly leaks monitoring. Owners and operators at all sites will have one year to conduct an initial leaks monitoring survey.
  - **Allows an alternative approach for finding leaks.** In addition to optical gas imaging (special cameras that allow the user to “see” leaks), the final rule allows owners/operators to use “Method 21” with a repair
threshold of 500 ppm as an alternative for finding and repairing leaks. Method 21 is an EPA method for determining VOC emissions from process equipment. The method is based on using a portable VOC monitoring instrument, such as an organic vapor analyzer (sometimes referred to as a “sniffer”).

- Offers owners/operators the opportunity to use emerging, innovative technologies to monitor leaks. The final rule outlines the type of information owners/operators would need to submit to receive approval to use those technologies to meet their leaks monitoring requirements.

- Phases in requirements for using a process known as a “green completion” to capture emissions from hydraulically fractured oil wells. Owners/operators will have six months from the time the final rule is published in the Federal Register to meet the green completion requirements. Owners/operators of hydraulically fractured oil wells will be required to reduce emissions using combustion controls until the green completion requirement takes effect.

Before issuing the proposed regulations in 2015, EPA sought input from states, tribes, industry and environmental groups, and continued to do so as it developed the final rules. The agency received more than 900,000 public comments on the proposed NSPS and held three public hearings. A number of states regulate, or are considering regulating, air pollution from the oil and natural gas industry, and EPA’s rules allow them to continue to do so. Under the Clean Air Act, states have the authority to regulate air emissions from sources within their boundaries, provided their requirements are at least as protective as federal requirements. The final rule provides a pathway for companies to harmonize the NSPS with any comparable state requirements they may have.

The final NSPS is expected to reduce 510,000 short tons of methane in 2025, the equivalent of reducing 11 million metric tons of carbon dioxide. Natural gas that is recovered as a result of the rule can be used as a fuel on site or sold.

EPA estimates the final rule will yield climate benefits of $690 million in 2025 (2012$), which will outweigh estimated costs of $530 million. Net climate benefits are estimated at $170 million in 2025. The rule also is expected to reduce other pollutants, including 210,000 tons of VOCs and 3,900 tons of air toxics in 2025. These reductions also are expected to yield benefits; however, EPA was not able to quantify those. Those benefits include reductions in health effects related to fine particle pollution, ozone and air toxics, along with improvements in visibility.

Collecting Information to Develop Regulations for Existing Sources

EPA issued the first draft of an Information Collection Request (ICR), seeking a broad range of information on the oil and gas industry, including: how equipment and emissions controls are, or can be, configured; what installing those controls entails; and the associated costs. This includes information on natural gas venting that occurs as part of existing process or maintenance activities, such as well and pipeline blowdowns, equipment malfunctions and flashing emissions from storage tanks. Industry will be legally required to respond to the final ICR.

EPA announced its plans to issue the ICR on March 10, 2016, as part of a joint commitment between the U.S. and Canadian governments to take new actions to reduce methane pollution from the oil and gas sector, including through regulations for existing sources. The ICR is the first step in that process; the information companies will report to EPA will provide the foundation necessary for developing comprehensive regulations to reduce emissions from existing oil and gas sources.

Over the past year, substantial amounts of new information on methane emissions from the oil and gas industry have become available from a range of entities, including EPA’s Greenhouse Gas Reporting Program, industry organizations, and research studies by government, academic and industry researchers. That information shows that methane emissions from this large and complex industry are much higher than previously understood.

The information EPA receives through the ICR will help the agency determine how to best reduce emissions from existing sources. It will help EPA identify sources with high emissions and the factors that contribute to those emissions. And it will build on information that states with regulatory programs have already developed about this industry.

In addition, because technology to detect, measure and mitigate methane emissions is rapidly developing, EPA plans to issue a voluntary Request for Information, inviting oil and gas owners and
operators, along with states, nongovernmental organizations, academic experts and others, to provide information on innovative strategies to accurately and cost-effectively locate, measure and mitigate methane emissions. EPA will issue the Request for Information soon.

For more details on the draft ICR and the comment process, see https://www3.epa.gov/airquality/oilandgas/methane.html

**Clarifying and Implementing Permitting Requirements**

- EPA issued two rules to clarify permitting requirements for the oil and natural gas industry: The Source Determination Rule, and a final federal implementation plan to implement the Minor New Source Review Program in Indian country.

**Final Source Determination Rule**

- EPA has issued a final rule to clarify when multiple pieces of equipment and activities in the oil and gas industry must be deemed a single source when determining whether major source permitting programs apply. The programs are the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review preconstruction permitting programs, and the Title V Operating permits program.

- The final rule defines the term “adjacent” to clarify that equipment and activities in the oil and gas sector that are under common control will be considered part of the same source if they are located near each other – specifically, if they are located on the same site, or on sites that share equipment and are within 1/4 mile of each other. Input from states, industry and other commenters was helpful in finalizing these requirements.

- The final rule applies to equipment and activities used for onshore oil and natural gas production, and for natural gas processing. It does not apply to offshore operations.

- For more information on the final Source Determination Rule, including a fact sheet on the rule, see https://www3.epa.gov/airquality/oilandgas/actions.html.

**Final Federal Implementation Plan for Indian Country**

- EPA also has issued a final rule to implement the Minor New Source Review Program in Indian country for oil and natural gas production. Known as a Federal Implementation Plan, or FIP, the rule will limit emissions of harmful air pollution while making the preconstruction permitting process more streamlined and efficient for this industry, which has expanded rapidly in some areas of Indian country.

- The FIP will be used instead of site-specific minor New Source Review (NSR) preconstruction permits in Indian county and incorporates emissions limits and other requirements from eight federal air standards -- including the final NSPS -- to ensure air quality is protected.

- The final FIP applies throughout Indian country, except non-reservation areas, unless a tribe or EPA demonstrates jurisdiction for those areas.

- Requirements of the FIP apply to all new and modified true minor sources in the production segment of the industry that are seeking minor NSR permits in areas designated as attainment or unclassifiable for a National Ambient Air Quality Standard. Sources locating in nonattainment areas will need to seek site-specific minor NSR permits, or comply with reservation-specific FIPs, where those exist.

- For more information on the final FIP, including a fact sheet on the rule, see https://www3.epa.gov/airquality/oilandgas/actions.html.

**For More Information:**

To read the final rules, including additional fact sheets, visit https://www3.epa.gov/airquality/oilandgas/actions.html.

To read the draft Information Collection Request notice, along with additional information, visit https://www3.epa.gov/airquality/oilandgas/methane.html.

To learn more about the Natural Gas STAR: Methane Challenge Program, see https://www3.epa.gov/gasstar/methanechallenge/.

To read the Climate Action Plan: Strategy to Reduce Methane Emissions, see: https://www.whitehouse.gov/sites/default/files/strategy_to_reduce_methane_emissions_2014-03-28_final.pdf"
The U.S. Congress voted, and the President signed, legislation lifting the ban on exporting oil from the U.S. An objection to doing so is that it will increase world oil use, and carbon emissions. Given the world oil glut, already being increased with Iran reentering the world oil export market with sanctions ended, the impact may be small. Similarly, there are predictions that there will only be a slight rise in gas and oil prices in the U.S. as a result, and a small increase in oil production and fracking, creating or maintaining only a few jobs in the U.S. in current circumstances (Oren Durell, “Oil Ban Will Boost Stabilikty,” USA Today, December 17, 2016).

National Congress of American Indians (NCAI), "Department of the Interior Cancels Oil and Gas Lease Threatening the Badger-Two Medicine," March 17, 2016, http://www.ncai.org/news/articles/2016/03/17/dois-cancels-oil-and-gas-lease-threatening-the-badger-two-medicine, reported, "Today, Department of the Interior Secretary Sally Jewell announced that the Bureau of Land Management (BLM) will cancel an oil and gas lease held by Solonex LLC in the Badger-Two Medicine area. Located in the Lewis and Clark National Forest in Montana, the Badger-Two Medicine area contains sensitive plant and wildlife, and holds immense cultural and religious significance to the Blackfeet people."

The Obama Administration, in March 2016, canceled an oil and gas lease just outside Glacier National Park in Montana, on land sacred to the Blackfoot and Blackfeet nations (Matthew Brown, "Obama cancels oil and gas lease on Montana land sacred to Blackfeet," NFIC, March 21, 2016).

Susan Grigsby, “U.S. military to assess and manage risks of climate change,” Daily Kos, February 14, 2016, http://www.dailykos.com/stories/2016/2/14/1483252/-U-S-military-to-assess-and-manage-risks-of-climate-change/detail=email, reported, “Last summer, the Pentagon issued a response to a congressional inquiry on the National Security Implications of Climate-Related Risks and a Changing Climate. In the introduction, the seriousness of climate change is made clear: ‘DoD recognizes the reality of climate change and the significant risk it poses to U.S. interests globally. The National Security Strategy, issued in February 2015, is clear that climate change is an urgent and growing threat to our national security, contributing to increased natural disasters, refugee flows, and conflicts over basic resources such as food and water. These impacts are already occurring, and the scope, scale, and intensity of these impacts are projected to increase over time.’

And in the conclusion, the security threat represented by climate change is reiterated, and a plan to address the risk is promised.

The Department of Defense sees climate change as a present security threat, ‘Although DoD and the Combatant Commands cannot prepare for every risk and situation, the Department is beginning to include the implications of a changing climate in its frameworks for managing operational and strategic risks prudently. Moreover, the Department is working with other U.S. Government departments and agencies, partner nations, and many other entities on addressing climate security risks and implications.’

In a directive released last month—and much to the dismay of the climate change deniers—the Pentagon appears to have no doubts about the reality of climate change, or the possible risks it may pose. In accordance with the 2013 Executive Order 13653, they have come up with a plan to prepare to deal with it.

‘Under the terms of DoD directive, Climate Change Adaptation and Resilience, policy is established and responsibility assigned ...

...to provide the DoD with the resources necessary to assess and manage risks associated with the impacts of climate change. This involves deliberate preparation, close cooperation, and coordinated planning by the DoD to:

- Facilitate federal, State, local, tribal, private sector, and nonprofit sector efforts to improve climate preparedness and resilience, and to implement the 2014 DoD Climate Change Adaptation Roadmap.
- Help safeguard U.S. economy, infrastructure, environment, and natural resources.
- Provide for the continuity of DoD operations, services, and programs.’"
Pakalolo, “The phenomenon that can not be spoken in Florida continues as salt water intrusion moves inland,” Daily Kos, March 19, 2015, http://www.dailykos.com/story/2015/3/19/1372031/-The-phenomenon-that-can-not-be-spoken-in-Florida-continues-as-salt-water-intrusion-moves-inland, reported, “The densely populated megalopolis of South Florida is losing its water wells as sea water intrudes into the Biscayne Aquifer. Salt water has already moved 6 miles inland in Broward County and is likely to continue to creep westward. Ninety percent of South Florida gets its drinking water from underground supplies, most from the Biscayne aquifer. This inland movement observed in Broward County is due to urban withdrawals from the Biscayne Aquifer, ocean water moving sideways into the aquifer and seepage of saltwater from surface sources.

Governor Scott, this is threatening the habitability of a region of close to 6 million of your fellow Floridians. Your inaction and hostility towards climate issues and sustainability now threatens funds and other aid from FEMA as they will not give money to any state that does not plan for climate change. Where is the disaster relief going to come from if not from Federal sources?”


EIA reports that planned installations for 2016 include 9.5 gigawatts of utility-scale solar — followed by 8 gigawatts (or 8 billion watts) of natural gas and 6.8 gigawatts of wind. This suggests solar could truly blow out the competition, because the EIA numbers are only for large or utility-scale solar arrays or farms and do not include fast-growing rooftop solar, which will also surely add several additional gigawatts of capacity in 2016.

In other words, U.S. solar seems poised for not just a record year but perhaps a blowout year. Last year, in contrast, solar set a new record with 7.3 gigawatts of total new photovoltaic capacity across residential, commercial, and utility scale installations.


Installations of wind turbines and solar panels soared in 2015 as utility companies went on a worldwide building binge, taking advantage of falling prices for clean technology as well as an improving regulatory and investment climate. Both industries have seen stock prices jump since Congress approved an extension of tax credits for renewables as part of last month’s $1.14 trillion budget deal.

Orders for 2016 solar and wind installations are up sharply, from the United States to China to the developing economies of Africa and Latin America, all in defiance of stubbornly low prices for coal and natural gas, the industry’s chief competitors.”

An experimental cluster of homes in Fontana, CA is being built with solar power and high efficiency construction to be energy neutral (Diane Cardwell, "Taking Aim at Free Energy," The New York Times, June 4, 2016).
An experiment storing carbon dioxide by dissolving it in water and injecting the water into appropriate kinds of rock, underway in Iceland developed by scientists at Lamont-Doherty Earth Observatory at Columbia University, has had initial success in rapidly sequestering large amounts of CO₂. Further research is necessary to determine if, and to what extent, the process is practical for large scale long term sequestration (Henry Fountain, "Project in Iceland for Storing Carbon Shows Promise," *The New York Times*, June 10, 2016).

Renata Bessi and Santiago Navarro F., “The Dark Side of Clean Energy in Mexico,” Americas Program, January 20, 2016, http://www.cipamerica.org/archives/18300, reported, “The Tehuantepec Isthmus stretches just two hundred kilometers from the Pacific to the Atlantic Ocean, making it the third narrowest strip of land connecting the Americas after the isthmuses in Nicaragua and Panama. Mountains converge here to create a geological tunnel that funnels high-speed winds between the two oceans. Global energy investors have set their sights on putting their eyes to the region since after the government of Oaxaca claimed that the region is capable of producing 10,000 MW of wind energy in an area of 100,000 hectares. Indigenous peoples oppose the project, saying the corporate wind farms damage their land, their animals and their environment while leaving few benefits to the communities.” The full report is at: https://darktracesofcleanenergy.atavist.com/dark-traces-of-clean-energy-f1xd6.


‘Given serious concerns raised about the federal coal program, we’re taking the prudent step to hit pause on approving significant new leases so that decisions about those leases can benefit from the recommendations that come out of the review,’ said Interior Secretary Sally Jewell. ‘During this time, companies can continue production activities on the large reserves of recoverable coal they have under lease, and we’ll make accommodations in the event of emergency circumstances to ensure this pause will have no material impact on the nation’s ability to meet its power generation needs.’

The move represents a significant setback for the coal industry, effectively freezing new coal production on federal lands and sending a signal to energy markets that could turn investors away from an already reeling industry. President Obama telegraphed the step in his State of the Union address on Tuesday night when he said =l’I’m going to push to change the way we manage our oil and coal resources so that they better reflect the costs they impose on taxpayers and our planet.”’


Julie Hirshfield Davis and Michael D. Shear, "Obama and Canada’s Justin Trudeau Promote Ties and Climate Plan," *The New York Times*, March 10, 2016, http://www.nytimes.com/2016/03/11/world/americas/obama-trudeau-canada-climate-change.html?ref=todayspaper, reported on the Canadian Prime Minister’s White House visit, "On policy, Mr. Obama and Mr. Trudeau promised that their two countries would “play a leadership role internationally in the low-carbon global economy over the coming decades.” As part of the announcement, United States officials
said they would immediately begin a new push to regulate methane emissions from existing oil and gas facilities, though finishing that process before the end of Mr. Obama’s tenure is unlikely.

The Obama administration wants to cut methane emissions from the oil and gas sector by 40 percent to 45 percent from 2012 levels by 2025. The Interior Department has proposed a number of regulations on methane leaks, but it has yet to write a regulation governing such leaks from current oil and gas drilling on public land.

Mr. Obama and Mr. Trudeau also pledged to cooperate in preserving the Arctic, and to move more quickly to carry out agreements made in climate talks in Paris last year."

Lauren McCauley, "New Arctic Battlelines Drawn as Industry Exploits Fragile Seas: Climate change is driving unprecedented warming and sea ice melt in the Arctic, opening up the ecosystem to a host of new threats," Common Dreams, March 02, 2016, http://www.commondreams.org/news/2016/03/02/new-arctic-battlelines-drawn-industry-exploits-fragile-seas, reported, "Rapidly melting Arctic ice has opened up enormous swaths of this pristine and ecologically significant landscape to dangerous industrial threats. And as officials meet this week to hammer out new rules that could potentially protect the region, environmental groups are warning that the area known as the 'Arctic Galapagos' is already in grave danger.

Scientists have reported that the Arctic is currently warming at nearly double the global average rate, which is one of the key factors driving an unprecedented level of ice sheet loss. In a troubling development, this January saw a record low for sea ice extent.

These newly-open waters have seen a surge in industrial activity, including fishing and shipping, which heretofore have been left largely unregulated, according to green groups.

Greenpeace on Wednesday released an investigation (pdf) which found that industrial fishing fleets are increasingly moving into Arctic waters, particularly the previously ice-covered Barents Sea, off of Norway.

'Sea ice loss in the northern Barents Sea is turning it into a new hunting ground for industrial fishing,' Greenpeace states. 'Fishing brings with it the threats of habitat degradation and bycatch, potentially wiping out marine life and putting this whole fragile ecosystem at risk.'

The northern Barents Sea, known as the 'Arctic Galapagos,' is home to 'a huge diversity of marine life including bowhead whales, walruses and polar bears, along with rare fish and invertebrates,' the report states. It is also currently holds the largest cod stock in the world, which international fishing companies are rushing to exploit.

At the same time, environmentalists are raising concern about the uptick in shipping traffic moving through newly-open Arctic channels. Such traffic, warns John Kaltenstein, a marine policy analyst with Friends of the Earth (FOE), invites 'the use of heavy fuel oil, harmful air emissions, and invasive species risk.'

Less than 1.5 percent of the entire Arctic Ocean has any form of protected status. And while the International Maritime Organization's recently adopted Polar Code aims to establish a standard of safety for ships operating in Arctic waters, Kaltenstein notes that the actual text—expected to enter into force January 1, 2017—'does little to deal with the most urgent and far-reaching problems we face from Arctic shipping.'

'Unfortunately, the shipping industry still behaves as if it were in the 1960s or 1970s, and the sad fact is that many countries both domestically and within international venues, such as the U.N.'s International Maritime Organization, coddle it,' he states.

'It only takes one big spill to change everything,' he continues, 'remember Exxon Valdez. Incredibly, environmental policy surrounding Arctic shipping has become the equivalent of 'fingers crossed,' when it comes to grave threats such as heavy fuel oil spills, climate-warming emissions, and invasive species.'

The warnings come as delegates from 15 European countries along with the European Union, known as the OSPAR commission, are meeting in Gothenburg, Sweden this week to discuss the formation of an Arctic Marine Protected Area (MPA) in the international waters north of Greenland.

Greenpeace describes the meeting, and the potential agreement, as a 'make or break moment for Arctic
It is crucial that these areas are protected from destructive industrial activities, as they could be devastating for the species dependent on this area for survival,' states the group, which notes that the region under consideration for protection 'could be a potential habitat for ice dependent species in the future as the ice melts in other places.'

Ironically, Greenpeace notes that as international waters, the Arctic is part of the 'global commons, belonging to all mankind.' However, 'there is no protection at all.'"

Nadia Prupis, “Another Green Victory: Copenhagen Set to Divest from All Fossil Fuels: ‘Copenhagen is at the forefront of the world’s big cities in the green transition...Therefore it seems totally inappropriate for the city to still be investing in oil, coal and gas’,” Common Dreams, February 2, 2016, http://www.commondreams.org/news/2016/02/02/another-green-victory-copenhagen-set-divest-all-fossil-fuels, reported, “The Copenhagen City Council on Tuesday is expected to approve a vote to divest the city’s investment fund, worth 6.9 billion kroner, or roughly $1 billion USD, from all its fossil fuels holdings.

If the vote passes, the Danish capital will sell off its stocks and bonds in coal, oil, and gas in its continued effort to become ‘the world’s first CO2-neutral capital by 2025,’ Mayor Frank Jensen told local media.

The exact amount the city has invested in fossil fuels has not been made publicly available, but reporting indicates the divestment would cost approximately 1 million kroner in fees to execute.

‘Copenhagen is at the forefront of the world’s big cities in the green transition... Therefore, it seems totally inappropriate for the city to still be investing in oil, coal and gas,’ Jensen said. ‘We need to change that and I think this will sit will with Copenhageners’ desire for a green profile for their city.’

In the wake of the COP21 global climate pact signed last December in Paris, communities around the world are increasingly turning away from fossil fuels and looking to renewable energy. Jensen said he hoped Copenhagen's move would inspire other cities to follow suit.

"I’m not aware of other capitals that have made such a clear decision as the one we are now making. But I think more will follow in the wake of the climate agreement in Paris," he told the Danish news outlet Information. "The development will go quickly—we are now hearing about coal companies going bankrupt at a fast clip."

The divestment movement has been picking up steam—so to speak—as climate change becomes an increasingly urgent concern. The divestment advocacy group Fossil Free estimates that more than 500 institutions, representing over $3.4 trillion in assets, have committed to pulling their resources from the carbon-intensive industries."

A number of efforts are underway to attempt to make aircraft greener from recycling cooking and other used oil for fuel to using solar power for at least part of the energy to fly some aircraft (Henry Fountain, “Rethinking the Airplane With Climate in Mind,” The New York Times, January 12, 2016),


Buoyed by low gas prices, Americans are largely eschewing electric cars in favor of lower-mileage trucks and sport utility vehicles. Yet the Obama administration has shown no signs of backing off its requirement that automakers nearly double the fuel economy of their vehicles by 2025.

In China, government officials are also taking steps to ensure that the recent plunge in oil prices to under $30 a barrel does not undermine its programs to improve energy efficiency. Earlier this month, the country’s top economic planning agency introduced a new regulation, effective immediately, aimed at deterring oil consumption.
For the climate accord to work, governments must resist the lure of cheap fossil fuels in favor of policies that encourage and, in many cases, require the use of zero-carbon energy sources. But those policies can be expensive and politically unpopular, especially as traditional fuels become ever more affordable."


Max Bearak, “Electrifying India, With the Sun and Small Loans,” The New York Times, January 2, 2016, reported, “A few years ago, the hundred or so residents of Paradeshappanamatha, a secluded hamlet in the southern Indian state of Karnataka, gathered along the central pathway between their 22 densely clustered homes, and watched as government workers hoisted a solar-powered streetlamp. As the first display of electricity in the town, it was an object of mild interest, but, being outside, the light didn’t help anyone cook or study, and only attracted moths.

Still, when B. Prasad arrived two years later to encourage people here to abandon kerosene lighting for solar-powered home systems, people had some idea what he was talking about. What sounded preposterous to the village residents was the price. Mr. Prasad, an agent for Solar Electric Light Company, or Selco, was selling a panel and battery that would power three lights and an attached socket for phone charging for approximately 12,800 rupees, or $192.

“There was no way we could afford that,” P. C. Kalayya remembers thinking. He and his neighbors rise early in the morning to walk miles along a nearly impassable dirt road to work on coffee, pepper and betel nut plantations. Mr. Kalayya earns $3 a day — he’d been earning $2.25 until a raise came through this year — and half his wage is withheld by his employer as repayment for various loans.

And yet, despite what seemed on its face an impossibly high cost, Selco agents succeeded in persuading Mr. Kalayya and 10 other village households to make the switch. Now, his wife can better see how much spice she is putting in as she cooks, and Pratima, their 18-year-old daughter, can study long after dark.

The idea behind Selco, and other companies like it, is to create a business model that will help some of the 1.2 billion people in the world who don’t have electricity to leapfrog the coal-dependent grid straight to renewable energy sources.”


Consider the numbers: India is home to more than 280 million cows, and 200 million more ruminant animals like sheep, goats, yaks and buffalo. According to an analysis of satellite data from the country’s space program, all those digestive tracts send 13 million tons of methane into the atmosphere every year — and pound for pound, methane traps 25 times as much heat as carbon dioxide does.

So reducing animal flatulence might actually do some good — especially in India, where there is little chance of cutting back the use of fossil fuels anytime soon. (In fact, the country expects to double its coal production by 2019.)"

Taylor Hill, “Scientists Find Out What Killed Millions of Starfish: A new study shows that warmer ocean temperatures are likely responsible for the mass die-off of starfish, threatening the biodiversity of marine life from Alaska to Mexico,” Take Part, February 19, 2016,
Sea star wasting syndrome—a disease that turns the darlings of the tide pool world into heaping piles of goo within days of exposure. Scientists have observed wasting events hit coastal starfish populations before, but nothing like this epidemic, which researchers are calling the single largest, most geographically widespread marine disease ever recorded.

Sea stars, or starfish, are what’s known as a “keystone” species, important to maintaining biodiversity in marine environments. But an epidemic that swept across the West Coast killed millions of the multi-limbed animals—wiping out up to 95 percent of populations in some regions. Now, a new study is showing warming ocean temperatures might make mass die-offs more severe.

‘Warmer water temperatures might not have been the catalyst for the disease, but our findings show that if the water hadn’t been so hot that year, the impact would most likely have been less,’ said Drew Harvell, study coauthor and professor of ecology and evolutionary biology at the University of Cornell.”

Farmers and fumigators in Argentina are running out of time as they scramble to control the country’s worst plague of locusts in more than half a century, officials warned on Monday.

The provincial authorities and Senasa, the government’s agricultural inspection agency, have intensified their efforts to exterminate swarms of the insects in the dry forests of northern Argentina. But their attempts might not be enough to prevent the locusts from developing into a flying throng in the coming days — when they will then threaten to devour crops like sunflowers and cotton, and grasslands for cattle grazing.”

“Farmers last year reported locust clouds that were more than four miles long and nearly two miles high, said Juan Pablo Karnatz, a representative for the Province of Santiago del Estero at the Rural Confederations of Argentina, which represents more than 100,000 farmers here.

In the past five years, Senasa, the agricultural agency, has seen an increase in the numbers of insects that can destroy crops — like fruit flies that threaten citrus groves — as a result of warmer, wetter winters.

Mr. Quiroga pointed to a warning last November by the Food and Agriculture Organization, a United Nations agency, which said climate change would contribute to locust plagues in Africa. ‘There is clearly an impact in our country, too,” he said. “We are definitely being affected.’”

Padma Nagappan, “Demand for Meat Is Driving Water Shortages Affecting 4 Billion People: Climate change, population growth, and skyrocketing meat consumption is making water scarce for two-thirds of the world’s population, Take Part, February 18, 2016, http://www.takepart.com/article/2016/02/18/4-billion-people-face-water-scarcity, reported, “Almost 4 billion people—two-thirds of the world’s population—face severe water scarcity at least one month a year, according to new analysis. That is far worse than previous estimates of 2 billion to 3 billion people. About 500 million struggle with this acute water shortage all year long.

Earlier estimates focused on assessing year-round water supply. That did not account for fluctuating
supplies during wet and dry months and the severe water shortages that typically occur during specific times of the year, say researchers at the University of Twente in the Netherlands.

The affected population lives not just in vulnerable developing countries in Asia and Africa but also in Australia, the United Kingdom, and the American West. And water shortages will get worse.

‘Water scarcity will increase because of growing populations and increasing water demand per person,’ said Arjen Hoekstra, lead researcher and a professor of water management at the University of Twente.

Cutting short showering time or letting lawns go dry won’t be enough. Hoekstra said eating habits play a big role in sucking up water sources. But he was pointing the finger at meat, not produce like almonds, which have taken a beating for being a thirsty crop.

‘About one-third of the world water consumption is for producing animal products. Their water footprint is larger than that of crop products with equivalent nutritional value,’ Hoekstra said.” Note that water scarcity in numerous places is increasing because of climate change, while other areas receive more precipitation. Indeed, with global warming, total world rainfall is likely increasing, while its distribution worsens.


The documents, Greenpeace said, showed that American trade negotiators had pressed their European counterparts to loosen important environmental and consumer protections, along with other provisions.

But American and European trade officials, while not denying the validity of the materials, insisted on Monday that the documents — 248 pages, which Greenpeace said amounted to two-thirds of the latest negotiating text — merely represented negotiating positions, and that the criticisms were off base."

Democracy Now (and Tom Hartmann on Progressive Radio) reported, February 16, 2016, that the small head birth defects that have been associated with the Zika virus have only been occurred in certain areas of Brazil and Argentina where a highly toxic insecticide has been widely used to combat the mosquitos that carry the virus, and not in Columbia or other places where the same mosquitos carry the virus: “Brazilian State Suspends Larvicide Use After Reports Point to Microcephaly Link, February 16, http://www.democracynow.org/2016/2/16/headlines 2016HEADLINES, reported, “The Brazilian state of Rio Grande do Sul has suspended the use of a larvicide after reports pointed to a potential link between the chemical and the devastating birth defect microcephaly. Brazil has seen a spike in microcephaly cases thought to be linked to the mosquito-borne Zika virus. But two health advocacy groups say the spike may actually be linked to a larvicide made by a Japanese subsidiary of Monsanto that has been used to stop the development of mosquito larvae in drinking water.” However, more recent studies, in March, gave evidence that the Zika virus was a cause of birth defects.

What ever harm the larvacide was doing, later reports confirmed that Zika was a cause of birth defects, and the virus has continued to spread via Mosquitos, with some declines from anti mosquito actions. Ezra Kaplan and Donald G. McNril, "Colombia Confirms More Birth Defects Linked to Zika," The New York Times, April 26, 2016, http://www.nytimes.com/2016/04/27/health/zika-virus-haiti.html?ref=todayspaper, reported, "Colombian health officials said on Tuesday that they had confirmed two more cases of babies born with brain damage to mothers who had Zika during pregnancy, but said overall cases of the mosquito-borne virus were decreasing in the country."

the Kariba Dam was always a steady, and seemingly limitless, source of something rare in Africa: electricity so cheap and plentiful that Zambia could export some to its neighbors. The power generated from the Kariba — one of the world’s largest hydroelectric dams, in one of the world’s largest artificial lakes — contributed to Zambia’s political stability and helped turn its economy into one of the fastest growing on the continent.

But today, as a severe drought magnified by climate change has cut water levels to record lows, the Kariba is generating so little juice that blackouts have crippled the nation’s already hurting businesses. After a decade of being heralded as a vanguard of African growth, Zambia, in a quick, mortifying letdown, is now struggling to pay its own civil servants and has reached out to the International Monetary Fund for help.

Wild fire season in many areas has moved from being just a few month set of events to a year round concern. In early 2016, for example, Alaska suffered its first forest fire in February, while New Mexico, in one of the driest and warmest winters on record, reported 140 wild fires in the year by April 14, double the number for the same period in 2014 ("Year Round Fire Season Alarming Experts," San Francisco Chronicle, April 14, 2016).

Mitch Smith, "Record Wildfire Comes to Kansas, as Do Lifesaving Neighbors," The New York Times, March 27, 2016, http://www.nytimes.com/2016/03/28/us/record-wildfire-comes-to-kansas-as-do-lifesaving-neighbors.html?ref=todayspaper, "reported on the Anderson Creek wildfire that burned several homes "on the outskirts of Medicine Lodge is a mere speck in the nearly 400,000 acres of land that have burned since early last week. The blaze, which started on Tuesday across the state line in Oklahoma and by late Sunday had not been fully contained, is said to be the largest recorded wildfire in Kansas history and has prompted a vast mobilization of firefighters rarely seen in this state."

Andrea Germanos, "Mass Evacuation as 'Apocalyptic' Inferno Engulfs Canadian Tar Sands City "There was smoke everywhere and it was raining ash,' says Fort McMurray evacuee," Common Dreams, May 04, 2016, http://www.commondreams.org/news/2016/05/04/mass-evacuation-apocalyptic-inferno-engulfs-canadian-tar-sands-city, reported, "A raging wildfire in a Canadian tar sands town has forced tens of thousands of evacuations and destroyed several residential neighborhoods, offering a bleak vision of a fiery future if the fossil fuel era is not brought to an end.

The blaze in Fort McMurray, Alberta, started over the weekend, doubled in size on Monday, and grew into an inferno on Tuesday. It is expected to worsen on Wednesday as strong wind gusts and record high temperatures persist.

Officials estimate 17,000 citizens fled north to industry sites. Another 35,000 headed south, including 18,000 people enroute to Edmonton."

"Fire season came early to Western Canada this year; already there have been 311 fires in Alberta, according to the province's Ministry of Agriculture and Forestry, and approximately 192 fires in British Columbia.

Experts attribute the early onset and extremity of the fires to human-caused climate change, exacerbated by a strong El Niño effect, which led to a drier and warmer winter with lower-than-average snowfall.

'Because spring came about a month early here, we are already in the middle of our prime fire season for the spring,' Mike Flannigan, a wildfire expert at the University of Alberta, told Global News. 'Given the already dry conditions means it's easier for fires, once they sustain themselves, to go underground until it gets windy and they re-appear.'

Furthermore, University of Lethbridge professor Judith Kulig told the publication, 'the whole aspect of climate change and global warming...is then interrelated [to] things such as insect infestation, so pine beetle increases because it's not a cold enough winter. The trees are infested and drier and more prone to fire.

At Climate Central on Wednesday, senior science writer Brian Kahn put it succinctly:

The wildfire is the latest in a lengthening lineage of early wildfires in the northern reaches of the globe
that are indicative of a changing climate. As the planet continues to warm, these types of fires will likely only become more common and intense as spring snowpack disappears and temperatures warm.

Fort McMurray is home to the Athabasca tar sands, the largest single oil deposit in the world, containing an estimated 174 trillion barrels of bitumen. Tar sands oil production is the fastest growing source of greenhouse gas (GHG) emissions in Canada, and greatly increases the country's contribution to global warming."

By 7:47 pm, CDT, May 5, 2016, radio news reports and the Toronto Star, https://www.thestar.com/news/canada/2016/05/05/more-communities-evacuated-as-fort-mcmurray-fire-moves-south.html, indicated that despite over 1100 firefighters doing there best the fire was continuing to spread, having consumed 85,000 hectares, up from 10,000 hectares May 3, some 90,000 people had been, or were in the course of being evacuated (including airlifting out cut off people, especially at tar sands oil facilities, tar sands oil been shut down, and the fire was expected to continue to spread. and for some days continued to expand in low or unpopulated areas. But in passing through Fort McMurray it destroyed virtually all of several neighborhoods.

The Fire continued to burn out of control. On May 17, with a reversal of winds, it was headed back toward Fort McMurry, preventing people from returning, some being reevacuated, as it threatened a previously spared neighborhoods and two major oil producing areas to the north, that had to be evacuated just as they were preparing to restart production (Ian Austin, "Wind Pushes Raging Alberta Blaze Back Toward Fort McMurray," The New York Times, May 16, 2016, http://www.nytimes.com/2016/05/17/world/americas/fort-mcmurray-canada-wildfire.html?ref=todayspaper&_r=0).

Ian Austen, "First Residents Return to Fort McMurray After Wildfire," The New York Times, June 1, 2016, http://www.nytimes.com/2016/06/02/world/americas/fort-mcmurray-fire-return.html?ref=todayspaper, reported, "Some residents returned to Fort McMurray, Alberta, on Wednesday for the first time since wildfires forced them out and ravaged their city four weeks ago. But it was hardly a triumphant homecoming, as the city’s gradual reopening came amid concerns that it was premature."

"And many of the 88,000 evacuees have been told that it is still not safe for them to return: older people, children under 7, pregnant women and people with any of a variety of medical conditions. The city’s tap water is not drinkable yet, and may not be available for weeks. Other utilities are not back online, either."

"It may be a long wait. Environmental experts say the ash left by the fire is so caustic and full of toxins that many surviving houses in the worst-hit neighborhoods must be sealed off, probably until September."

"Three neighborhoods of Fort McMurray were particularly devastated by the fire. After laboratory analysis of the ash and debris there, some 567 surviving houses and a dozen apartments in or near those neighborhoods have been declared unfit for habitation until a cleanup can be completed. In all, 1,921 buildings were destroyed and 174 damaged by the fire, about 10 percent of the structures in the city. Judging by what could be seen by reporters on a recent tour, the vast majority of lost structures were houses or apartments."

"The wildfire that scorched the city remains out of control and now covers about 1.4 million acres."

Ian Austin, "Canada Fire Deals Staggering Blow to Oil Sands Industry and Economy," The New York Times, May 11, 2016, , reported, "Oversize transport trailers typically barrel dangerously along Highway 63 as they deliver heavy loads of equipment and even prefabricated metal buildings to the multibillion-dollar oil sands projects that dominate this area. But more than a dozen such trailers, still full, now sit at pull-ins and rest stops, abandoned by drivers who unhitched their tractors and fled south on warnings of a devastating forest fire.

As the fire ripped through Fort McMurray, oil companies severely pulled back or stopped pumping altogether. Production dropped by a million barrels a day, roughly 40 percent of Alberta’s output."
While the oil markets have remained relatively stable and production is slowly picking up, the economic blow is significant to a region and a country already battered by weak oil prices and uncertainty over global growth.

Oil companies could take weeks or months to get fully up and running, depriving the province of Alberta of royalty payments. And rebuilding costs will add to the strain on a national government that had only recently, and perhaps not fully, recovered from a mild recession. Ultimately, the financial fallout from the fire could sap what little growth Canada was expected to eke out in the latest quarter.

Many fleeing the fire found refuge in First Nations not too distant from Fort McMurray, and were provided with gas, supplies and shelter (Jim Coyle and Michael Robinson, "Size of Fort McMurray fire grows as fast as losses mount: Insurance experts mused about losses from the wildfire in the range of $9 billion if the town needs to be rebuilt — an amount almost equal to the annual budget of Nova Scotia," Toronto Star, May 6, 2016, https://www.thestar.com/news/canada/2016/05/05/size-of-fort-mcmurray-fire-grows-as-fast-as-losses-mount.html; and Samantha Power, "First Nations Lend Support to Fort McMurray Fire Victims: Where to Donate," ICTMN, May 13, 2016, http://indiancountrytodaymedianetwork.com/2016/05/13/first-nations-lend-support-fort-mcmurray-fire-victims-where-donate-164452).

There is strong evidence that global warming induced climate change is causing the great surge of many and often huge fires across the Boreal forests that stretch the length of Canada and Alaska across Russia to all of Scandinavia. The huge loss of forest and related habitat that is occurring is part of a multiple positive (and for us negative) feedback loop, as the fires increase global warming by directly putting large amounts of carbon dioxide into the atmosphere, which continues as killed trees and other plants rot, while any dark ash falling on ice or snow lowers its ability to reflect light and heat away from the earth, and the lost trees and other green plants can no longer convert carbon dioxide into oxygen (Justin Gillis and Henry Fountain, "Global Warming Cited as Wildfires Increase n Fragile Boreal Forest: Scientists say the near-destruction of Fort McMurray last week by a wildfire is the latest indication that the vital boreal forest is at risk from climate change," The New York Times, May 10, 2016, http://www.nytimes.com/2016/05/11/science/global-warming-cited-as-wildfires-increase-in-fragile-boreal-forest.html?ref=todayspaper&_r=0).

With the arrival of winter, it used to be that in the U.S. Midwest and South, tornado season was long over and far from renewing. But that has already changed with climate change. On December 23, 2015 tornadoes developed across the South and Midwest, including in Missouri, Illinois and Texas (David Montgomery and Ashley Southall, "Tornadoes Leave Paths of Rubble and 11 Dead in the Dallas Area," The New York Times, December 27, 2015, http://www.nytimes.com/2015/12/28/us/dallas-tornadoes-storms-sweep-south.html?ref=todayspaper).


The out of season (but not anymore) weather worsened as the year ended, bringing record high

"Cherokee Citizens Seek Donations for Flood-Ravaged Community," ICTMN, January 14, 2016, reported, "The Chewey Community on the Cherokee Nation suffered greatly in December’s record-breaking floods, with many people losing everything they owned. A private initiative is under way to help them recoup and recover."

“While the 18 hardest-hit Oklahoma counties were not in Cherokee territory, the Chewey Community in particular was devastated.”


In Colorado, the state's National Guard resources were deployed to assist with rescue missions as every major highway leading out of Denver was closed, making travel nearly impossible Wednesday afternoon. More than 1,300 flights were canceled Wednesday at Denver International Airport, and officials were forced to halt all operations for several hours due to the severe wintry conditions. Once the roadway leading to the airport was cleared, the airport reopened at 7 p.m. Wednesday night.

More than 30 inches of snow fell from this storm alone in parts of Colorado; when the snow stopped, DIA officially reported 13.1 inches. Further east, the snow continued to fall Thursday on the Upper Midwest.”

For a time, all interstates out of Denver were closed. Wisconsin was heavily snowed, and to a lesser extent were Minnesota, Michigan, South Dakota, Nebraska and Iowa.


Climate change bringing warming oceans appears to have brought one of the strongest el Niño’s ever in the Pacific, with warmer waters on the ocean's surface, beginning in winter 2015-16, with serious world wide impacts. While California received some drought relief, in Paraguay's capital city, among other places in the region, exceedingly heavy rains brought damaging flooding and displacements of people, The monsoons in India brought far less rain than normal, severely reducing agricultural production and leading to many suicides by ruined farmers, while in South Africa, and parts of Ethiopia the drought was devastating, while Central America suffered from less rain (Henry Fountain, "El Niño Upsets Seasons and Upends Lives,” The New York Times, March 11, 2016).

Despite periods of warmer weather because of el Nino, the East coast of the U.S., was again hit by severe storms in Winter 2016. In late January, while New York City suffered little damage amid near record snow fall, elsewhere along the East Coast, at least 28 people died in storm related events, that in Washington, DC and vicinity included shutting down Congress and federal offices for several days, with power out for thousands in a number of areas. February 2016, continued the pattern of the last several years of having Arctic air pour in, bringing several days with record cold temperatures for the date. On February 15, for example, temperatures in New York City dropped below zero, setting a record for the date.

Meanwhile, severe storms continue to come up the East coast from the south, even spawning tornadoes, which previously was very rare in winter, but has now become common with climate change. (James Barron and Sarrah Maslin Nirjan, "After East Coast Blizzard, the Cleanup and the Workweek Begin,"
As a result, rainfall has ranged from four inches in parts of the Dallas-Fort Worth area to 30 inches in Washington County, the authorities said."

And the rain and flooding in Texas grew worse end of May into June, with Accuweather, reporting, June 2, 2016, "Travel has become nearly impossible in some areas of Texas as substantial..."
rain and rising rivers have led to widespread flooding over the past week.

Some of the worst flooding has occurred from central Texas to the Gulf Coast. Up to 13 inches of rain fell in just 12 hours near Saratoga, Texas, according to radar estimates. Saratoga is located about 60 miles northeast of Houston."

"Flooding has forced road closures all across the state with more than 130 closures as of Thursday afternoon, according to the Texas Department of Transportation.

The river reached record level on Thursday as the water level climbed above 54 feet, the highest water level ever recorded on the river at the Richmond water gauge.

Over 300 water rescues have been conducted since Sunday due to the rising water, according to the Associated Press. Residents along the river were also forced to evacuate their homes due to the rising water.

The flooding left not only people, but also animals, running to higher ground.

Organizations, such as the SPCA, helped to rescue animals including horses and cattle that were trapped by high water."

"Texas Governor Greg Abbott declared a state of disaster for 31 counties in Texas.
The counties include the cities of Lubbock and College Station, as well as areas surrounding Houston and Austin.

More life-threatening flooding is likely with additional rounds of rain expected into the weekend.
Not only can additional rain worsen existent flooding, but it could also cause flooding in new areas."

While the super strong El Nino in the hot Pacific Ocean initially brought a milder winter to the U.S. East Coast, the pattern of major snow of the past 3 winter – though this time in a storm coming up from the tropics and not out of the Arctic, hit in late January. James Barron and Rick Rojas, “Major Cities Grind to a Halt and Face Days of Digging Out Snow,” The New York Times, January 23, 2016, http://www.nytimes.com/2016/01/24/nyregion/east-coast-snowstorm.html?ref=todayspaper, reported, “Making up for a remarkably mild winter, the first major snowstorm of the season charged up the East Coast on Saturday, a blizzard propelled by tropical-storm-force winds that brought much of the Northeast to a standstill and left more than two feet of snow in New York City, where Mayor Bill de Blasio called it “very likely one of the worst snowstorms in our history.”

A travel ban, imposed Saturday afternoon in and around the city to keep drivers off streets, was lifted at 7 a.m. on Sunday.

Four Hudson River crossings — the Lincoln and Holland Tunnels and the George Washington and Tappan Zee Bridges — that were shut down in conjunction with the ban re-opened at 7 a.m. as well. The city’s public bus service also began operating again with limited service. But suburban commuter railroads in New York, as its elevated subway lines, remained closed, following the lead of mass transit systems in Washington, Baltimore and Philadelphia.

New York Gov. Andrew M. Cuomo said on Saturday that service to aboveground subways and to Long Island Rail Road and Metro North Railroad could be restored on Sunday, weather permitting. Travelers hoping to fly into or out of New York City’s two airports, La Guardia and Kennedy Airports, would not be so lucky. The governor said “the vast majority” of flights would be canceled on Sunday.

From Tennessee to North Carolina and north along the Interstate 95 spine, those who persisted found the going slow and treacherous. In some places, long-haul trucks lined up behind snowplows. In others, cars mistook entrance ramps for exits. Officials throughout the Mid-Atlantic region warned that it could be days before residents finished digging out.

The snowstorm came close to being the biggest in New York City since 1869. The National Weather Service said 26.8 inches of snow had fallen in Central Park by midnight on Saturday, a mere one-tenth of an inch below the record set when 26.9 inches of snow piled up in February 2006.’ With the Midwest also receiving snow that on the coast extended south at least to to Georgia, the largest snowfall, as of late afternoon, January 24, was 42 inches in West Virginia.

Record snow falls occurred in a number of cities, and while New York City was returning to
fairly normal activity on January 26, several cities and many rural areas were not, and it was unclear how long it would take to dig out. In Washington, DC and vicinity, for example, all federal offices and activities – including a congressional meeting – were closed or canceled. At least 38 people died as a result of the storm, which disrupted electric power in some areas, and forced cancelation of a large number of air flights (James Barron and Sarah Maslin Nirjan, “After East Coast Blizzard, the Cleanup and the Workweek Begin,” The New York Times, January 24, 2016, http://www.nytimes.com/2016/01/25/nyregion/east-coast-blizzard-2016.html?ref=todayspaper&_r=0).

Despite periods of warmer weather because of el Niño, the East coast of the U.S., in February 206, continued the pattern of the last several years of having Arctic air pour in, bringing several days with record cold temperatures for the date.

As of late January, 2016, “California: Storms Increase Snowpack, but Reservoirs’ Levels Remain Low,” The New York Times, January 26, 2016, http://www.nytimes.com/2016/01/27/us/california-storms-increase-snowpack-but-reservoirs-levels-remain-low.html?ref=todayspaper, reported, “Recent El Niño storms have increased the Sierra Nevada snowpack to 115 percent of normal, more than drought-stricken California has had in five years, officials said Tuesday. The electronic reading by the State Department of Water Resources was the highest since it reached 129 percent in 2011. The Sierra snowpack contributes nearly one-third of California’s water when it melts in the spring. However, officials say the snowpack would have to be at 150 percent of normal by April 1 to ease the four-year drought. Key reservoirs are beginning to rise from the early winter storms but remain low. Lake Oroville in Butte County, the State Water Project’s largest reservoir, is at 60 percent of its historical average for this time of year. Officials on Tuesday slightly increased the amount of water the state intends to provide to cities and farms to 15 percent from 10 percent of their contracted supply.”

Adam Nagourney, “Storm Water, long a Nuisance, May Be a Parched California’s Salvation,” The New York Times, February 19, 2016, http://www.nytimes.com/2016/02/20/us/storm-water-long-a-nuisance-may-be-a-parched-californias-salvation.html?ref=todayspaper&_r=0, reported, “After a year in which Californians cut water use by 25 percent, storm water has become the next front in what amounts to a fundamental restructuring of Southern California’s relationship with its intricate water network. More than 200 billion gallons of storm water, enough to supply 1.4 million households for a year, could be captured statewide — but instead end up spilling down sewers and drains and into the ocean, as was on display Thursday, in the hours after the rainfall ended, at the spot where the Los Angeles River ends here.

Nowhere is the disparity felt more than in parched Los Angeles, with its short winters and its overwhelming reliance on water imported from Northern California and the Colorado River. For nearly a century, since deadly floods in 1938 killed 97 people, engineers have focused on ways to flush storm water safely out of Los Angeles as quickly as possible. Now, officials want to capture that water.”

“Mr. Garcetti invoked the legacy of William Mulholland, the city engineer who oversaw the construction of the Los Angeles Aqueduct, as he outlined policy intended to press Los Angeles to increase the amount of storm water captured, to 50 billion gallons by 2035 from 8.8 billion gallons now.

“This is a Mulholland moment,” he said in an interview. “I intend to re-engineer the water system again to keep water here./

Still, the long-predicted El Niño rains have yet to arrive with the fury that has been promised. While there was heavy rain — and, just as critically, snow — in Northern California through January, Southern California has been baking in record-high temperatures. The rain here on Thursday was the first major precipitation in more than a month.

Potentially more worrisome, the heavy January rains and snows that socked the northern part of the state — home to most of California’s reservoirs — have not kept pace into February. A critical measure, the snowpack, which provides water as it melts into the spring, was at 94 percent of normal statewide last week. Still, meteorologists, pointing to the history of El Niño storms, said the heaviest rains could arrive later this month and in March and April.”
Thanks in part to El Niño, snowpack in the Sierra Nevada is greater than it has been in years. With the winter snowfall season winding down, California officials said that the pack peaked two weeks ago at 87 percent of the long-term average.

That’s far better than last year, when it was just 5 percent of normal and Gov. Jerry Brown announced restrictions on water use after four years of severe drought. But the drought is still far from over, especially in Southern California, where El Niño did not bring many major storms.

Despite the better news this year, there are plenty of worrying signs about the Sierra snowpack, which provides about 30 percent of the water Californians use after it melts and flows into rivers and reservoirs, according to the state Department of Water Resources.

Many of those concerns stem from the effects of climate change and the structure of Sierra forests, which can influence how the snowpack accumulates and melts. Because the snow, in effect, serves as a reservoir that is released over time, any changes can affect how much water is available for people, industry and agriculture, and when."

Alaska continued in the new pattern of warmer winters and less snow, again causing the annual Iditarod dog sled race to adapt, bringing in trainloads of snow for the start in Anchorage, and moving the course off a river that did not have thick enough ice (Kirk Johnson, "As Alaska Warms, Iditarod Adapts," The New York Times, March 7, 2016).


Lake Poopó (pronounced po-oh-PO) was officially declared evaporated last month. Hundreds, if not thousands, of people have lost their livelihoods and have left the area.

High on Bolivia’s semiarid Andean plains at more than 12,000 feet and subject to climatic whims, the shallow saline lake has dried up before only to rebound to a size twice the area of Los Angeles.

But recovery may no longer be possible, scientists say.

‘This is a picture of the future of climate change,’ said Dirk Hoffman, a German glaciologist who studies how rising temperatures from the burning of fossil fuels has accelerated glacial melting in Bolivia. As Andean glaciers disappear, so do the sources of Poopó’s water. But other factors are in play in the demise of Bolivia’s second-largest body of water after Lake Titicaca.

Drought caused by the recurrent El Niño meteorological phenomenon is considered the main driver. Officials say another factor is water diverted from Poopó’s tributaries, mostly for mining but also for agriculture.

More than 100 families have sold their sheep, llamas and alpaca, set aside their fishing nets and left the former lakeside village of Untavi over the past three years, draining it of well over half of its population. Only the elderly remain.”


Accustomed to heavy rainfall, Britain has been hit several times by flooding recently, but the effects of the latest episode have spread beyond rural areas, leaving parts of York, Leeds and Manchester submerged.
Threatened by its two rising rivers, York became the focus for emergency workers over the weekend as floodwaters engulfed many shops and pubs and came close to the ancient city’s historical buildings."

Aurelien Breenden and Katarina Johannsen, "From Paris to Bavaria, Heavy Rains Cause Deadly Floods," The New York Times, June 2, 2016, http://www.nytimes.com/2016/06/03/world/europe/france-germany-floods-rain.html?ref=todayspaper&_r=0, "Torrential rains have caused deadly flooding in central and northeastern France this week, forcing the evacuation of thousands of people, some on boats or kayaks, and threatening works of art stored in Paris’s most celebrated museums.

A man on horseback was swept away by floodwaters on Thursday and found dead in Évry-Grégy-sur-Yerre, 30 miles southeast of Paris, the authorities in the Seine-et-Marne administrative department, where the town is located, said. In Germany, heavy rains claimed the lives of nine people.

The heavy rains caused the Seine in Paris to rise to 18 feet by Thursday evening, flooding the lower embankments and shutting several roads but causing no significant damage. The level is still far from the record of 1910, however, when the river rose to 26 feet."

"Officials in France and Germany were bracing for even more rain this week. The Loing River, a tributary of the Seine, has risen to levels not seen since 1910, and the Île-de-France region, which includes Paris, got more rainfall last month than in any May since 1960.

President François Hollande said Thursday that the rainfall and floods were “very serious” and linked them to global warming."

"About 19,000 homes in France were still without power on Thursday evening, and the interior minister, Bernard Cazeneuve, said that an estimated 20,000 people had been evacuated.

Meteorologists attribute the recent deluge to a dip in the jet stream that has trapped low-pressure air over much of France and Germany, where the air is then warmed by the sun. This occurrence often leads to heat waves, and to thunderstorms as the hot air rises.

The recent thunderstorms have been more intense than usual because the hot air rises to encounter colder air in the upper atmosphere. Generally, the greater the difference between the rising hot air and the colder high air, the bigger the storms.

Forecasters say there could be a few more days of rain before the low-pressure air moves on. More than 3,000 people were evacuated from Nemours, about 50 miles south of Paris, after the Loing overflowed, flooding businesses and homes. The surrounding Seine-et-Marne area was on high alert for floods on Thursday, and 12 other departments in the Île-de-France and Centre-Val de Loire regions were on the second-highest level of flood alert."

"Thousands of homes in Bavaria were without power, officials said."

Dharisha Bastians, "Floods and Landslides in Sri Lanka Leave Dozens Dead." The New York Times, May 18, 2016, http://www.nytimes.com/2016/05/19/world/asia/sri-lanka-landslides-flooding.html?ref=todayspaper, reported, "At least 37 people were killed in landslides and flash floods and hundreds of thousands were displaced, Sri Lankan officials said on Wednesday, as torrential rains and gusting winds continued to lash the country just days after the beginning of the monsoon season."

"Cyclone Winston: Death toll rises to 29 as clear-up begins,” BBC News, February 23, 2016, http://www.bbc.com/news/world-asia-35633321, reported, "The number of people killed in the cyclone that hit Fiji at the weekend has risen to 29, with officials warning the clear-up could take months. About 8,500 people are still sheltering in evacuation centres. Cyclone Winston has flattened many buildings in parts of the main Viti Levu island and Koro islands, Fijian officials said.

The category five storm brought winds of over 320km/h (200mph), torrential rain and waves of up to 12m (40ft).

It has been described by the Fiji Broadcasting Corporation as the worst to ever hit the country.

Government spokesman Ewan Perrin told Radio New Zealand that the houses of 2,000 families who lived on Koro island had been "pretty much flattened".
Eight bodies were found there on Monday. Rescue workers warned that the death toll could rise further as some of the worst-hit outlying islands have yet to be reached.

"We're still trying to get people on the ground in these areas," Mr. Perrin was quoted by the AFP news agency as saying.

'In some places people are going to be displaced for months because they've lost everything,' he added. The New Zealand Air Force has helped Fijian rescuers carry out aerial inspections across almost all the islands, Mr. Perrin said."

Kevin Conlon, Joshua Berlinger and Ralph Ellis, "In Fiji, 17 dead from 'monster' Cyclone Winston; schools shuttered for a week, CNN, February 22, 2016, http://www.cnn.com/2016/02/21/asia/fiji-tropical-cyclone-winston/index.html, reported, "Cyclone Winston was reported by the authorities to be the strongest storm ever recorded in the Southern Hemisphere."

A serious drought in Vietnam, related to el Nino, had reduced and was threatening to largely destroy the season's rice crop, as of late May, 2016 (Jane Perlez, "Struggling to Farm in a Parched Land," The New York Times, May 29, 2016).


The World Food Program, " URGENT: WORST DROUGHT IN 50 YEARS DEVASTATES ETHIOPIA," May 5, 2016, https://support.wfpusa.org/site/Donation2;jsessionid=C25054C6817568839ECF130EDBECBB1A.app262a?id=b=1388231252&df_id=4423&mfc_pref=T&4423&donation=Form1&s_src=UNR1605EMAPPctrl1&autologin=true&utm_campaign=1605EMAPP&idb=0&utm_source=UNR1605EMAPPctrl1&utm_content=UNR1605EMAPPctrl1&utm_medium=email, reported, "A "Godzilla El Niño" has brought about the worst drought in decades. Crops have failed. Livestock are dying. And we've seen a spike in the number of severely malnourished children who require specialized medical care to survive."

Austin Ramzy and Wai Moe, "Landslide at Myanmar Jade Mine Kills at Least 12," The New York Times, May 24, 2016, http://www.nytimes.com/2016/05/25/world/asia/myanmar-hpakant-landslide-jade-mine.html?ref=todayspaper&_r=0, reported, "A landslide at a jade mine in northern Myanmar has killed at least 12 people, and dozens more might have been buried by the collapsed hillside, an official said on Tuesday.

The landslide in Kachin State on Monday night came after heavy rainfall in recent days. Twelve bodies were recovered, but as many as 100 people were feared missing."

Exelon announced, in early June 2016, that it is closing its two nuclear power plants in Illinois, the Clinton Power Station and the Quad Cities Generating Station, as both are losing money and the company cannot obtain a bailout for them (Diane Caldwell, "Unable to Win Relief, Exelon Plans to Close 2 Illinois Nuclear Plants." The New York Times, June 3, 2016).

The Turkey Run Nuclear Power Plant in South Florida was found, by a county commissioned study, to be leaking radioactive cooling water into Biscayne Bay, and threatening to contaminate drinking water wells (Lizette Alvarez, "Nuclear Plant Leak Threatens Drinking Wells in Florida," The New York Times, March 23, 2016).

disaster.html?ref=todayspaper, reported, "Five years after a powerful earthquake and tsunami struck, causing three reactors at Fukushima to melt down, that goal is the focus of a colossal effort at once precarious and routine. A veneer of stability at the plant masks a grueling, day-to-day battle to contain hazardous radiation, which involves a small army of workers, complex technical challenges and vexing safety trade-offs.

Fukushima has become a place where employees arrive on company shuttle buses and shop at their own on-site convenience store, but where they struggle to control radiation-contaminated water and must release it into the sea. Many of the most difficult and dangerous cleanup tasks still lie ahead, and crucial decisions remain unsettled."

The Obama Administration launched a major initiative to involve the private sector in conserving and better managing water in the U.S., in December. The “moonshot for water” is in response to a U.S. Geological Survey report, in November, that 64% of the well’s in its database reported a decline in water level, and many aquifers are in decline, with climate change a major factor. Noting that increasing warming is increasing demand for water, while drought is lessening its availability in many areas. The administration is concerned about maintaining aquifers and water availability. Efforts will include fixing leaks and developing and applying improved water desalinization (Gregory Korte and Ian Jones, “White House launches water initiative,” USA Today, December 16, 2015).

The switching of Flint, MI, a mostly African American community, water to seriously lead polluted water to save money, which state and local officials did nothing about, and tried to cover up, though they were aware of it, has raised questions of environmental racism (John Eligon, “A Question of Environmental Racism in Flint," The New York Times, January 22, 2016).


"The Swain family’s predicament is common among Canada’s indigenous families, according to a report published by Human Rights Watch on Tuesday ["Make it safe: Canada’s obligation to end the First Nation Water Crisis," https://www.hrw.org/report/2016/06/07/make-it-safe/canadas-obligation-end-first-nations-water-crisis]. In spite of living in one of the world’s most water-rich regions, First Nations people living on reserves depend on water sources that are not regulated or protected by Canada’s government. That means the available water is often contaminated, inaccessible, and degraded, leaving communities at risk of cancer, skin infections, and gastrointestinal disorders.

'It’s often indigenous groups and communities of color that miss out on access to safe drinking water, even in countries that have a large amount of natural resources,' Amanda Klasing, the report’s author, told TakePart. 'First Nations communities not only lack the same level of access to clean water but also the basic legal infrastructure to ensure that they have safe drinking water on the reserve.'

First Nations reserves in Canada do not have the level of sovereignty and control over governance that Native American reservations in the U.S. do, leaving the Canadian government responsible for the regulatory gap that has inhibited potable water access in these communities, according to Klasing. Recognizing that responsibility, candidate Justin Trudeau made a campaign promise to end boil-water advisories in First Nations communities within five years of being elected prime minister. His administration has since earmarked $1.8 million to address water access on indigenous reserves.

Now, advocates like Klasing are waiting for that plan to be put into action—and to see whether indigenous stakeholders will be involved in the process. “Funding commitments by the government in the past haven’t led to progress or change in the communities,” said Klasing.

The tainted water, in which contaminants such as E. coli, coliform, uranium, and cancer-causing
disinfectant byproducts have been found, has led to negative health consequences for many of the households surveyed by Human Rights Watch. The lack of access to drinkable water recalls that experienced by members of the Navajo Nation in the U.S. throughout New Mexico, Arizona, and Utah. Contaminated wells and groundwater in this region, along with limited resources necessary to build infrastructure to bring safer water from the San Juan and Colorado rivers to the Navajo people, has left many unable to access water that runs through their lands."

The Passaic River in New Jersey, which became highly polluted from dumping by many industrial plants along it, is to have its lower 8 miles, the most polluted section, cleaned under a $1.38 billion federal Super Fund Project (Noah Remnick and Rick Rojas, "Passaic River, Long Marred by Toxic Dumping, Will be Cleaned," The New York Times, March 5, 2016).

"Oils spills in Peruvian Amazon devastate indigenous communities," Survival International, February 22, 2016, http://www.survivalinternational.org/news/11144, reported, "Indigenous communities in the Peruvian Amazon have suffered from two oil spills in two months. The spills are all attributed to State oil company PetroPerú, which has failed to conduct routine maintenance on its pipelines. One spill released at least 2,000 barrels of oil, which spread into the local rivers, affecting indigenous communities that include the Achuar, Shapra, Wampis and Awajún.

The spills have destroyed the ecosystem, compromising the health, food and safety of local communities. Locals have lost their livelihoods and are no longer able to drink water from the rivers or fish for food.

Whilst the cleanup is the responsibility of PetroPerú, both the company and the government have been slow to react. Communities have resorted to trying to clean up the toxic oil themselves. Shocking images reveal that children, without protection, have been involved in this dangerous process.

This environmental disaster is just the latest in a long history of oil and gas leaks in the area. More than 70% of the Peruvian Amazon has been leased by the government to oil companies. Many of these leases are inhabited by indigenous people. These projects not only open up previously remote areas to outsiders, such as loggers and colonists, but destroy the ecosystem for indigenous peoples.

The national indigenous peoples’ organization, AIDESEP, has denounced the oil spills. Criticizing the slow action of the government, the organization called on ‘international public opinion, the media, NGOs and civil society to pay attention to this serious event that puts in danger the lives of thousands of people living in the area who have traditionally been neglected.”

Nika Knight, "Repeat Oil Spills Turning Peruvian Amazon into ‘Sacrifice Zone’ for Big Oil: 'The situation is criminal,'" Common Dreams, June 28, 2016, http://www.commondreams.org/news/2016/06/28/repeat-oil-spills-turning-peruvian-amazon-sacrifice-zone-big-oil, reported, "Less than six months after two horrific oil spills in the Peruvian Amazon devastated Indigenous communities and the local ecosystem, yet another spill in the region has been reported.

'Somehow virtually none of the profits generated by the oil industry over decades is available to ensure that Amazonian communities don't have to watch their primary sources of livelihoods—the river, the forest—become irrevocably polluted by spills.' —Andrew Miller, Amazon Watch

On Friday afternoon, a leak was discovered in the Northern Peruvian Pipeline—the same pipeline responsible for the earlier spills—that eventually coated over 16,000 square meters of Amazon rainforest in Peru's northeast Loreto region with crude oil, according to OEFA, the country's environmental regulator.

The pipeline is operated by the state-run corporation PetroPerú. 'Upon initial reports of the spill on June 24th, PetroPerú went into crisis response mode, issuing statements via Twitter to national and international journalists. PetroPerú claimed that the Northern Peruvian Pipeline still isn't pumping oil following the disastrous spills in early 2016, but the OEFA report belies that, stating that they found 'indicators that PetroPerú is pumping hydrocarbons through the pipeline,' said Andrew Miller,
advocacy director of Amazon Watch, in an email to Common Dreams.

'So it appears that PetroPeru is currently pumping oil, though they publicly deny it,' Miller added, 'without having carried out the proper reparation and replacement of deteriorated pipeline sections ordered by the OEFA after the prior spills.'

As with previous spills, local Indigenous residents have been employed to help with the cleanup—but health officials on Tuesday reported (pdf) a lack of proper safety equipment, which puts those people at risk for "poisoning and burns" from direct contact with the crude.

Moreover, while PetroPeru personnel arrived at the spill site at 10 pm [on Friday] and tried to contain the spill using makeshift barriers of leaves and branches," Mongabay writes, the health officials' report states that this 'did not help much, because the oil continued to leak and affect lower areas.'

Miller wrote that at least 430 people are affected by this latest spill.

The health officials found that the 'community of Barranca, which is close to the spill site, is most directly threatened,' observes Mongabay. 'The community of about 725 people lacks basic services, such as safe drinking water and electricity, making it even more vulnerable. If the oil should reach the stream known as Barranca Caño, it would pose a serious risk, because the stream is the community’s main source of drinking water.'

Amidst this current scandal, ‘OEFA announced yesterday that they are fining PetroPeru some 10 million soles (a little over $3 million) for improper clean-up of the Cuninico oil spill in mid-2014,' Miller reported. 'This follows a recent report that Kukama indigenous villagers in Cuninico have high levels of mercury and cadmium in their urine. There's no reason to assume the fate of the at least 430 people impacted by the most recent spill will be much different.'

Miller roundly condemned the situation as "criminal":

'Overall at play here is a system of environmental racism in which indigenous villages along the pipeline route become de facto 'sacrifice zones.' Somehow virtually none of the profits generated by the oil industry over decades is available to ensure that Amazonian communities don't have to watch their primary sources of livelihoods—the river, the forest—become irrevocably polluted by spills.

The situation is criminal, and responsibility extends through PetroPeru to national politicians who weakened environmental regulations in recent years and the international oil companies that benefit from the pipeline.

'The third oil spill in the Amazon [this year] and still no preventive actions,' lamented Henderson Rengifo of local Indigenous rights group AIDESEP.'

Nika Knight, "'Devastated Lives': Shell Sued Again over Catastrophic Spills in Nigeria: Two new lawsuits say Shell is liable for oil spills that have destroyed livelihoods, contaminated water supplies, and rendered some wetlands 'lifeless' in the fragile ecosystem," Common Dreams, March 2, 2016, http://www.commondreams.org/news/2016/03/02/devastated-lives-shell-sued-again-over-catastrophic-spills-nigeria, reported, 'Royal Dutch Shell must pay for the lives and livelihoods destroyed by the decades-long deluge of oil spilled from its pipelines in the Niger Delta, two lawsuits filed in London on Tuesday charged.

'Shell has an appalling record of obfuscation and misinformation with regard to its dealings in the Niger Delta,' said Peter Frankental, director of Amnesty International’s UK Economic Affairs Program.

Shell's pipelines traverse the fragile Niger Delta ecosystem—and humanitarian groups last year drew attention to the company's decades-long efforts to cover up, rather than fix, its myriad pipeline failures.

The two latest cases were filed on behalf of the Bille and Ogale communities in the Ogoniland region. The British firm behind the lawsuits, Leigh Day, charged that Shell's pipeline infrastructure is in such bad shape that continual oil spills 'caused, and continue to cause, long-term contamination of the land, swamps, groundwater and waterways' in the Ogale community.

It also claimed that pipeline breakages have destroyed the livelihood of the 13,000 residents of Bille, who traditionally fish to sustain themselves, and that the spills have grown so extensive that residents 'have even been forced to stack sandbags outside their homes to try to prevent oil entering their properties.'
This week's lawsuits follow an unprecedented £55 million ($77.4 million) settlement paid out by Shell in 2015 to residents of the region's Bodo community for spills that happened in 2008.

In papers filed in the UK court prior to [the 2015] settlement," Amnesty International wrote in a recent briefing (pdf), 'Shell admitted that its previous and often repeated assertions regarding the volume of oil spilt and area affected were substantially incorrect.'

'Court documents also revealed that internal emails and reports showed that senior Shell employees had expressed concern as far back as in 2001 of the need to replace oil pipelines in the Niger Delta,' the humanitarian group wrote, 'describing some sections as containing 'major risk and hazard.' ' Amnesti International's briefing warns investors of the UN-declared 'public health emergency' created in the region by decades of spills and negligence, pointing out the company's liability in claims such as the suits filed this week and laying out a case for divestment from Shell.

The Niger Delta 'has endured the equivalent of the Exxon Valdez spill every year for 50 years by some estimates. The oil pours out nearly every week, and some swamps are long since lifeless,' the New York Times reported back in 2010.

A Times editorial from 2014 details the darkest moments of Shell's 60-year presence in the region, a legacy the newspaper's editorial board characterizes as 'devastating':

Shell discovered oil in Nigeria in 1956, and, ever since then, the people of Ogoniland have suffered from air, land and water pollution. The United Nations study found cancer-causing benzene present in drinking water at 900 times the World Health Organization guidelines. Shell stopped drilling in Ogoniland in 1993 after local protests, but its pipelines still cross the region. The 1995 sham trial and execution of celebrated activist Ken Saro-Wiwa and eight others who had protested oil exploitation in Ogoniland remains one of the darkest blots on Nigeria’s history.

'We hope that the Bodo case and this new lawsuit will spur Shell on to accept its responsibilities by cleaning up the oil spills,' Frankental said, 'and compensating those in the Niger Delta whose lives have been devastated by them'."

Lauren McCauley, "Drilling-Induced 'Frackquakes' Threatening Millions Across Central US: For the first time, USGS includes human caused seismicity in predictive map," Common Dreams, March 28, 2016, http://www.commondreams.org/news/2016/03/28/drilling-induced-frackquakes-threatening-millions-across-central-us, reported, 'Oil and gas drilling has made parts of the central United States as dangerous as the most earthquake-prone regions of California, according to the U.S. Geological Survey (USGS), exposing millions of people to the risk of human-induced earthquakes, known as 'frackquakes.'

According to new maps released on Monday by the USGS, roughly 7 million people who live and work in parts of Oklahoma, Kansas, Texas, Colorado, New Mexico, and Arkansas face 'potential for damaging shaking from induced seismicity,' which the USGS notes is triggered primarily by wastewater disposal from oil and gas drilling activities.

'Within a few portions of the [Central and Eastern U.S.], the chance of damage from all types of earthquakes is similar to that of natural earthquakes in high-hazard areas of California,' the USGS states, with Oklahoma being the most prone to induced earthquakes and having the largest at-risk population.

Oklahoma has seen a rapid increase in earthquakes registering at or above a 3.0 magnitude per year, surging from 109 in 2013 to over 900 in 2015.

Last year, the state's oil and gas industry regulator said that Oklahoma now experiences more earthquakes than anywhere else in the world, which scientists and officials have linked to the proliferation of disposal wells, which inject the toxic byproduct of oil and gas production deep underground.

'Today’s report once again highlights the dangers the fracking cycle poses to our communities,' declared Dan Chu, director of Sierra Club’s Our Wild America campaign, on Monday.

Connecting the rise of human-induced earthquakes to the other threats posed by the continued use of fossil fuels, Chu added, 'The world is already experiencing deadly storms, droughts, and erratic climate and
weather extremes due to climate change, and the rapid increase in earthquakes caused by wastewater injections from the oil and gas industry only raises the threat to communities across the country.

The USGS' one-year seismic hazard forecast for the Central and Eastern U.S. is the first predictive map to include human-induced earthquakes, in addition to natural earthquakes. Last spring, the government agency released another landmark map which highlighted the location and frequency of earthquakes thought to be caused by human activities.

Mark Petersen, chief of the USGS National Seismic Hazard Mapping Project, said that 'by including human-induced events, our assessment of earthquake hazards has significantly increased in parts of the U.S.'

The Oklahoma Corporation Commission ordered oil and gas well operators to reduce the amount of waste eater they pump into deep wells, in early January 2016, to reduce the number and magnitude of earthquakes this is causing ("Oklahoma: Well Operators Ordered to Reduce Wastewater," The New York Times, January 5, 2016).


The key finding: Thousands of fracking waste spills have left a legacy of radioactive contamination in North Dakota.

The study examined the Bakken shale region -- one of the most fracked places in the country -- and found 3,900 spills since 2007. This contamination, which has leaked into rivers and streams, will remain for thousands of years, according to researchers.

Wherever fracking takes place, it opens the door to radioactive contamination that threatens our health.

Add your name in support of a fracking ban.

Despite the overwhelming evidence of fracking's impacts on health, the oil and gas industry continues to make bogus claims that fracking is safe.

Meanwhile, radioactive waste from fracking is elevating cancer risks for nearby communities.

This radioactive threat adds to the many other health risks linked to fracking, like hormone disruption, respiratory issues, and higher hospitalization rates.

Despite these widespread health threats, fracking remains nearly unchecked at every step of the process. In fact, North Dakota recently loosened radioactive waste disposal regulations even further. This is unacceptable.


In separate rulings, the court said a moratorium in Fort Collins and a ban in Longmont were invalid because state law pre-empted them. A lower court had reached the same conclusion earlier.

Two other cities and Boulder County have prohibitions on fracking that presumably are affected by the decisions. With oil and gas exploration in a slump nationwide, the short-term effect of the rulings in Colorado will be small, industry officials said.

Efforts by anti-fracking people are beginning to change Colorado state law on the matter.

Deirdre Fulton, 'Passing Ban, Scottish Parliament Declares: 'No Ifs, No Buts, No Fracking': Non-binding fracking ban signals 'growing consensus that stopping climate change means we have to say no to new fossil fuels like fracked gas,'" Common Dreams, June 1, 2016,
The Scottish Parliament on Wednesday narrowly passed a motion in support of an outright fracking ban, setting up a potential showdown over the controversial fossil fuels extraction method.

The motion put forth by Labor stated: 'This parliament recognizes that, to meet Scotland's climate change goals and protect the environment, there must be an outright ban on fracking in Scotland.'

After Scottish National Party (SNP) members abstained, the motion was passed by 32 votes to 29. The SNP announced a moratorium on fracking in Scotland last January, but has stopped short of an outright ban to allow for further research.

The Guardian reports:

Scottish Labor’s environment spokesperson, Claudia Beamish, who tabled the amendment, immediately called on the SNP government to clarify its position after the vote, which does not create binding policy, but represents a significant defeat for the SNP so soon into this new parliamentary term.

Beamish said: 'The SNP government must now clarify whether or not they will respect the will of parliament and introduce an outright ban on fracking. It would be outrageous for this important vote to be ignored.'


Gov. Jerry Brown, faced with mounting public anger and no end in sight to the leak, declared a state of emergency on Wednesday for the neighborhood of about 30,000 at the edge of the San Fernando Valley. And residents — who have been demanding to know why the Southern California Gas Company cannot fix the leak to its natural gas storage well, and whether the company will compensate them for their lost property values and health problems — want to know why it has taken so long.”


The 2010 BP spill in the Gulf of Mexico was plugged after 87 days. Today is the 88th day of the SoCalGas Porter Ranch blowout.

We need national action: Ask President Obama to declare a State of Emergency in Porter Ranch and to direct the Environmental Protection Agency to shut down the Aliso Canyon Gas Storage Facility!

Over 12,000 people have evacuated their homes in Porter Ranch to avoid the noxious plume of methane spreading across the San Fernando Valley and causing headaches, nose bleeds and rashes.

Two weeks ago Governor Brown finally declared a state of emergency, but as the crisis continues this must be raised to a national level. We need President Obama to sound the alarm so that every resource necessary is going toward shutting down this massive blowout!

As time passes, the situation only gets worse:

Each day the Porter Ranch blowout accounts for a staggeringly large amount of climate pollution — accounting for up to a quarter of California's daily greenhouse gas emissions.

SoCal gas has finally acknowledged that its readings of benzene — a cancer-causing chemical — have been higher than normal at least 14 times since the leak started (after previously saying they'd only spotted higher than normal readings twice).

Now, as the company continues attempts to plug the leaking well, there are serious concerns about a major explosion. This risk is so high that workers aren't allowed to bring cell phones or watches onto the site to avoid causing a spark.
Had there been a State of the Union during the BP spill, it's hard to imagine the spill not getting a mention. Amazingly, that's exactly what happened last week on Porter Ranch — Obama was silent on the blowout in his State of the Union a week ago and has yet to use his authority to help Porter Ranch. President Obama: We need you to help stop the largest natural gas leak in U.S. history.

Over the weekend, President Obama declared a national emergency to help residents of Flint, Michigan who are being poisoned by their lead-contaminated drinking water. Food & Water Watch delivered more than 27,000 petitions to President Obama last week, calling on him to make sure the people of Flint are getting the help they deserve. Now, he must help California too.

When oil was spilling into the Gulf of Mexico, it took President Obama 10 days to pledge national resources to contain the spill. It's been 88 days in Porter Ranch. President Obama: It's way past time to Shut It Down!"


A 2013 National Academy of Sciences study of methane leaks at gas wells in the U.S. that use new technology to remove fracking liquids from wells found that they emit around 18,000 tons of methane a year, about 97% of EPA’s 2011 estimate for oil and gas well methane leaks. But this did not include about 150 wells not using the new technology that are responsible for most of the methane leaking from wells in the U.S. Moreover, this only considers leaking from wells, not from pipes and storage. EPA has begun regulating methane emissions, but only on new wells and storage facilities. There is also a voluntary EPA program for limiting methane leaks (“Stopping methane gas leak: Technology exists to cap emissions, but regulations on oil and gas industry are weak,” Christian Science Monitor, February 1, 2016).


Bobby Magill reported on the Harvard University study at Climate Central on Tuesday.

Using satellite data, the researchers found that methane emissions in the country rose over 30% over the 2002–2014 period, and that increase ‘could account for 30–60% of the global growth of atmospheric methane seen in the past decade,’ the study's abstract states.

Though the study does not attribute the increase in the U.S. to a particular source, Magill notes that the rise coincided with the fracking boom.

‘I'd say the biggest takeaway is that there is more we—the U.S.—could be doing to reduce our methane emissions to combat climate change,’ study lead author Alex Turner told Climate Central.

The U.S. Environmental Protection Agency (EPA) says that methane, which the IPCC says is 84 times as potent as carbon dioxide over a 20-year period, was responsible for about 10% of all U.S. greenhouse gas emissions from human activities in 2013. But previous studies have also found far higher levels of methane emissions than the agency’s estimates, including a 2015 study by Robert Howarth, Cornell’s David R. Atkinson Professor of Ecology and Environmental Biology.

‘Methane emissions make it a disastrous idea to consider shale gas as a bridge fuel, letting society continue to use fossil fuels over the next few decades,’ Howarth said at the time. ‘Rather, we must move as quickly as possible away from all fossil fuels—shale gas, conventional natural gas, coal and oil—and toward a truly sustainable energy future using 21st-century technologies and wind and solar power.’

The new study comes as the Obama administration continues to target methane emissions, with
the Interior Department last month unveiling a new proposal to cut emissions of the greenhouse gas from fossil fuel extraction on public lands."

Nadia Prupis "Incredible News' as Obama Pulls Plug on Offshore Drilling Plans: New five-year plan expected to end lease sales in Arctic and much of the Atlantic," Common Dreams, March 15, 2016, http://www.commondreams.org/news/2016/03/15/incredible-news-obama-pulls-plug-offshore-drilling-plans, reported, "The Obama administration is poised to ban offshore drilling in the Arctic and much of the Atlantic until 2022, with the announcement set to come as early as Tuesday.

The decision reverses course on President Barack Obama's plan a year ago to sell oil and gas leases to fossil fuel companies to drill in the waters off much of the southeastern Atlantic—a measure that led to widespread outcry from coastal communities—and follows his more recent move that ended new lease sales for drilling in the Beaufort and Chukchi Seas in the Arctic.

This is incredible news for our beaches, for our family vacations, and for sea turtles and whales," said Maggie Alt, executive director of Environment America. 'Atlantic coastal communities spoke up loudly and clearly against drilling and spilling, and today the president is standing with them.

Jamie Henn, communications director of the climate action group 350.org, tweeted in response to the news, "Yes! Now it's time to protect the Arctic, Gulf Coast, and all public lands."

The five-year plan was widely expected following Obama's meeting with Canadian Prime Minister Justin Trudeau last week, which included a significant environmental focus. In a joint statement, the leaders said they would use a science-based approach to make decisions on Arctic extraction.

Green groups welcomed the news, but cautioned that the administration must expand its protection to all federal land and water to meet its Paris climate goal of keeping global temperature rise below 1.5°C. That includes other wide swaths of the Atlantic that may not be included in the plan, such as the Gulf of Mexico, where the disaster BP oil spill took place in 2010.

'Business as usual in the Gulf has to change,' said Amanda Starbuck, program director at the Rainforest Action Network. 'We call on President Obama to heed the people’s demand in the Gulf, and across all coasts to end destructive offshore leases and keep all fossil fuels in the ground.'

Alt added, 'We applaud the president for protecting our Atlantic beaches and coastal way of life. And to avoid the worst impacts of global warming, we must keep the vast majority of oil, coal, and gas beneath the sea and in the ground. That’s why we urge the president to meet the Paris climate accord and his new agreement with Canada, and also reject new drilling in the Arctic and the Gulf.'


But that began to change two years ago when a Texas-based oil and gas company was found to have been using hydraulic fracturing, known as fracking, and matrix acidizing, a fracking-like method that dissolves rocks with acid instead of fracturing them with pressurized liquid. Neither residents nor local governments knew about it because well stimulation, the catch-all term for both techniques, does not require a separate permit and is not regulated.

The result has been an unlikely battle over fracking in Florida that is picking up steam across the state. The discovery outraged local government officials and environmentalists, who said they were worried about the effects of toxic chemicals and acids on Florida's soil and water. Nearly 80 counties and cities have passed ordinances to ban or oppose the methods, in part because of their dissatisfaction with the State Legislature’s proposals.

detected Saturday in the 30-inch Keystone I pipeline. Calgary-based owner TransCanada shut the pipeline down and sent a clean-up crew to carry out remediation work. So far, there’s been no estimate of how much oil was spilled.

While flow from the pipeline has been stopped from the tar sands depot in Hardisty, Alberta, Canada, to Wood River, Illinois, and from Steele City, Nebraska, to Cushing, Oklahoma, the 36-inch Gulf Coast line, the southern segment of the Keystone XL, which runs from Cushing to Nederland, Texas, is still in operation. An application to build the northern segment of the Keystone XL pipeline was rejected by President Obama in November. Caroline Lalley reports from the Sioux Falls Argus Leader"

The leak is the fifth in South Dakota for Keystone I, which was approved in by the Public Utilities Commission in 2008. The DENR's spill map shows three releases of petroleum in 2010 and one in 2011. One spill in 2010 took place at the same pump station, with a release of less than five gallons because of a fitting leak."

A spokeswoman for Dakota Rural Action, a grassroots organization focused on family agriculture and conservation, issued a statement of complaint about the lag-time in TransCanada’s notification of authorities after the leak was detected.

Dakota Rural Action opposes the proposed Dakota Access Pipeline (DAP), an 1,168-mile conduit through North Dakota, South Dakota, Iowa and Illinois to connect the Bakken shale formation to a giant tank farm in Patoka, Illinois. The Bakken shale is source of about 1.1 million barrels of fracked oil a day.

The project has drawn considerable opposition. On Friday, some 200 people from several of the region’s Lakota (Sioux) tribes rode horseback in protest of the DAP. Their concern is that the pipeline could leak onto lands sacred to the Standing Rock Sioux, including burial grounds, and contaminate the Missouri River just a few feet from the tribe’s reservation.

'Because we are going to be fighting this giant, all the rest of the nations came on horseback to say 'we support you',” said [Ladonna] Allard. “That is why this horse ride is so important to us. Because we’re not alone in this fight. All of our nations are coming to stand with us, and all our allies and partners. This pipeline is illegal.'

The pipeline is currently waiting on a decision from a colonel in the army corps of engineers, who oversees such projects, on whether Dakota Access will be granted a permit to proceed, according to Dallas Goldtooth, a Keep It In The Ground campaign organizer for the Indigenous Environmental Network. The tribes are petitioning for an environmental impact study, which has not at this point been done, into the pipeline.

Lakota and other Indians have been in the forefront of climate action and opposition to pipelines, including the Keystone XL."

One of those opponents is Chase Iron Eyes, a member of the Standing Rock Sioux. Iron Eyes, 38, was on Sunday unanimously endorsed by delegates of the Democratic-NPL Party for his candidacy for Congress. He’ll be running for the seat now held by Republican Kevin Kramer."


The agencies each weighed in during March and early April with separate letters exhorting the U.S. Army Corps of Engineers, which is about to make a decision about the pipeline, to conduct a formal Environmental Impact Assessment and issue an Environmental Impact Statement (EIS). Each of them cited potential effects on and lack of consultation with tribes, most notably the Standing Rock Sioux."

Edward Wong, "Report Ties Coal Plants to Water Shortage in Northern China," The New York Times,
China’s consumption of coal, a major contributor to climate change and the country’s horrific air pollution, is worsening a severe water shortage in the northern part of the country, Greenpeace said in a report released Tuesday. China’s coal-fired power plants consume more water where water is scarce than plants in any other country, according to the report, which assessed global water depletion from coal use.

A decades-long drought in northern China — home to the bulk of the country’s coal production and consumption — is worsening, and the central and local governments are grappling with widespread desertification. Officials have relocated millions of people. Beijing, the capital, where more than 20 million people live, has extremely low water levels.

A number of the largest banks in the United States announced in the first quarter of 2016 that they are no longer funding coal fired electric generating plants and are generally backing away from funding projects involving coal (Michael Corkery, "Banks Pull Back on Funding Coal." The New York Times, March 21, 2016).


Now more than four decades later, Florida Power & Light’s reactors at Turkey Point, built to satisfy the power needs of a booming Miami, are facing their greatest crisis. A recent study commissioned by the county concluded that Turkey Point’s old cooling canal system was leaking polluted water into Biscayne Bay.

This has raised alarm among county officials and environmentalists that the plant, which sits on the coastline, is polluting the bay’s surface waters and its fragile ecosystem. In the past two years, bay waters near the plant have had a large saltwater plume that is slowly moving toward wells several miles away that supply drinking water to millions of residents in Miami and the Florida Keys.

Samples of the water at various depths and sites around the power plant showed elevated levels of salt, ammonia, phosphorous and tritium, a radioactive isotope that is found in nature but also frequently associated with nuclear power plants. The tritium, which was found in doses far too low to harm people, serves as a marker for scientists, enabling them to track the flow of canal water out from under the plant and into the bay. The tritium levels in December and January were much higher than they should be in ocean water.

Environmentalists, who have waged a longtime battle over water quality with the power company, among the largest in the country, said Tuesday that they planned to sue Florida Power & Light in 60 days for violating the federal Clean Water Act unless it addressed the problem.

Nida Najar and Sushasni Raj, "Taj Mahal Under Attack by Bugs and Their Green Slime," The New York Times, May 17, 2016, http://www.nytimes.com/2016/05/18/world/asia/india-taj-mahal-pollution-yamuna-river.html?ref=todayspaper, reported, "Over the centuries, the Taj Mahal has endured its share of attacks — plundered by the Jats of northern India and looted by British soldiers, among other indignities. In recent years, officials have worried that growing air pollution could permanently darken the tomb’s brilliant white exterior.

But few people anticipated the latest affront — millions of mosquito-like insects, their numbers supercharged by nutritious algae blooming profusely along the banks of the polluted Yamuna River nearby. Like generations of romance-driven human couples before them, the bugs have swarmed the Taj Mahal on a mating flight, excreting a green substance on parts of its marble walls.

The Yamuna has suffered mightily in recent years from the dumping of solid waste in its waters, said an environmental activist in Agra, India, the site of the Taj Mahal."
Lauren McCauley, "As EU Weighs Approval, More Evidence Industry is Rigging the Glyphosate Game: Suspicious donation from Monsanto emerges after WHO seemingly flipped in its assessment of the dangers posed by the chemical," Common Dreams, May 18, 2016, http://www.commondreams.org/news/2016/05/18/eu-weighs-approval-more-evidence-industry-rigging-glyphosate-game, reported, "As European officials on Wednesday weigh whether or not to re-approve the use of Monsanto's glyphosate, a storm has erupted after the World Health Organization (WHO) seemingly flipped in its assessment of the dangers posed by the chemical.

Ahead of this week's European Commission meeting, which could approve the use of glyphosate for up to nine years, the United Nation’s Food and Agriculture Organization (FAO) and the WHO released a joint summary report concluding that the chemical, a favored ingredient of agrochemical producers like Monsanto and Dow, was "unlikely to pose a carcinogenic risk to humans from exposure through the diet."

These findings were widely (and inaccurately) reported as a 'clean bill of health' for a pesticide once declared to be 'probably carcinogenic' for humans by the WHO's International Agency for Research on Cancer (IARC).

What's more, documents obtained by the anti-GMO watchdog group U.S. Right to Know found that one of the chairs of the UN's Joint Meeting on Pesticide Residues (JMPR) had, in another capacity, received a six-figure donation from Monsanto.

The Guardian reported on Tuesday:
Professor Alan Boobis, who chaired the UN’s joint FAO/WHO meeting on glyphosate, also works as the vice-president of the International Life Science Institute (ILSI) Europe. The co-chair of the sessions was Professor Angelo Moretto, a board member of ILSI’s Health and Environmental Services Institute, and of its Risk21 steering group too, which Boobis also co-chairs.

In 2012, the ILSI group took a $500,000 (£344,234) donation from Monsanto and a $528,500 donation from the industry group Croplife International, which represents Monsanto, Dow, Syngenta and others, according to documents obtained by the US right to know campaign.

Those opposed to the chemical's re-approval in Europe said the exposed 'conflict of interest' in the FAO/WHO report should disqualify it from consideration. The EU’s deliberations, which are expected to last two days, were postponed in March after a wave of public opposition forced lawmakers to renege on their approval.

'The timing of the release of this report by the FAO/WHO could be described as cynical if it weren’t such a blatantly political and ham-fisted attempt to influence the EU decision later this week on the approval of glyphosate,' said Green MEP Bart Staes.

'Any decision affecting millions of people should be based on fully transparent and independent science that isn’t tied to corporate interests,' said Greenpeace EU food policy director Franziska Achterberg.

'It would be irresponsible to ignore the warnings on glyphosate and to re-license this pesticide without any restrictions to protect the public and the environment.'

Pointing to the discrepancy between the various reports on the toxicity of glyphosate, The Intercept's Sharon Lerner noted Tuesday that what distinguished the WHO's March 2015 study, which concluded with a cancer warning, is that it used research "on both glyphosate alone as well as the complete formations of Roundup and other herbicides," which included the impact of supposedly "inert" ingredients.

'Research on these chemicals seems to have played a role in the stark disagreement over glyphosate’s safety that has played out on the international stage over the last year,' she writes.

As Lerner noted in the in-depth report, scientific study of these other ingredients has been hampered by biochemical giants claiming industry secrets, though there is increasing evidence that the combination of chemicals could be very harmful to human health.

Lerner reports:

Independent scientists have been reporting since at least 1991 that pesticides containing glyphosate along with other ingredients were more dangerous than glyphosate on its own. More recently, two papers — one published in 2002, the other in 2004 — showed that Roundup and other glyphosate-containing weed
formulations were more likely to cause cell-cycle dysregulation, a hallmark of cancer, than glyphosate alone. In 2005, researchers showed that Roundup was more harmful to rats’ livers than its ‘active ingredient’ by itself. And a 2009 study showed that four formulations of Roundup were more toxic to human umbilical, embryonic, and placental cells than glyphosate by itself.

But because manufacturers of weed killers are required to disclose only the chemical structures of their 'active' ingredients — and can hide the identity of the rest as confidential business information — for many years no one knew exactly what other chemicals were in these products, let alone how they affected health.

As for the European Commission's negotiations, an early draft report proposed banning at least one potentially toxic co-formulant (polyethoxylated tallowamine, or POEA) though many other unknown chemicals remain in the glyphosate-based pesticides.

'The decision on glyphosate is a critical test of who’s interests the EU is acting on,' said Aisha Dodwell, a food campaigner with Global Justice Now.

'On one side,' Dodwell continued, 'there are powerful agribusiness companies like Monsanto, whose Roundup weed killer contains glyphosate and accounts for a third of its total sales. And on the other side you have over a million citizens from across the EU who have signed petitions saying that they don’t want to be exposed to chemicals that are probably causing cancer.'

With the support of the chemical industry, the U.S. Senate, in early June 2016, approved legislation updating the 1976 Toxic Substance Control Act, authorizing the EPA to begin slowly testing 64,000 chemicals, 20 at a time within 7 years per chemical. The bill would allow EPA chemical regulations to preempt stronger state regulations. Numerous health and environmental advocates criticized the bill as only a slight step forward, when much more regulation is needed (Coral Davenport, "Senate Approves Updating Of Rules on Toxic Chemicals," The New York Times, June 8, 2016).

Frank Hopper, "Is It Safe? Mercury Found in Subsistence Seal Meat, Alaskan Mine Suspected," ICTMN, April 19, 2016, http://indiancountrytodaymedianetwork.com/2016/04/19/it-safe-mercury-found-subsistence-seal-meat-alaskan-mine-suspected-164185, reported, "There is no Walmart in Angoon, Alaska. A ferry brings in food to stock the town’s only store, where a gallon of milk will run you about $10. As high as that is, traditional Native food carries an even heavier price these days. Mercury, arsenic, lead and other toxic metals suspected of coming from the nearby Greens Creek Mine are showing up in locally harvested seafood, potentially costing you your health.

The rural village of approximately 400 people on the west side of Admiralty Island sits about 60 miles southwest of Juneau in the Tongass National Forest. The population of mostly Tlingit people are 80 percent unemployed, yet they don’t consider themselves poverty-stricken.

'You ask anyone here, we’re not living in poverty. We don’t consider it poverty as long as we have our resources. And now those resources are in question,' tribal president Albert Howard told ICTMN. 'Everyone here assumed that our food was safer than anything we can buy at the store. And now it makes you wonder.'"

Nadia Prupis, "GMOs Safe to Eat, Says Research Group That Takes Millions From Monsanto: 'We won't have good public policy on new technologies like GMOs until these rampant conflicts of interest are exposed,' says Food & Water Watch," Common Dreams, May 18, 2016, http://www.commondreams.org/news/2016/05/18/gmos-safe-eat-says-research-group-takes-millionsmonsanto, reported, "Public skepticism is growing over a new report that claims genetically modified (GE or GMO) foods are safe for consumption, particularly as information emerges that the organization that produced the report has ties to the biotechnology industry.

Genetically Engineered Crops: Experiences and Prospects (pdf), released Tuesday by the federally-supported National Academies of Sciences, Engineering, and Medicine, states not only that GMO crops are safe to eat, but that they have no adverse environmental impacts and have cut down on pesticide use. Its publication comes as U.S. Congress—which founded the institution—considers making GMO labeling mandatory on consumer products.

'There clearly are strong non-safety arguments and considerable public support for mandatory labeling
of products containing GE material. The committee does not believe that mandatory labeling of foods with GE content is justified to protect public health,' the report states.

However, one day before publication, the environmental advocacy group Food & Water Watch (FWW) reported in an issue brief (pdf) that the National Research Council (NRC)—the National Academy of Sciences’ research arm—has deep ties to the biotech and agricultural industries, which FWW says have 'created conflicts of interests at every level of the organization.'

The NRC and the National Academy of Science take millions of dollars in funding from corporations like Monsanto, DuPont, and Dow Chemical, FWW reported in its issue brief, Under the Influence: The National Research Council and GMOs (pdf).

Representatives from those companies—along with Cargill, General Mills, and Nestlé Purina, among other GMO-friendly businesses—also sit on the NRC's board that oversees GMO projects. NRC has not publicly disclosed those ties, FWW said. In fact, more than half of the invited authors of the new report have ties to the industry.

According to the issue brief, not only does the NRC have a history of bias toward the industry, it has also worked to silence critics of GMOs and of the companies that sit on its board.

'While companies like Monsanto and its academic partners are heavily involved in the NRC's work on GMOs, critics have long been marginalized,' said Wenonah Hauter, FWW executive director. 'Many groups have called on the NRC many times to reduce industry influence, noting how conflicts of interest clearly diminish its independence and scientific integrity.'

The issue brief states:

Weak, watered-down or biased findings from the NRC have a very real impact on our food system. Policy makers develop 'science-based' rules and regulations on GMOs based on what the science says—especially what the NRC says, because it is part of the National Academy of Sciences, chartered by Congress to provide scientific advice to the federal government.

And this is where science can become politicized. Companies like Monsanto need favorable science and academic allies to push their controversial products through regulatory approval and on to American farms. Corporate agribusinesses pour millions of dollars into our public universities, play a heavy hand in peer-reviewed scientific journals and seek to influence prestigious scientific bodies like the National Research Council.

Despite these criticisms, the NRC has continued to cover up its connections to agribusiness and the true influence the industry wields over its research.

'Under the Federal Advisory Committee Act, the NRC is required to form balanced committees of scientists to carry out its research—and to disclose any conflicts of interest,' Hauter continued. 'Yet the NRC failed to disclose even the conflicts of the members of this deeply unbalanced committee.'

In its issue brief, FWW called for specific changes to combat industry influence:

Congress should expand and enforce the Federal Advisory Committee Act to ensure that the scientific advice the NRC produces for the government is free of conflicts of interest and bias;

Congress should immediately halt all taxpayer funding for agricultural projects at the NRC until meaningful conflicts-of-interest policies are enforced;

The NRC should no longer engage funders, directors, authors or reviewers that have a financial interest in the outcome of any of the NRC's work; and

The NRC should prohibit the citation of science funded or authored by industry, given the obvious potential for bias.

'Agribusiness companies like Monsanto have an outsized role at our public universities, at peer-reviewed journals, and the NRC,' Hauter concluded. "We won't have good public policy on new technologies like GMOs until these rampant conflicts of interest are exposed."

Sabrina Taverna, "Environmental Factors Like Pollution Cause a Quarter of Deaths, W.H.O. Says,” The New York Times, March 15, 2016, http://www.nytimes.com/2016/03/15/health/environmental-factors-like-pollution-cause-a-quarter-of-deaths-who-says.html?ref=todayspaper, reported, "About a quarter of all deaths globally are attributable to preventable environmental factors, such as air and water pollution,
according to a new report by the World Health Organization.

The report, based on data from 2012, found that environmental risk factors accounted for about 12.6 million deaths out of a total of 55.6 million. One of the biggest scourges was air pollution, which caused not only lung and respiratory infections but also heart disease and cancer. Water pollution and poor sanitation contributed significantly to diarrheal diseases and infant mortality.

Nadia Prupis, “Air Pollution Killing Millions, Threatening Global Health Systems: ‘We are storing up problems. These are chronic diseases that require hospital beds. The cost will be enormous’," Common Dreams, January 18, 2016, http://www.commondreams.org/news/2016/01/18/air-pollution-killing-millions-threatening-global-health-systems, reported, “The World Health Organization (WHO) over the weekend warned that skyrocketing air pollution levels are killing millions of people in thousands of cities and are poised to take an "enormous" toll on public health services worldwide.

"We have a public health emergency in many countries from pollution. It’s dramatic, one of the biggest problems we are facing globally, with horrible future costs to society," said Dr. Maria Neira, head of public health at WHO.

"Air pollution leads to chronic diseases which require hospital space. Before, we knew that pollution was responsible for diseases like pneumonia and asthma," Neira said. "Now we know that it leads to bloodstream, heart and cardiovascular diseases, too—even dementia."

The latest figures come from pollution data in 2,000 cities, where growing populations have led to a surge in traffic, construction, and power generation—leaving huge areas to grapple with toxic smog and rising greenhouse gases that cannot be resolved without an overhaul of infrastructure. The WHO next month will issue more in-depth statistics showing the steady rise of pollution in urban areas since 2014. "We are storing up problems," Neira said Saturday. "These are chronic diseases that require hospital beds. The cost will be enormous."

The announcement comes as activists around the world call on governments to do more to tackle the crisis.

In China last month, the government issued its most severe air pollution warning for the second time in as many years, requiring a reduction in cars on the road and a halt in production at certain factories. Recent research there has found that pollution kills more than 1.5 million people in China annually, or 4,400 per day—comprising 17 percent of the country's total deaths every year.

Lord Stern, a leading British economist, told the Guardian on Saturday, “"Air pollution is of fundamental importance. We are only just learning about the scale of the toxicity of coal and diesel. We know that in China, 4,000 people a day die of air pollution. In India it is far worse. This is a deep, deep problem."

A study by the International Energy Agency, released in April 2016, found that air pollution - much of it from burning coal and vehicle exhaust - kills some 6.5 million people worldwide each year. The agency called for closing coal plants and putting stricter emissions standards in place to counter the problem (Stanley Reed, "Study Links Air Pollution To Over 6 Million Deaths," The New York Times, April 27, 2-016).

Mexico City, which had greatly reduced its serious air pollution some years ago by closing area oil refineries, has returned to being a toxically air polluted city as the metropolitan area population has grown to 20 million, with a great many driving cars in slow heavy traffic (Elisabeth Malkin, "Pollution Returns to a City Where Driving Is Hardly an Option," The New York Times, June 14, 2016).

Researchers at Carnegie Melon University, in a study reported in the Journal of Energy Policy, found that air pollution in the United States in 2011 $131 billion in damages, mostly in health related costs, down from $176 million in 2002 because of more stringent regulation. The costs reported in the Carnegie Melon study are considerably higher than the U.S. air pollution costs earlier estimated by thin a National Academy of Sciences paper (Chelsea Harvey, “Air pollution’s staggering economic toll: Analysis


The report, which compiled air quality readings from 3,000 cities in 103 countries, found that more than 80 percent of people in those cities were exposed to pollution exceeding the limits set by W.H.O. guidelines, above which air quality is considered to be unhealthy. And in poorer countries, 98 percent of cities with more than 100,000 inhabitants were out of compliance with the health organization’s guidelines.

Lower levels of pollution were far more prevalent in North America and higher-income European countries than in most other places, especially countries like India, Pakistan and China.

But in Europe, a higher percentage of cities exceeded the limits set by the W.H.O. than in North America."


In Madagascar, an island nation off the eastern African coast and one of the world’s richest nations in biodiversity, the booming charcoal business is contributing to deforestation. It is expected to exacerbate the effects of climate change, which has already disrupted farming, fueled a migration to cities, and pushed many rural residents into the one thriving business left: charcoal." There are similar developments elsewhere in Africa.


*India’s Supreme Court ordered several traffic restrictions in New Delhi in the face of extreme air pollution*, in Mid-December 2015 (Nida Nadar, "India: Pollution Prompts Vehicle Limits,” *The New York Times*, December 17, 2015).

Elisiabet Malkin, "Prosperous Mexican Farms Suck Up Water, Leaving Villages High and Dry ," *The New York Times*, May 19, 2016, http://www.nytimes.com/2016/05/20/world/americas/mexico-water-farms-drought.html?ref=todayspaperh, reported, "But the well in San Antonio de Lourdès, a village in Guanajuato State in central Mexico, went dry years ago. The village itself, depleted by poverty and migration, seems to be drying up, too, and only 29 children are left in the primary school. But a half-hour’s drive away, fertile farms pump water from deep underground to irrigate fields that grow broccoli and lettuce for American supermarkets."

The president of the Samarco mining company and six other people were charged by Brazilian authorities with aggravated homicide over the deaths of at least 17 people after the Fundão dam burst, at an iron mine, November 5, 2015, causing a flood and polluting drinking water ("Brazil: 7 Charged Over Dam Disaster,” *The New York Times*, February 23, 2016,
The U.S Congress passed a ban on the use of microbeads in a wide variety of products, that get into the food chain, especially in the oceans, damaging to many species, and which once ingested, work their way up the food chain to what people eat (John Schwartz, “Ban on Microbeads Proves Easy to Pass Through Pipeline,” The New York Times, December 23, 2015).

Lauren McCauley, “About Time! FDA Will Begin Testing Foods for Toxic Weedkiller Residue: The agency has never tested for glyphosate, despite its status as the most heavily-used herbicide ever and a ‘probable carcinogen’,” Common Dreams, February 17, 2016, http://www.commondreams.org/news/2016/02/17/about-time-fda-will-begin-testing-foods-toxic-weedkiller-residue, reported, “Amid growing international concern over the health risks posed by Monsanto weedkiller glyphosate, the U.S. Food and Drug Administration (FDA) will reportedly begin testing for the herbicide this year.

After speaking with FDA officials, Civil Eats reported Wednesday that the agency will begin testing for residues of glyphosate in certain foods, marking the first time in FDA history that it has tested for the chemical, despite its status as the most heavily-used herbicide ever, and having been declared "probably carcinogenic to humans" by the World Health Organization (WHO).

‘FDA officials dubbed the issue 'sensitive' and declined to provide details of the plans,’ according to Civil Eats, but FDA spokeswoman Lauren Sucher confirmed that the agency "is now considering assignments for Fiscal Year 2016 to measure glyphosate in soybeans, corn, milk, and eggs, among other potential foods.’

As reporter Carey Gilliam notes, both soybeans and corn are ‘common ingredients in an array of food products and genetically engineered (or GMO) varieties are commonly sprayed with glyphosate,’ which is the key ingredient in Monsanto's Roundup spray.

Independent studies have found glyphosate residues in honey and soy products, as well as in breastmilk and infant formula samples. Last year, the International Agency for Research on Cancer (IARC), WHO's research arm, published a groundbreaking report connecting glyphosate, among other insecticides, with various human cancers. The IARC concluded that ‘limited evidence’ shows the herbicide can cause non-Hodgkins lymphoma in humans and cited additional ‘convincing evidence’ that it can cause other forms of cancer in both rats and mice.

‘In the wake of intense scrutiny, the Food and Drug Administration has finally committed to taking this basic step of testing our food for the most commonly used pesticide. It’s shocking that it’s taken so long, but we’re glad it’s finally going to happen,’ said Dr. Nathan Donley, a scientist with the Center for Biological Diversity, in a statement on Wednesday.

‘More and more scientists are raising concerns about the effects of glyphosate on human health and the environment,’ Donley continued. ‘With about 1.7 billion pounds of this pesticide used each year worldwide, the FDA's data is badly needed to facilitate long-overdue conversations about how much of this chemical we should tolerate in our food.’

Food industry transparency group U.S. Right to Know issued a statement Wednesday calling the FDA's plan a "good first step," but added that "testing must be thorough and widespread." The group's co-founder Gary Ruskin also advocated for the U.S. Department of Agriculture (USDA) to "get on board," and increase glyphosate monitoring in its own pesticide testing program.

Only once, in 2011, has the USDA conducted a test for glyphosate and reportedly found residues in 271 of the 300 soybean samples.

‘The alarm bell is ringing loud and clear," Donley declared. "The current cavalier use of glyphosate, and lax regulation, cannot remain in place. It's long past time to start reining in the out-of-control use of this dangerous pesticide in the United States and around the world.'"

"EPA Study: 97 Percent of Endangered Species at Risk From Pesticides," Endangered Earth On-Line,
April 14, 2016, http://www.biologicaldiversity.org/publications/earthonline/endangered-earth-online-no822.html, reported, A settlement with the Center for Biological Diversity pushed the Environmental Protection Agency last week to release a far-reaching study -- the first rigorous nationwide analysis of the effects of pesticides on endangered species. The resulting news was dire but didn't surprise us: 97 percent of the nation's 1,700 protected endangered species are likely to be hurt by two common pesticides, malathion and chlorpyrifos. Another 79 percent are likely to be hurt by a third toxin, diazinon.

"For the first time in history, we finally have data showing just how catastrophically bad these pesticides are for endangered species -- from birds and frogs to fish and plants," said the Center's Lori Ann Burd. "The EPA has allowed chemical companies to register more than 16,000 pesticides without properly considering their impacts. We need to take this new information and create common-sense measures to protect plants, animals and people from these chemicals.'

This week's study is the first in a series the EPA must complete under its settlement with the Center.


In the aftermath of a spill of toxic water from an abandoned mine into the Animus River in Colorado, EPA has proposed adding the Bonita Peak Mining District, with many abandoned mines including the source of the spill, to the National Priorities List (NPL) or Superfund, for clean up, which would still take considerable time (Damon Toledo, "EPA proposes adding Bonita Peak to NPL list." Southern Ute Drum, April 29, 2016).

An environmental and financial feasibility assessment by the Department of the Interior caused the Department, on November 23, 2015, to add conditions to an agreement to allow a diversion of the Gila River, in New Mexico, which make it unlikely that the diversion will be constructed, due to the high costs and the complexity of the compliance process that would be involved, providing that the department carries out honest and rigorous oversight. Environmentalists have been concerned that the diversion would be damaging to an ecologically sensitive area (Allyson Siwik, “Feds OK Fila diversiob, with conditions,” Rio Grande Sierran, January/February/March 2016).

Congressman Beto O’Rourke introduced the Castner Range National Monument Act in the U.S. House, December 16, 2015, that would create a 7081 acre national monument for the Range, which is surrounded by the Franklin Mountains State Park in North East El Passo, TX. The range has the highest concentration of springs in the Franklin Mountains, and to date has remained a pristine area (Janae' Reneaud Field, “Bill would protect Castner Range,” Rio Grande Sierran, January/February/March 2016).

At least 10 gold mining operation in British Columbia are either in the exploration stage or under review. If fully started up, their likely and potential pollution on rivers that flow to South East Alaska poses a serious threat to Salmon that spawn there, and to the Alaska and vicinity Alaska fishing industry (Brendan Jones, “A Canadian Threat to Alaska Fishing," The New York Times, January 24, 2016}.


"U.S. Secretary of the Interior Sally Jewell , Yurok Tribal Chair Thomas P. O’Rourke Sr., Karuk Tribal Chair Russell “Buster” Attebery, Klamath Tribal Chair Don Gentry, the governors of Oregon and
California, and dam owner PacificCorp signed the landmark agreements, set out on two long fish tables, on the Yurok Indian Reservation in northern California on April 6."

“O’Rourke said the agreement means the Klamath River can begin to heal. ‘Dam removal is a key element of large-scale fish restoration efforts on the Klamath, and we believe it puts the people of the Klamath Basin back on a path toward lasting prosperity,’ O’Rourke said in a statement. The dam demolitions are slated to begin by 2020, but the agreement still needs approval from the Federal Energy Regulatory Commission (FERC). That shouldn’t pose a problem, said Craig Tucker, Natural Resources Policy Advocate for the Karuk Tribe, since dam owner PacificCorp is a willing seller."


The latest stock assessment, released April 18 by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC), shows that overfishing has now driven the stock down by 97.4 percent. To put it another way, the Pacific bluefin population is just 2.6 percent of its original size. Adding to the bad news, projections show that unless fishery managers take swift action, Pacific bluefin has less than a 1 percent chance of rebuilding to healthy levels within two decades." The 18 marine police officers of PalAu have been doing very well in preventing illegal fishing in a protected area the size of France, offering lessons for others ("Sea Sweepers," The New York Times Magazine, February 21, 2016).

The U.S. National Atmospheric and Oceanic Administration, finding that many oceanic species, especially whales, suffer from the noise of the now large number of ocean vessels, in early June 2016, released a draft 10-year Ocean Noise Strategy Roadmap, to reduce human caused noise at sea (Tatiana Schlossberg, "An Effort to Give Ocean Life Some Peace and Quiet," The New York Times, June 5, 2016).

Climate change continues to make it very hard on Walrus, with 35,000 crowding ashore on northwest Alaska coast beaches, in September 2015, as there is no longer enough sea ice for them to rest on ("Alaska: Walrus Again Crowd onto Shore," The New York Times, September 11, 2015).


Consider the odyssey of a bird known as the red knot. Each spring, flocks of the intrepid shorebirds fly up to 9,300 miles from the tropics to the Arctic. As the snow melts, they mate and produce a new generation of chicks. The chicks gorge themselves on insects, and then all the red knots head back south."

“The precipitous decline of the red knots that winter in West Africa may provide a small but telling parable of the perils of climate change.

In a study published Thursday in the journal Science, Dr. van Gils and his colleagues present evidence that indicates climate change is putting pressure on the birds along their entire journey, possibly helping to drive down the birds’ population and making them yet another of many species around the world being affected by climate change.

The new study shows how climate change can create ecological ripples that can threaten a species in unexpected ways."
“Looking at satellite images of their Arctic summer habitat, the scientists found a clue to this trend. The Arctic has been warming up earlier because of climate change. Today, the snow is melting two weeks earlier than in 1985.

The insects in the Arctic are responding to the shift by hatching earlier. But the red knots are not adjusting their schedule. By the time their chicks hatch, the insects are far past their peak, and the birds can’t find as much food as they could 30 years ago.

When the birds arrive in Mauritania in July, the smaller juveniles with shorter beaks cannot dig deep enough to eat their regular diet of clams. Instead, they are eating more sea grass. This new diet appears to be taking a toll: Dr. van Gils and his colleagues have found that juvenile red knots with short bills are more likely to die than birds with long bills.

"Dr. van Gils said that climate change might be a factor behind the decline of the red knots that winter in Mauritania. They have decreased from about half a million birds to a quarter of a million.

'If that continues, they’re going to go extinct,' he said."

"Oklahoma Tribes Collaborate to Protect Monarch Butterflies," ICTMN, May 25, 2016, http://indiancountrytodaymedianetwork.com/2016/05/25/oklahoma-tribes-collaborate-protect-monarch-butterflies-164590, reported, "The Citizen Potawatomi, Chickasaw and five other tribes in Oklahoma are using grant money to create and enhance monarch butterfly habitat, in conjunction with two other groups dedicated to saving the species.

The seven tribes announced the collaboration earlier this month, but several of them have been planting milkweed and other monarch-friendly plants for years. On this project they are working with the Monarch Watch program out of the University of Kansas and the Euchee Butterfly Farm in Oklahoma on a collaboration funded by a $248,000 grant from the National Fish and Wildlife Foundation that was matched by a number of other donors for a total of $527,154. The other participating tribes are the Eastern Shawnee, Miami Nation, Muscogee (Creek) Nation, Osage Nation and Seminole Tribe, according to Native Times. They plan to plant a total of 5,000 milkweed plants on tribal lands over the next two years, Native Times reported."


The bird, the helmeted hornbill, is already threatened by habitat loss in the lowland forests of Malaysia and western Indonesia, but now poaching is rising sharply, according to conservation groups.

The number of tigers estimated to be living in the world rose for the first time, this year, in more than a century (Christine Hauseer, "Number of Tigers in Wild Rises for First Time in a Century. Conservationists Say," The New York Times, April 12, 2016).

Erica Goode, "Leopards Are More Vulnerable Than Believed, Study Finds," The New York Times, May 4, 2016, http://www.nytimes.com/2016/05/05/science/leopards-are-more-vulnerable-than-believed-study-finds.html?ref=todayspaper, reported, "A study published Wednesday suggests that leopards have lost as much as 75 percent of their historical range since 1750. At that time, the big cats roamed over about 13.5 million square miles in Africa, Asia and parts of the Middle East. But that has shrunk to about 3.3 million square miles, according to the study, conducted by a team of 14 scientists representing 15 universities and organizations, including the Zoological Society of London, the Wildlife Conservation Society, the Iranian Cheetah Society, National Geographic and Panthera, a global wild cat conservation organization.

The study, which appears in the journal PeerJ, is believed to be the first to assess the leopard’s status globally across nine subspecies and won immediate praise from other scientists for its scope and detail."
These trees are the fastest-growing conifers in the world, reaching heights of 379 feet, with trunks 30 feet in diameter, leaving would-be competitors in the shade. Giant Sequoias grow on the western slopes of California’s Sierra Nevada and can live as long as 3,000 years. Coastal redwoods, which can live to be more than 2,000 years old, sprout along a 20-mile-wide, 470-mile-long ribbon on the continent’s edge, where ever-present fog supplies the trees with life-giving moisture and nutrients.

Now that fog is fast fading away. Rising temperatures brought on by global warming are resulting in more fog-free days on the coast, while record drought deprives both redwoods and sequoias of water. The rapidity of the change in their environment wrought by the burning of fossil fuels threatens to overwhelm the giant trees.

"The climate changes that redwoods have seen in the past, they were taking place over millennia,' says Todd Dawson, a redwood expert and a professor at UC Berkeley. "It would take a thousand years for temperatures to change over two degrees. N

"Coastal redwoods and their even bigger and longer-lived inland cousins, the giant sequoias, are not just trees that inspire awe in the most nature-averse city dweller. The largest organisms on Earth, redwoods and sequoias absorb more planet-warming carbon dioxide than any other trees. As scientists have recently discovered, the giant trees continue to grow and sequester carbon even after a thousand years. Their branches and house-size canopies shelter a host of endangered animals, from the northern spotted owl and marbled murrelet—a rare seabird—to the Pacific fisher and the Humboldt marten, two weasel-like critters.

Redwoods are built for survival. Their foot-plus-thick bark shields the trees from fatal fires, and a red-tinged chemical responsible for giving the trees their namesake color protects them against insects and fungus. They are the fastest-growing conifers in the world, reaching heights of 379 feet, with trunks 30 feet in diameter, leaving would-be competitors in the shade. Giant Sequoias grow on the western slopes of California’s Sierra Nevada and can live as long as 3,000 years. Coastal redwoods, which can live to be more than 2,000 years old, sprout along a 20-mile-wide, 470-mile-long ribbon on the continent’s edge, where ever-present fog supplies the trees with life-giving moisture and nutrients.

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stressed than trees showing lower foliage loss.

'These trees are remarkably resilient to drought; they’ve survived thousands of years going through extreme weather events, and overall, we’re not seeing the mortality events in sequoias we’re seeing in other tree species,” Ambrose says.

So have the sequoias averted disaster, especially as El Niño soaks the Sierra after four years of record drought? At his Berkeley lab, Dawson isn’t so sure.

'With this most recent drought, I think we’ve hit a tipping point,' he says. “The trees may have been able to cope with the water stress, but the canopy loss recorded in these 2,000- and 3,000-year-old trees—we’ve never seen a four-year period like this.'

Now Dawson fears the remaining 75 giant sequoia groves scattered across the mountainous 250-mile Sierra Nevada range won’t have enough time to recover. The higher temperatures and drought that have sapped California for the past four years could be the new normal.

'All of the records we have go back millions of years, from ocean sedimentary cores, and all of the really long-term records allow us to measure how climate has changed on the earth over time, but we have never recorded any changes with the velocity that we’re seeing today,' Dawson says."

Mark Wedel, Second Wave Media, "Can Wasps Save the Ash Tree? Native Americans Are Giving It a Try," ICTMN, December 28, 2016, http://indiancountrytodaymedianetwork.com/2015/12/28/can-wasps-save-ash-tree-native-americans-are-giving-it-try-162889, reported, "The Pokagon Band of Potawatomi are fighting emerald ash borers the natural way and hope to preserve a part of their heritage in the process."

"They're fighting an enemy of the Pokagon Band of Potawatomi, the emerald ash borer, an invasive species from China that has been wiping out an important part of Michigan's Native American culture, the ash tree."

"The wasps, also from China, are tiny in size, ranging from fruit fly to mosquito, and stingless, but they have a powerful ability to hunt out borer larvae burrowing under ash bark. The wasps work as 'parasitoids.' The wasps lay their eggs on the emerald ash borer offspring in the late summer to fall. Over the winter, something out of the movie Alien happens, but on a much smaller scale.

Only one facility, in Brighton, north of Ann Arbor, raises the wasps for the USDA Animal and Plant Health Inspection Service (APHIS). As the borer has spread, so has demand for the wasps."

A number of nations, including the U.S., China, Russia, Chile, South Korea, Brazil and Germany Germany are active in Antarctica, some with permanent colonies or research stations, as many nations seek access to its mineral wealth as its ice melts (Simon Romero, “Array of Players Join Race for Space at the Bottom of the World,” The New York Times, December 30, 2015).

A report by the Democratic staff of the U.S. House Natural Resources Committee found that allowing regulated hunting and charging fees used for conservation, does not actually help conservation of threatened species, because of rampant corruption and poorly managed game preserves in some countries (Jada E. Smith, "Report Finds Fees Do Not Help Conservation,” The New York Times, June 15, 2016).

"Park guards arrested for poaching in “shoot to kill” wildlife reserve," Survival International, May 6, 2016, http://www.survivalinternational.org/news/11260, reported, "Four staff members at the Indian National Park that recently hosted Prince William and Katherine have been arrested for alleged involvement in rhino poaching.

An investigation has been launched into links between Kaziranga park guards – who carry guns and are encouraged to shoot poachers on sight – and poaching networks. The news comes just weeks after Survival International revealed that 62 people have been shot dead in the park by wildlife guards in just nine years, under a brutal “shoot to kill” policy.
The arrests raise questions over the advisability of a militarized approach to wildlife conservation, which can lead to guards’ involvement in poaching, and human rights abuses.

Locals, many of them tribespeople who were illegally evicted from their land to create the reserve, report that people have been killed while entering the park in search of stray cattle, or to collect firewood. Others allege that some are murdered as scapegoats to cover up the failure of the park guards to catch the real poachers – criminals conspiring with corrupt officials.

Kaziranga is notorious for its hard-line anti-poaching policies. A 2014 report by the park’s director stated that nine dead poachers in one year was “not enough” and also included an acrostic which appears to encourage park guards to commit extrajudicial executions. It included the maxims “must obey or get killed” and “never allow any unauthorized entry (Kill the unwanted).”

Not all national parks in India employ violence and evict tribal peoples as a matter of course. In BRT tiger reserve in southern India, the Soliga tribe was the first to have their right to stay on their ancestral land recognized. In their tiger reserve, the number of tigers has increased at a rate significantly above the national average.

This policy was recently praised by India’s “Save our Tigers” campaign, which claimed that BRT had turned conservation logic “on its head” and demonstrated that militarized conservation and tribal evictions are not necessary to protect tigers.

One Soliga man, speaking out against shoot to kill policies and illegal tribal evictions, said: ‘Most of the forest officials don’t understand the relationship between the forest and tribal people, they need to understand tribal culture and how tribal people live in the forest. We are the indigenous people of this country, we are the human beings of this country and we have been involved in forest conservation for centuries. Wildlife and tribes can live together and the Forest Department should involve the tribes and local communities together in tiger conservation.”

The National Parks Conservation Association, https://secure.npca.org/site/Advocacy;jsessionid=30F4C9F2C5C97E702BCF0E058D366AA5.app322b?name=homepage&page=UserAction&id=1606&autologin=true&AddInterest=1084, reported, February 12, 2016, “Joshua tree forests, sites of historic and cultural significance, areas rich with wildlife, soaring mountain ranges, and precious desert water resources will be forever preserved—and our newest national park site will be created.”

“Castle Mountains National Monument, surrounded on three sides by Mojave National Preserve, is America’s newest national park site during this centennial year of our country’s “best idea.”

"Forest Service Nixes Massive Commercial Development at Grand Canyon’s Edge," ICTMN, March 14, 2016, http://indiancountrytodaymedianetwork.com/2016/03/14/forest-service-nixes-massive-housing-development-grand-canyons-edge-163749, reported, "Nearly 200,000 comments, letters, petition signatures and other opposition to a controversial attempt to build a massive commercial development just a mile from the south entrance of the Grand Canyon have helped lead the U.S. Forest Service to reject the proposal.

The project would have paved the way—literally—for 2,000 units of multi-family and single-family housing, thousands of hotel rooms for visitors to the South Rim, two visitor-education foci—the Insight campus and the Native American Cultural Center—one million square feet of retail space, a spa, a conference center and community facilities, to be developed by Gruppo Stilo, an Italian development firm. The 600-population town of Tusayan had requested permission to expand roads and utilities in Kaibab National Forest in order to enable the development, and it’s that request that was denied even a review." The massive size of the project raised major environmental issues.
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

Congressional Developments

"Older Americans Act, including Native American Programs, Reauthorized," Hobbs-Straus General Memorandum 16-029. April 22, 2016 http://hobbsstraus.com/general-memorandum-16-029, reported, On April 19, 2016, President Obama signed as PL 114-144, S 192, the Older Americans Act Reauthorization of 2016 (Act). It reauthorizes Older Americans Act programs though FY 2019, including Native American Nutrition and Supportive Services and Native American Caregiver Support. The authorization for the Older Americans Act expired in 2011 but Congress has continued to fund it.

Native American Nutrition and Supportive Services. The Act provides authorization levels which would allow modest increases over the current appropriation for the Native American Nutrition and Supportive Services program. The program provides funds for congregate and home-delivered meals, transportation, health screening (including oral health), and other services. A new provision encourages the use of locally-grown food when feasible.

The Native American program is authorized separately from the formula-funded state nutrition and supportive services programs. The Act continues language that the Older Americans Act services under the Native American programs are to be comparable to those provided under the state programs. It also continues the Sense of Congress provision that Indians, Alaska Natives and Native Hawaiians are "a vital resource entitled to all benefits and services available and that such services and benefits should be provided in a manner that preserves and restores their respective dignity, self-respect, and cultural identities."

Currently, there are 264 tribal organizations representing 400 tribes and one Native Hawaiian organization receiving formula-based funds from this program. Funds are distributed based on their share of the Native population age 60 and over. Grantees must represent at least 50 Native Americans age 60 or over, although may they deem as "elder" and provide services to persons under age 60.

The FY 2016 appropriation for this program is $31.5 million. The Act provides the following authorization levels:
FY 2017 FY 2018 FY 2019
$31.9 million $32.6 million $33.6 million

Native American Caregiver Support. The FY 2016 appropriation for this program is $7.5 million. As with the Services program, the authorization levels would allow for modest funding increases. The Act provides the following authorization levels:
FY 2017 FY 2018 FY 2019
$7.7 million $7.9 million $8.0 million

Currently, there are 231 tribal organizations receiving formula-based funds from this program. Funds are distributed based on their share of the Native population age 60 and over. Grantees must represent at least 50 Native Americans age 60 or over, and must be receiving a Native American Nutrition and Supportive Services award. Funds are for the purpose of assisting tribes in providing support services for family caregivers as well as for grandparents caring for grandchildren. Services include respite, caregiver training, information and outreach, counseling and support groups. The Act clarifies that older adults caring for older children with disabilities are eligible to participate in the program.

Other. There are additional programs in the Older Americans Act including the Ombudsman Program, Resource Centers, and Community Service Employment. We attach a brief summary of the Act prepared by the House Education and the Workforce Committee."
"Bill Introduced in Senate to Affirm Tribal Criminal Jurisdiction over Child Violence and Drug-related Offenses by Non-Indian Offenders," Hobbs-Straus General Memorandum 16-028, April 22, 2016, http://hobbsstrauss.com/general-memorandum-16-028, reported, "On April 12, 2016, Senator Jon Tester (D-MT) introduced S 2785, the Tribal Youth and Community Protection Act of 2016, to expand tribal criminal jurisdiction over non-Indians for certain child abuse and drug-related offenses committed in Indian Country, as well as crimes committed against tribal police officers exercising tribal criminal jurisdiction. The bill, which is cosponsored by Senator Al Franken (D-MN), has been referred to the Senate Committee on Indian Affairs. This bill is intended to implement recommendations of the Indian Law and Order Commission, established under the Tribal Law and Order Act of 2010, to restore inherent authority of tribal courts and the inherent authority of tribes to protect Native children from violence and communities from illegal drugs.

S 2785 builds considerably on the expansion of tribal criminal jurisdiction under the Violence Against Women Reauthorization Act of 2013 (VAWA), which amended the Indian Civil Rights Act (ICRA) to affirm the inherent right of tribes to exercise limited “special domestic violence criminal jurisdiction” over non-Indian defendants in their territory for certain dating and domestic violence crimes, provided the tribes meet certain requirements to protect the due process rights of those criminal defendants. S 2785 would replace references to “special domestic violence criminal jurisdiction” in the ICRA (as amended by the VAWA) with “special tribal criminal jurisdiction,” and would define such jurisdiction to include child violence, drug-related felonies or misdemeanors, and other “related conduct” committed in connection with the tribe’s exercise of special tribal criminal jurisdiction over the defendant. As with special domestic violence criminal jurisdiction under the VAWA, the special tribal criminal jurisdiction under S 2785 would not extend to any criminal offense where both the victim and defendant are non-Indians, with the exception of drug offenses.

S 2785 defines “child violence” to include felony or misdemeanor violations of tribal criminal law that are committed against a child by a caregiver or by a person that would be subject to tribal criminal jurisdiction if the crime was committed against the parent, legal custodian, or guardian of the child under tribal law. This latter category appears to be intended to ensure that individuals who are already subject to tribal jurisdiction for dating and domestic violence offenses against a spouse or romantic partner under the VAWA are also subject to tribal jurisdiction for violence they commit against any child in the custody of that spouse or romantic partner. “Caregiver” is defined as a parent, guardian, or legal custodian of the child; any relative of the child; a person who resides or has resided regularly or intermittently in the same dwelling as the child; a person who provides or has provided care for the child; any person who exercises or has exercised temporary or permanent control over the child; or any person who temporarily or permanently supervises or has supervised the child.

Significantly, the bill would affirm tribal criminal jurisdiction to all persons who commit a drug offense, which is defined as a drug-related felony or misdemeanor of the tribe, if the offense occurs in the Indian Country of the participating tribe. For drug offenses the participating tribe would not have to show that the person maintained any connection to the tribe except to commit the offense in the tribe’s Indian Country. The bill would also affirm tribal criminal jurisdiction over defendants who engage in “related conduct,” which is defined as violations of tribal criminal laws or contempt authority that occur in the tribe’s Indian Country and in connection with a tribe’s exercise of special tribal criminal jurisdiction.

Like the VAWA, S 2785 would recognize and affirm inherent tribal authority to exercise criminal jurisdiction over non-Indians that tribes are currently precluded from exercising under the Supreme Court’s 1978 decision in Oliphant v. Suquamish Indian Tribe. The bill would not delegate federal criminal jurisdiction to tribes nor would it impact existing federal or state jurisdiction. During consideration of the VAWA, several members of Congress vigorously debated the constitutionality of affirming inherent tribal authority to exercise jurisdiction over non-Indians outside the protection of the United States Constitution and its Bill of Rights. The question has not yet been addressed by the federal courts, though a limited number of tribes began exercising expanded jurisdiction under the VAWA as early as 2014. Similar concerns and objections are likely to be voiced in connection with consideration of S 2785. However, Senator Tester stated in a press release, “Tribal communities must have every tool they need to
protect themselves from folks who traffic illegal drugs and harm children in Indian Country."

S 2785 would also extend the authorization of appropriations for certain grants under the Indian Alcohol and Substance Abuse Prevention and Treatment Act to support Tribal Action Plans and law enforcement training (25 U.S.C. §§ 2412 and 2451(b), respectively) through 2020, and would require the Assistant Secretary for Indian Affairs to submit a report to Congress within four years 'describing the degree of effectiveness of Federal programs that are intended to build the capacity of criminal justice systems of Indian tribes to investigate and prosecute offenses relating to illegal drugs.'

House Resolution 3911, introduced by Rep. Ann Kirkpatrick (AZ), would, in part, create a "sovereignty empowerment zone" in the Bennett Freeze Area (former Hop-Navaho joint use area, still, seven years after settlement, not allowing development, including simple property maintenance and improvement that would require a permit) to allow the Navajo Nation's environmental review process to replace federal environmental review for basic community development projects such water, power lines and housing infrastructure, in order to allow badly needed work to finally begin (Anne Minard, "Bennett Freeze Thaw Finally Underway; Flurry of Activity To Improve Living Conditions," ICTMN, May 3, 2016, http://indiancountrytodaymedianetwork.com/2016/05/03/bennett-freeze-thaw-finally-underway-flurry-activity-improve-living-conditions-164273).


"The wide-ranging discussion on February 25 was aimed at finding out what is working, and what isn’t, five years after TLOA was signed into law. Also, SCIA Chairman John Barrasso, R-Wyo., explained in his opening statement that some provisions of the Act have sunset and the committee wanted to get feedback on whether or not those should be reauthorized."

"Recurring topics included funding, the need for prevention and treatment of substance and alcohol abuse, jurisdictional complexity, and a seeming universal commitment to keeping kids out of the justice system.

Funding

Many of TLOA’s provisions cannot be implemented, said several panelists, for lack of funding. Harold Frazier, chairman of the Cheyenne River Sioux Tribe, said TLOA has not made things better on his reservation. He has too few police officers for want of enough training opportunities at approved police academies and funding. The jail is a mess—the juvenile facility had no lights for five months. Court personnel cannot be hired at salaries that are one-third what they can earn in other sectors. “Grants are not the solution,” he said, because when the grant money is gone, he has no way to replace it.

TLOA has been more helpful in communities where the tribe has more resources, but overall, as Jason Thompson, assistant director for the BIA’s Office of Justice Services, summarized, 'Lots of things in TLOA require we find resources to make them happen.'

Substance Abuse and Alcohol Prevention

Thompson also spoke about the lack of treatment facilities for drug and alcohol abusers. 'The only place to put substance and alcohol abusers is jail. Eighty percent of [those incarcerated] are substance abuse offenders; only 20 percent [have committed] violent crimes. We see this across Indian country, with the exception of tribes who have created their own programs.'"

"One aspect of TLOA that worked well was the Bureau of Prisons Tribal Law and Order Pilot Program, largely because the federal BOP has services for substance abusers and sexual offenders, as well as education and vocational training. The pilot program, which expired in 2014, allowed tribes to request that the BOP incarcerate people convicted by tribal courts. The programs both created access to rehabilitation programs tribes could not provide and allowed tribes to exercise the enhanced sentencing authority in TLOA."
Jurisdiction

Despite TLOA, jurisdictional complexity persists in Indian country, as federal, state, county and tribal law enforcement agencies struggle to stretch resources and prosecute cases that can be won.

Several panelists called for an Oliphant fix. *Oliphant v. Suquamish Indian Tribe*, decided by the Supreme Court in 1978, removed tribes’ authority to prosecute non-Indians for crimes committed on tribal lands."

"Multidisciplinary Teams have worked well for the Pascua Yaqui Tribe, according to Attorney General Alfred Urbina. These are teams of tribal, state and federal law enforcement personnel who coordinate their efforts to prosecute child abuse cases, making sure that everyone has access to the same information and can plan how to move cases from one venue to another when appropriate.

TLOA’s Tribal Liaison program, under which U.S. Attorneys in Indian country appoint an assistant U.S. Attorney to work with tribes, has also been a success, and Urbina suggested that a state district attorney with the same brief could help keep cases from getting dropped for lack of communication between tribal and state courts.

Cross-deputization has worked well for some tribes, but depends heavily on a state’s willingness to work with tribal law enforcement, a matter that can be particularly fraught in PL280 states. Loretta Tuell, an attorney with Greenberg Traurig who spoke on behalf of the Association of Village Council Presidents, pointed out that just between California and Alaska, half of the tribes in the U.S. are in PL 280 states and thus embroiled in what she called a 'jurisdictional quagmire.'

She asked, 'What is the responsibility of the U.S. if they have delegated authority [under PL280] and the state does not act? In [Alaska] villages, the public safety officers are funded by the state. If the state wants to pull that funding, a vacuum is created [and] you [can] end up with places where there is no law enforcement at all.' Tribes in PL280 states, she said, are not able to take full advantage of the provisions in TLOA because they are not eligible to receive the funding that would support those provisions.

Under TLOA, the Department of Justice may accept concurrent federal jurisdiction to prosecute violations of the General Crimes Act and the Major Crimes Act for tribes subject to PL280. So far, the Mille Lacs Band of Ojibwe and the White Earth Reservation have availed themselves of the provision. This is not the same as retrocession; it is merely a clarification of the federal government’s role in prosecuting serious crimes on reservations. Two other tribes’ requests were denied, and one request is pending.

Juvenile Justice

Juvenile justice was a main focus of the Indian Law and Order Commission’s 2013 assessment of public safety in Indian country, “A Roadmap for Making Native America Safer.”

The deplorable condition of many juvenile detention centers, lack of educational and rehabilitation programs in those facilities and the incarceration of AIAN children in adult jails led the commission to recommend that authority over children in the justice system be returned to tribes.

The tribal representatives who participated in this roundtable want their kids out of the justice system altogether. Thorne told ICTMN that keeping kids out of courts and jails has been shown to be the best course. Most teenagers are not developmentally capable of predicting the consequences of their behavior without help. Instead of punishment, they need guidance, which is more in keeping with traditional tribal practices. He said he believes the punishment paradigm is a holdover from the boarding school era.

Teton said, 'We need to deal with problems [of substance abuse] a lot sooner before kids get into the system. The end of the problem is arresting them. We need education in elementary school before they have a problem. We need to combat it before they get involved with law enforcement.'

Brunelle said his tribe has implemented a successful pilot program for alternatives to incarceration where they are keeping track of kids and working with them one on one. And The Hon. Kami D. Hart, children’s court judge for the Gila River Indian Community, said her tribe’s kids always have the alternative of going into treatment instead of being incarcerated, but the problem is that Medicaid decides when they can go into treatment. The tribe, she said, needs access to the same funding streams for kids that the state has.
National Congress of American Indians President Brian Cladoosby addressed the panelists briefly. He emphasized that American Indian and Alaska Native children are disproportionately exposed to poverty and violence. Rather than incarcerate them, he said, we should try to put in culturally appropriate interventions, otherwise, 'youth [are] placed in unsafe, abusive, expensive situations that push them further into a life of crime.'"

Federal Agency Developments

"DOI Publishes List of Non-BIA Programs Eligible for Inclusion in Self-Governance Funding Agreements," Hobbs-Straus General Memorandum 16-031, May 2, 2016, http://hobbsstraus.com/general-memorandum-16-031, reported, "On April 29, 2016, in the FEDERAL REGISTER, the Department of the Interior (DOI) published the attached notice which lists non-Bureau of Indian Affairs (BIA) programs, services, functions, and activities (or portions thereof) eligible to be included in self-governance funding agreements and lists the FY 2016 programmatic targets for these non-BIA bureaus. DOI annually publishes this notice in the FEDERAL REGISTER. These programs are eligible for inclusion in Funding Agreements until September 30, 2016.

Determining Eligible Programs, Services, Functions, and Activities (PSFAs). There are two categories of PSFAs (or portions thereof) eligible to be included in self-governance funding agreements:

1) Any non-BIA PSFA that is administered by DOI that is "otherwise available to Indian tribes or Indians;" and

2) Any non-BIA PSFA that is of "special geographic, historical, or cultural significance" to a tribe.

Funding agreements cannot include PSFAs that are "inherently Federal" or where the statute establishing the existing program does not authorize the type of participation sought by the tribe. However, a tribe need not be identified in the authorizing statutes in order for a PSFA or element of such PSFA to be included in a self-governance funding agreement. While general legal and policy guidance regarding what constitutes an inherently federal function exists, the non-BIA bureaus will determine whether a specific function is "inherently Federal" on a case-by-case basis considering the totality of circumstances. In those instances where a tribe disagrees with a bureau's determination, the tribe may request reconsideration from the Secretary of Interior.

Non-BIA Bureaus. Tribes may include PSFAs from the following non-BIA bureaus in self-governance funding agreements: Bureau of Land Management; Bureau of Reclamation; Office of Natural Resources Revenue; National Park Service; Fish and Wildlife Service; U.S. Geological Survey; and the Office of the Special Trustee for American Indians. The attached notice lists the FY 2016 tribal self-governance agreements with non-BIA agencies at the Department of the Interior."

"Land Buy-Back Program for Tribal Nations," Hobbs Straus General Memorandum 16-006, January 14, 2916, http://hobbsstraus.com/general-memorandum-16-006, reported, "The Department of Interior published in the January 13, 2016, FEDERAL REGISTER the attached notice concerning the next implementation phase for the Land Buy-Back Program for Tribal Nations established pursuant to the Cobell settlement. The Secretarily-established Buy-Back Program is intended to reduce through purchase the number of fractional interest properties owned by individuals. The properties are then consolidated into tribal land bases for the beneficial use of tribal communities.

Thus far, the Buy-Back Program has paid out $715 million to individuals from the $1.9 billion Trust land Consolidation Fund, resulting in 1.5 million acres for tribes. The Interior Department is requesting:

- Tribal governments not already scheduled for implementation under the Buy-Back Program are asked to indicate their interest in participating in the Buy-Back Program by March 11, 2016. Tribal staff should contact buybackprogram@ios.doi.gov.
- Individual landowners are asked to contact the Trust Beneficiary Call Center at 888-678-6836 by March 11, 2016 to register their interest in the Buy-Back program and to confirm contact information. The
Department says this will help in developing the next implementation schedule. Registration with the Call Center does not commit a landowner to sell their land and is not a guarantee that a purchase offer will be made. The Department is working to educate landowners about the program and its procedures.

In addition, Deputy Secretary Michael Connor will host a listing session regarding the Land Buy-Back Program on March 3, 2016 at the Albuquerque, NM Convention Center, from 1-5 p.m. Mountain Time."

The Bureau of Indian Affairs (BIA) gave initial approval to the joint, collaborative, application by the Crow Creek, Standing Rock, Mdewakanton Shakopee and Rosebud Sioux Tribes to take 2100 acres in the He Sapa, the Black Hills, into federal trust. The land, traditionally known as Pe’ Sla, was purched from private owners by the tribes with the aid of donations. The Governor of South Dakota has opposed the BIA decision, as the land has an estimated annual tax valuation of $80,000 which would no longer be available to the county where it is located. South Dakota Governor Dennis Daugaard traveled to the Rosebud Reservation at the end of April to discuss the matter with the Sicangu Nation’s tribal council. The tribes’ plans include obtaining federal recognition of Pe’ Sla as a sacred site. (David Rooks, "Pe’ Sla Brings SD Governor to Rosebud, Sparks Outrage," ICTMN, May 2, 2016, http://indiancountrytodaymedianetwork.com/2016/05/02/pe-sla-brings-sd-governor-rosebud-sparks-outrage-164326).

Mary Annette Pember. "Isleta Pueblo Score Largest Parcel of Trust Land in Single Application, ICTMN, January 20, 2016,  http://indiancountrytodaymedianetwork.com/2016/01/20/isleta-pueblo-score-largest-parcel-trust-land-single-application-163128, reported on Isleta Pueblo having the largest single application parcel of land taken into trust by the Department of the Interior, "The event marked the placement of 90,151 acres of land. 140 square miles, into federal trust for the Pueblo and the culmination of over 20 years of work by Pueblo leaders who purchased the land that was once part of the tribes’ aboriginal homeland."

'The cost of the land was considerable, slightly more than $7.3 million,' noted Torres.

The land is known as the Comanche Ranch, which the tribe operates with over 1 thousand head of cattle. The operation represents a significant source of income for the tribe according to Torres."


Data in the 2016 Casino City Indian Gaming Industry Report show that the pace of applications increased rapidly in 2015, with 13 applications for gaming operations on land acquired in trust by tribes."

The longest outstanding request is by the Cayuga Indian Nation of New York, which was made in 2005. It made its request to the Bureau of Indian Affairs’ Office of Indian Gaming Management on the basis of getting an exception because the land was on or contiguous to its existing reservation.

Others have been filed by the Ho-Chunk Nation of Wisconsin, the Chickasaw Nation of Oklahoma, the Puyallup Tribe of Washington, the Northern Arapaho Tribe of Wyoming, and the Lower Brule Sioux Tribe of South Dakota.

Of the 26 applications for so-called “section 20 exceptions,” seven were classified as off reservation, while six were for restored tribes and six for on or contiguous to reservation, according to the almanac, written by Dr. Alan Meister.

Since the passage of the Indian Gaming Regulatory Act in 1988, 67 applications have been approved, meaning more than a quarter remain pending. And six of those approvals were never finalized."

quadrupling the tribe’s land into trust.

On December 22 Washburn announced that approximately 292 acres of trust land in the city of Payson, Gila County, Arizona belonging to the tribe would be added to the tribe’s existing reservation under the authority of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984: 25 U.S.C. 467).

"Bureau of Indian Affairs Deadline for 2017 Self-Governance Applications," Hobbs-Straus General Memorandum 16-001, January 5, 2016, http://hobbsstraus.com/general-memorandum-16-001, reported, "On December 21, 2015, the Bureau of Indian Affairs (BIA) published the attached notice in the FEDERAL REGISTER regarding the deadline for submission of applications by tribes and tribal consortia to begin participation in the tribal self-governance program in Fiscal Year 2017 or Calendar Year 2017. Applications are to be submitted to the BIA Office of Self-Governance. The deadline for submission of applications is March 1, 2016.

Tribes and tribal consortia do not need to submit an application under this announcement if they are currently involved in negotiations with the Department of Interior or are one of the 115 tribal entities with signed Self-Governance agreements.

The BIA Office of Self-Governance may select up to 50 additional tribes/tribal consortia per year to participate in the program. The BIA estimates that the negotiations for such agreements could be expected to take two months. Signed agreements are to be submitted to Congress and to each tribe at least 90 days prior to its effective date."

"Ohkay Owingeh Receives HEARTH Act Approval," ICTMN, January 6, 2016, http://indiancountrytodaymedianetwork.com/2016/01/06/ohkay-owingeh-receives-hearth-act-approval-162974, reported, "The Ohkay Owingeh became the 23rd tribe to move further towards tribal self-governance as acting Assistant Secretary – Indian Affairs Lawrence S. Roberts announced it has the sovereign authority to lease tribal lands.

The federally recognized tribe in north-central New Mexico is the latest to be granted this authority consistent with the Helping Expedite and Advance Responsible Tribal Homeownership (or HEARTH) Act and is another example of President Barack Obama’s commitment to tribal self-governance and strengthening tribal economies.

Roberts made the announcement at a signing ceremony January 5 while accompanied by tribal Governor Earl N. Salazar and U.S. Sen. Martin Heinrich (D-NM).

'I congratulate Governor Salazar and the Ohkay Owingeh council for their leadership in using the HEARTH Act to end the paternalistic policy of federal approval of tribal leasing decisions,' Roberts said in an ASIA release following the announcement. 'Ohkay Owingeh joins a growing number of tribes that are exercising sovereignty over the leasing of their lands to promote the health, welfare and prosperity of their people. By this action, decision-making over the use of tribal land is now squarely in the hands of the tribal government. I am very pleased that Ohkay Owingeh has exercised this power to use its own judgment for its own lands.'"

"ACF Proposes Rule to Require State Title IV-E Foster Care/Adoption Agencies to Collect Indian Child Welfare Act Implementation Data," Hobbs-Straus General Memorandum 16-027, April 19, 2016, http://hobbsstraus.com/general-memorandum-16-027, reported "The Administration for Children and Families (ACF) has proposed in the attached April 7, 2016, FEDERAL REGISTER notice, that state Title IV-E Foster Care and Adoption agencies begin collecting and reporting data specific to the Indian Child Welfare Act (ICWA). This proposed rule would modify the federal Adoption and Foster Care Analysis and Reporting System (AFCARS) under which state Title IV-E agencies gather and report data with respect to adoption and foster care. Even though ICWA was enacted 37 years ago and applies to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe, there had been no requirement that ICWA-related data be held in AFCARS. The proposed rule is a significant development. Comments are due by May 9, 2016.

We also attach a letter to tribal leaders dated April 15, 2016, announcing two consultation and listening
sessions on the proposed rule and providing an overview of the rule. The sessions are Friday, April 22 and Monday, April 25 and can be accessed via call-in or by joining a webinar. The attached letter contains detailed information on how to join the meetings.

The proposed rule would require state Title IV-E agencies to collect and report on information concerning efforts to identify whether a child is an Indian child as defined in ICWA. For children for whom ICWA applies, information is requested on actions taken to prevent breakup of the family; notification to tribes and parents of child custody hearings; active efforts to reunify families; foster care and adoptive placement preferences; information regarding cases where parental rights were terminated; and transfers of ICWA cases from state court to tribal court.

The National Indian Child Welfare Association has long-advocated for collection of data by state child welfare systems relating to implementation of ICWA and is urging tribes and tribal organizations to file comments on the proposed rule. In addition, the Justice Department's Task Force on American Indian and Alaska Native Children Exposed to Violence report and the HHS Secretary's Tribal Advisory Committee recommended development of an ICWA-related data collection system through AFCARS. American Indian and Alaska Native children nationally are placed in state foster care at a rate over two times their populations (in some states the disproportionality is much higher) yet there is no comprehensive data on children in state child welfare systems for whom the Indian Child Welfare Act applies."

"Tribal Title IV-E Foster Care/Adoption Assistance Plan Development Grants," Hobbs-Straus General Memorandum 16-032, May 5, 2016, http://hobbsstraus.com/general-memorandum-16-032, reported, "The Children's Bureau of the Department of Health and Human Services is soliciting applications from tribes, tribal organizations and tribal consortia for grants to assist in the development of plans which would enable them to directly administer the Title IV-E Foster Care and Adoption Assistance, and at tribal option, Guardianship Assistance program. There is $1.5 million available for these planning grants in FY 2016; the deadline for receipt of applications is July 28, 2016.

Under the Title IV-E program, states provide adoption and foster care services for income-eligible children and, at state option, for kinship guardianship assistance payments. This is an open-ended entitlement program which has some match requirements; the federal share is approximately $7 billion annually. The authority for tribes to also administer the Title IV-E program was enacted in 2008 as part of the Fostering Connections to Success and Increasing Adoptions Act (Act), PL 110-351 and went into effect October 1, 2009.

Section 302 of the Act appropriates $3 million annually for three purposes:

1) information services concerning the types of services, administrative functions, data collection, program management and reporting requirements necessary for tribal administration of the Title IV-E program; 2) technical assistance for tribes seeking to operate a tribal Title IV-E program directly or seeking to develop a cooperative agreement with a state concerning administration of the program; and 3) grants for tribes to help defray the costs of developing a plan to directly administer the Title IV-E program. The Act does not direct how the $3 million is to be divided among the three activities listed above. The Children's Bureau has decided to provide $1.5 million for item number 3) tribal Title IV-E development grants) which is the subject of the grant announcement described in this Memorandum.

The Act limits the amount of funding for each tribal development grant to $300,000 and allows only one grant per tribe. A grant recipient is to have its plan for administration of the Title IV-E program ready to submit to the Children's Bureau within 24 months. The Act requires a tribe to return the development grant money if such a plan is not completed within 24 months, although the Secretary is authorized to waive this requirement if she determines that failure to complete the development of the plan was beyond the control of the tribe.

Grants may be used for any costs attributable to meeting the requirements for approval of a tribally-operated Title IV-E plan including development of a data collection system and a cost allocation plan, and establishment of tribal, agency and court procedures necessary to meet the case review requirements in the law.

The full grant announcement (CFDA # 93.658), which covers FYs 2016, 2017 and 2018, may be downloaded at:
http://www.acf.hhs.gov/grants/open/foa/index.cfm?switch=foa&fon=HHS-2016...

You may request an application package from:
CB Operations Center, c/o LCG, Inc., 1400 Key Boulevard, Suite 900, Arlington, VA 22209, Phone: 888-203-6161, Email: CB@grantreview.org.

The electronic application submission package is available in the FOA's (Funding Opportunity Announcement) listing at www.Grants.gov.

Mark Fogarty, "Natives Dying Because IHS Can’t Assure Timely Access to Health Care." ICTMN, May 12, 2016, http://indiancountrytodaymedianetwork.com/2016/05/12/natives-dying-because-ihs-cant-assure-timely-access-health-care-164456, reported, "The federal Government Accountability Office has rapped the Indian Health Service for not setting national standards or overseeing waiting times at its facilities, meaning it cannot assure timely access to health care.

IHS 'has not conducted any systematic, agency-wide oversight of the timeliness of primary care,' GAO found in its report to Congress. Instead, it has delegated the responsibility to its area offices and has not set any nationwide standards for waiting times."

A major concern in the report is that “American Indian/Alaska Native people die at higher rates than other Americans from conditions that could be mitigated by access to preventative primary care,” while "longstanding problems accessing healthcare services." They also have a four year shorter life span than Americans do over all.

GAO recommended IHS establish and monitor nationwide wait time goals in its federally-operated facilities. But there isn’t much chance the agency will comply anytime soon, so Congressional waiting time may be lengthy. GAO reported that IHS said it wants to track patient wait times “eventually” but for now has higher priorities, such as making sure their facilities are accredited."

A major problem is inadequate funding - dispite recent significant increases. This means, as the report found, that staffing is often inadequate, infrastructure and equipment are often old and not up-to-date or in good condition. Thus, the steps various IHS facilities have taken to insure patients receive timely care are not sufficient. These measures include some facilities implemnting modified open-access appointment scheduling, leaving times open for same-day service; and increasing outreach to tribal communities to reduce missed appointments.

One IHS facility reported that because of a shortage of health care providers, some patients have had to wait three or four months to receive an initial appointment."

GAO noted that because of a lack of nation wide monitoring, it was not possible to determine if IHS has made any progress in delivering timely access to health services.

"The federal Department of Health and Human Services, which administers IHS, said it is in the process of setting up an Office of Quality Management in its Washington, D.C. headquarters. It said it would boost recruitment and retention efforts in an attempt to cut waiting times in IHS facilities.

As of October 2015 IHS operated 27 federal and 18 tribal hospitals, according to the GAO. It also ran 59 federal and 284 tribal health centers as well as 163 Alaska Native clinics. In addition, there are 32 federal health stations and 79 tribally-operated ones."

"IHS FY 2016 Self-Governance Program Negotiation Cooperative Agreements," Hobbs-Straus General Memorandum 16-02, March 24, 2016, http://hobb Strauss.com/general-memorandum-16-022, reported, "On March 23, 2016, the Indian Health Service (IHS) published in the FEDERAL REGISTER a notice of the availability of FY 2016 cooperative agreements for negotiation under the Tribal Self-Governance Program (TSGP). This competitive grant program is authorized by Title V, Tribal Self-Governance Amendments of 2000, of the Indian Self-Determination and Education Assistance Act, PL 93-638, as amended. The TSGP is designed to promote self-determination by allowing tribes to assume more control of IHS programs and services through compacts negotiated with the IHS. Applications are due by June 3,2016. A copy of the notice is available here: https://www.gpo.gov/fdsys/pkg/FR-2016-03-23/pdf/2016-06556.pdf.
The purpose of the negotiation cooperative agreement is to defray some of the costs tribes incur in preparing for and negotiating compacts and funding agreements. A tribe is not required to have had a negotiation agreement in order to enter the TSGP.

There is $240,000 available to fund approximately five tribes to enter the TSGP negotiation process for compacts. Awards are expected to be $48,000 each for a 12-month project period.

To be eligible for a negotiation cooperative agreement, the applicant must be a tribe, tribal organization or inter-tribal consortium; and demonstrate financial stability and management capability by having had no significant and material audit exceptions for three previous fiscal years. Alaska Native Villages or Village Corporations are not eligible to apply for this funding if they are located within an area served by an Alaska Native regional health entity (including the Native Village of Eyak, the Eastern Aleutian Tribes, and the Council for Athabascan Tribal Governments which are deemed Alaska Native regional health entities) already participating in the Alaska Tribal Health Compact in 1998.

With regard to the submission of resolutions the IHS states:

An Indian Tribe or Tribal organization that is proposing a project affecting another Indian Tribe must include resolutions from all affected tribes to be served. Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities.

The solicitation also provides that an official signed Tribal resolution must be received by the Division of Grants Management prior to a Notice of Award being issued to any applicant selected for funding.

Applications are to be submitted electronically via www.Grants.gov. If a tribe/organization needs to submit a hardcopy/paper application, they must obtain a waiver from the IHS. Detailed eligibility, application criteria and contact information are contained in the notice.

"IHS FY 2016 Tribal Self-Governance Program Planning Cooperative Agreements," Hobbs-Straus General Memorandum 16-021, March 24, 2016, http://hobbsstraus.com/general-memorandum-16-021m reported, "On March 23, 2016, the Indian Health Service (IHS) announced in the FEDERAL REGISTER the availability of FY 2016 cooperative agreements for planning purposes under the Tribal Self-Governance Program (TSGP). This competitive grant program is authorized by Title V, Tribal Self-Governance Amendments of 2000, of the Indian Self-Determination and Education Assistance Act, PL 93-638, as amended. The TSGP is designed to promote self-determination by allowing tribes to assume more control of IHS programs and services through compacts negotiated with the IHS. Applications are due by June 3, 2016. A copy of the notice is available here: https://www.gpo.gov/fdsys/pkg/FR-2016-03-23/pdf/2016-06559.pdf.

The purpose of this cooperative agreement is to provide planning resources to tribes interested in participating in the TSGP. Under the agreements tribes may undertake planning such as legal and budget research that leads to a greater understanding of which programs, functions, activities, and services they may want to assume and any organizational changes that may be necessary to do so. They may also be used to help identify programmatic alternatives that will better meet tribal needs. Receipt of a planning grant is not a prerequisite to enter the TSGP.

There is $600,000 available to fund up to five tribes to enter the TSGP planning process. Accepted tribes would be awarded up to $120,000 for a 12-month project period.

To be eligible for the planning agreement, the applicant must be a tribe, tribal organization or inter-tribal consortium; and demonstrate financial stability and management capability by having had no significant and material audit exceptions for three previous fiscal years. Alaska Native Villages or Village Corporations are not eligible to apply for this funding if they are located within an area served by an Alaska Native regional health entity (including the Native Village of Eyak, the Eastern Aleutian Tribes, and the Council for Athabascan Tribal Governments which have been deemed Alaska Native regional health entities) already participating in the Alaska Tribal Health Compact in 1998.

With regard to the submission of resolution the IHS states:

An Indian Tribe or Tribal organization that is proposing a project affecting another Indian Tribe must include resolutions from all affected tribes to be served. Applications by Tribal organizations will not require
a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities. The solicitation also provides that "an official signed Tribal resolution must be received by the Division of Grants Management prior to a Notice of Award being issued to any applicant selected for funding".

Applications are to be submitted electronically via www.Grants.gov. If a tribe/organization needs to submit a hardcopy/paper application, they must obtain a waiver from the IHS. Detailed eligibility, application criteria and contact information are contained in the announcement.

"Indian Health Service Tribal Management Grants," Hobbs-Straus General Memorandum 16-025, April 15, 2016, http://hobbsstraus.com/general-memorandum-16-025, reported, "The Indian Health Service (IHS) has announced in the attached April 7, 2016, FEDERAL REGISTER notice the availability of $2.4 million in expected FY 2016 funds for Tribal Management Grants (TMG). The TMG program provides funding to federally-recognized tribes and tribal organizations to assume all or part of existing IHS programs, services, and functions and activities under the authority of the Indian Self-Determination Act. Grants may also be used for technical assistance and planning. The deadline for receipt of applications is June 8, 2016.

Applications must be for one of the following four projects: 1) feasibility studies (maximum funding $70,000; 12-month period); 2) planning (maximum funding $50,000; 12-month period); 3) evaluation studies (maximum funding $50,000; 12-month period); or 4) health management structure (average funding $100,000 for 12 months; maximum funding $300,000 for 36 months). The IHS expects to make 16-18 new and continuation awards. A signed resolution must accompany the application.

The IHS will fund applications according to a priority system, beginning with the Priority I applications. Priority I applications are those from tribes who have received federal recognition within the past five years (March 2011). Priority II applications are those from all other eligible federally-recognized tribes or tribal organizations whose new or competing continuation applications are for the sole purpose of addressing audit material weaknesses; Priority II applications are available only for health management structure projects. Priority III applications are from eligible Direct Service and Title I federally-recognized Indian tribes or tribal organizations submitting a competing continuation application or a new application. Priority IV applications are from eligible Title V Self Governance federally-recognized tribes or tribal organizations submitting a competing continuation or a new application.

The funding of approved Priority I applicants will occur before the funding of approved Priority II applicants; funding of approved Priority II applicants will occur before the funding of approved Priority III applicants; and funding of approved Priority III applicants will occur before the funding of approved Priority IV applicants."

"Deadline Extended to June 17, 2016 for IHS Tribal Management Grants. Hobbs-Straus General Memorandum 16-036, June 10, 2016, http://www.hobbsstraus.com/general-memorandum-16-036, reported, "The Indian Health Service (IHS) has extended the deadline for application to its Tribal Management Grants (TMG) program to Friday, June 17, 2016. The TMG program provides funding to federally-recognized tribes and tribal organizations to assume all or part of existing IHS programs, services, and functions and activities under the authority of the Indian Self-Determination Act. Grants may also be used for technical assistance and planning. The TMG application package can be found here: https://www.ihs.gov/dmg/funding.

As we stated in our General Memorandum 16-025 of April 15, 2016, applications must be for one of the following four projects: 1) feasibility studies (maximum funding $70,000; 12-month period); 2) planning (maximum funding $50,000; 12-month period); 3) evaluation studies (maximum funding $50,000; 12-month period); or 4) health management structure (average funding $100,000 for 12 months; maximum funding $300,000 for 36 months). The IHS expects to make 16-18 new and continuation awards. A signed resolution must accompany the application.

Approximately 16-18 awards will be issued to assist tribes and tribal organizations to establish goals and performance measures; assess current management capacity; analyze programs to determine if management is practicable; and develop infrastructure systems to manage or organize the programs, services,
functions, and activities of the current health programs.

Tribes seeking to apply for this grant should act as soon as possible, as the new deadline is one week away."

"Indian Health Service Issues Reimbursement Rates for Calendar Year 2016," Hobbs-Straus General Memorandum 16-020, March 11, 2016, http://hobbsstraus.com/general-memorandum-16-020, reported, "The Indian Health Service (IHS) has issued in the attached March 9, 2016, FEDERAL REGISTER notice its Calendar Year (CY) 2016 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 2015 and 2016 rates follows:

Inpatient Hospital Per Diem Rate (Excludes Physician Services) for MEDICAID

<table>
<thead>
<tr>
<th>CY 2015</th>
<th>CY 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower 48</td>
<td>$2,443</td>
</tr>
<tr>
<td>Alaska</td>
<td>$2,926</td>
</tr>
<tr>
<td></td>
<td>$2,655</td>
</tr>
<tr>
<td>Lower 48</td>
<td>$350</td>
</tr>
<tr>
<td>Alaska</td>
<td>$601</td>
</tr>
<tr>
<td></td>
<td>$368</td>
</tr>
</tbody>
</table>

Medicare Part B Inpatient Ancillary Per Diem Rate

<table>
<thead>
<tr>
<th>CY 2015</th>
<th>CY 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower 48</td>
<td>$516</td>
</tr>
<tr>
<td>Alaska</td>
<td>$956</td>
</tr>
<tr>
<td></td>
<td>$637</td>
</tr>
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<td></td>
<td>$1,082</td>
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</tbody>
</table>

The Outpatient Surgery Rates for Medicare are the established Medicare rates for freestanding Ambulatory Surgery Centers."

"Indian Health Service FY 2016 Scholarships," Hobbs-Straus General Memorandum 16-003, January 5, 2016, http://hobbsstraus.com/general-memorandum-16-003, reported, "The Indian Health Service (IHS) is soliciting applications, via the attached December 24, 2015, FEDERAL REGISTER notice for FY 2016 full- and part-time scholarships. American Indians and Alaska Natives are invited to apply under the three programs described below. The funding is $13.7 million for continuation and new awards combined. 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, 2016 and the deadline for applications for new awards is March 28, 2016.

- **Health Professions Preparatory Scholarships and Health Professions Pregraduate Scholarships.** Up to $3.6 million will be allocated for approximately 80 awards. Eligible applicants are members of federally (including those from tribes terminated since 1940) or state recognized tribes and first and second degree descendants of federal or state recognized tribal members and Alaska Natives. Applicants for the Preparatory program must have been accepted for enrollment in a compensatory, pre-professional general education course or curriculum. Applicants for the Pregraduate program must have been accepted for enrollment in an accredited pregraduate program leading to a baccalaureate degree in pre-medicine, pre-dentistry, pre-optometry or pre-podiatry.

- **Indian Health Professions.** Approximately $10 million will be allocated for an estimated 245 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(10) of the Indian Health Care Improvement Act.

The attached notice provides IHS contact information for questions regarding the scholarship programs. It also describes the eligibility requirements and lists the health profession priority areas. The IHS provides the following instruction for obtaining and filling out applications:

Applicants must go online to:

www.ihs.gov/scholarship/online_application/index.cfm to apply for an IHS scholarship and access the Application Handbook instructions and forms for submitting a properly completed application for review and funding consideration. Applicants are strongly encouraged to seek consultation from their Area Scholarship Coordinator (ASC) in preparing their scholarship application for award consideration. ACS's are listed on the IHS Web site at:

http://www.ihs.gov/scholarship/contact/areascholarshipcoordinators/.

The attached notice also includes contact information for IHS Area Scholarship Coordinators.

"Indian Health Service Soliciting Applications for FY 2016 Loan Repayment Program," Hobbs-Straus General Memorandum 16-002, January 5, 2016, http://hobbstraus.com/general-memorandum-16-002, reported, "The Indian Health Service (IHS) is soliciting applications, via the attached December 24, 2015, FEDERAL REGISTER notice, for the repayment of health professions educational loans. Under the Loan Repayment Program (LRP), authorized under Section 108 of the Indian Health Care Improvement Act, the IHS may make awards to persons for the repayment of health professions educational loans in return for full-time clinical service in Indian health programs.

The IHS estimates that it will provide $19.75 million in FY 2016 funds for the LRP, which will support "approximately 437 competing awards averaging $45,208 per award for a two-year contract." Applications for the FY 2016 LRP will be evaluated monthly beginning January 15, 2016, and will continue to be accepted each month thereafter until all funds are exhausted for FY 2016. Subsequent monthly deadline dates are scheduled for Friday of the second full week of each month until August 19, 2016.

In addition, $9.18 million is estimated to be available for approximately 395 competing awards averaging $23,253 for a one-year extension for those participants who have completed their two-year contract.

The attached notice contains a list of priority health professions that will be considered in making awards under the LRP. The IHS does not establish percentages of awards for specific professions. Loan repayment awards will be made "only to those individuals serving at facilities which have a site score of 70 or above through March 1, 2016, if funding is available." In addition to the level of need for specific disciplines, factors that will be taken into consideration are: 1) an applicant's length of current employment in the IHS, tribal, or urban program; 2) availability for service earlier than other applicants; and 3) date of receipt of the individual's application. Tribally and urban-administered program staffing needs are to be considered on an equal basis with those of the IHS-administered programs.

The IHS Area Offices and Service Units are authorized to provide supplemental funds for LRP participants for use in their areas, but the total amount cannot exceed $36 million when combined with the other funds made available in the notice.

Application materials may be obtained here: http://www.ihs.gov/loanrepayment.

Additional information regarding this program may be obtained from:

Jacqueline Santiago
Chief, IHS Loan Repayment Program
5600 Fishers Lane
Mail Stop: OHR (11E53A)
Rockville, Maryland 20857
301-443-3396

We remind potential applicants that because of the great demand for the IHS loan repayment funds, persons intending to apply should do so early."

"U.S. Commission on Civil Rights Briefing on Updating its 2003 Report on Unmet Need in Indian
Country; Comments Requested," Hobbs-Straus General Memorandum 16-018, February 26, 2016, http://hobbsstraus.com/general-memorandum-16-018, reported, "On February 19, 2016, the U.S. Commission on Civil Rights held a briefing with representatives of Indian organizations and federal agencies as part of its plan to update its 2003 report, A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country (Quiet Crisis report). The Quiet Crisis report evaluated the budgets and expenditures of six major federal agencies which fund Indian programs and found that federal funding for these programs was inadequate to meet the needs. The Quiet Crisis report looked at health care, education, public safety, housing and rural development and found that 'significant disparities in federal funding exist between Native American and other groups in our nation, as well as the general population.' The Commission is accepting further comments through March 20, 2016. Comments should be submitted to: qcomments@usccr.gov.

There has been tribal advocacy for an update of the Quiet Crisis report, and that effort was helped by a letter to the Commission in May 2015 from Representative Derek Kilmer (D-WA) and a bipartisan group of Members of Congress. The letter requested the Commission to update the report "in order to help ensure that the federal government is making progress in fulfilling its trust and treaty responsibilities."

The Commission heard from two panels during the February 19 briefing: one of tribal advocates and others and another from federal agencies. In his opening remarks, Commission Chairman Martin Castro noted while there has been some improvement since the Quiet Crisis report there are still "clear needs and challenges" which need to be addressed.

The first panel consisted of: Jackie Pata, Executive Director, National Congress of American Indians (NCAI); Stacey Bohlen, Executive Director, National Indian Health Board (NIHB); Dante Desiderio, Executive Director, Native American Finance Officers Association (NAFOA); Sarah Deer, Professor of Law, Mitchell Hamline School of Law; and Terry Anders, Property and Environment Research Center.

The second panel consisted of: William Mendoza, White House Initiative on American Indian and Alaska Native Education; Randy Akers, Acting Deputy Assistant Secretary for Native American Programs at the Department of Housing and Urban Development (HUD); Elizabeth Fowler, Deputy Director for Management Operations, Office of the Director, Indian Health Service; Michael Black, Director, Office of the Director, Bureau of Indian Affairs (BIA); and Vicki Forrest, Deputy Director of School Operations, Bureau of Indian Education (BIE).

Indian organizations praised the 2003 report, with NCAI calling it a "pivotal report for advocacy efforts" and NIHB terming it "monumental" in explaining what was going on in Indian Country regarding health care. NAFOA spoke of progress that has been made since 2003 but said that tribes are a long way from having parity with other governments in terms of in access to public and private capital and federal programs. All advocated for increased resources and equitable access to opportunities.

We reported on the Quiet Crisis report in our General Memorandum 03-108 of August 1, 2003. Among the recommendations of the Commission at that time was that the six federal agencies, Congress, and the Office of Management and Budget (OMB) implement a series of reforms to better ensure that federal funds go to Native American populations in need. The recommendations included: (1) urging each agency to conduct internal monitoring of its spending and budgeting for Native programs and to ensure better cooperation with other agencies; (2) urging Congress to ensure that needed funds are appropriated for Native programs and to require agencies to monitor unmet needs; and (3) that OMB should develop uniform standards for tracking spending on Native American programs.

The Commission is expected to complete its update of the report this calendar year."

Mark Fogerty, "Ending All Native Homelessness Next Federal Target," ICTMN, February 4, 2016, http://indiancountrytodaymedianetwork.com/2016/02/04/ending-all-native-homelessness-next-federal-target-163302, reported, "The multi-agency effort just announced by the federal government to alleviate Native American veteran homelessness may just be the tip of the iceberg. Last fall, eight federal agencies signed a memorandum of understanding (MOU) on an effort to end all Native American homelessness, not just Native veteran homelessness. The MOU specifically recognizes tribal sovereignty."
In November, the U.S. Interagency Council on Homelessness signed an MOU with seven more federal agencies, the Departments of Interior, Labor, Veterans Affairs, Health and Human Services, Education, Agriculture, and Housing and Urban Development, “to work together on several key actions that will begin to address homelessness both on and off tribal lands,” according to Lindsay Knotts, policy advisor for USICH.

USICH is in charge of an even larger strategic program, “Opening Doors,” that seeks to end all homelessness anywhere in the country. Started in 2010, the program has been amended in both 2012 and 2015.

The November MOU, worked out after a report to USICH by the Interagency Working Group on Homelessness among American Indians and Alaska Natives has been informed by input from tribal leaders and urban Indian experts, according to Knotts in a posting on the USICH website.

Two of the agencies, HUD and VA, have just announced a joint effort (HUD-VASH) to alleviate homelessness among Native vets. The $5.9 million effort envisions HUD providing vouchers for rental housing and the VA providing supportive services for the vets. This represents an extension to rural and reservation areas of a program that had formerly only been available through Public Housing Authorities, which are mainly urban." The funds still needed to be appropriated by Congress.

"The Council heard testimony that “while only 1.2 percent of the national population self-identifies as AI/AN, 2.3 percent of all people experiencing sheltered homelessness, 2 percent of all sheltered individuals, and 2.9 percent of all sheltered families self-identify as AI/AN. These data are primarily limited to Native Americans experiencing homelessness off tribal lands.

Also, 'at least 8.8 percent of households in Native American communities are overcrowded compared with 3 percent nationwide. By some estimates, as many as one in five people (19 percent) living on tribal lands are living in overcrowded housing situations.'"

"The group’s plan centers around four strategies:
— Improving access to housing and services through Administrative action, and providing guidance and technical assistance; and to increase the availability of housing options for Native Americans experiencing or at risk of experiencing homelessness both on and off tribal lands.
— Improving data collection on homelessness among Native Americans both on and off tribal lands.
— Ensuring that Federal strategies and actions to set a path to end Native American homelessness are informed by consultation and engagement with tribal leaders, urban native communities, and experts in the field.
— Elevating awareness of the crisis of homelessness and housing instability among Native Americans, both on and off tribal lands."

Mark Fogarty. "Ho-Chunk Homeless Vets Project Beats Federal Effort," ICTMN, February 16, 2016, http://indiancountrytodaymedianetwork.com/2016/02/02/hochunk-homeless-vets-project-beats-federal-effort-163280, report4d, "The federal government recently announced grants of about $6 million for supportive housing for homeless Native veterans, touting an unusual collaboration between two federal agencies, the Departments of Housing and Urban Development and Veterans Affairs. However, it seems as if at least one American Indian nation has already made a project like this happen and it already is housing Native vets.

The Ho-Chunk Nation of Wisconsin last spring opened a $1.5 million facility to aid homeless Ho-Chunk veterans, according to a VA newsletter and a presentation on the project made at last month’s National American Indian Housing Council legal symposium in Las Vegas."

"Cherokee Nation Receives Almost $400k As Lone Tribe in DOJ Pilot Program," ICTMN, January 14, 2016, http://indiancountrytodaymedianetwork.com/2016/01/14/cherokee-nation-receives-almost-400k-lone-tribe-doj-pilot-program-163041, The U.S. Department of Justice recently announced $2.7 million in grants to be dispersed across seven agencies throughout the country as part of the Office on Violence Against Women’s Sexual Assault Justice Initiative. The Cherokee Nation is the lone tribe to receive a
grant – worth almost $400,000.

The funds will go towards implementing a pilot program aimed at improving how the justice system, particularly prosecutors, handles sexual assault cases according to a Cherokee Nation press release."

"Over the next two years the Cherokee Nation will receive $390,544. With the funds, the tribe’s Attorney General’s office, Cherokee Nation marshals and ONE FIRE will work together to improve prosecution processes and increase safety for victims of sexual assault," the release stated.

Funding will also go towards specialized training for Cherokee Nation employees who work with sexual assault victims."

The U.S. Department of Education published a proposed rule in the Federal Register Mach 2, 2016, intended to improve equity in the federal Individuals with Disabilities Education Act (IDEA), by making it easier for states to ensure that the 1990 IDEA Act's goals of creating fairness in the identification, placement, and discipline of students with disabilities. The rule was proposed in response to two studies.

A 2014 report, “School Discipline, Restraint, & Seclusion,” published by the U.S. Department of Education Office for Civil Rights, found that in U.S. public schools, more than twice as many students with disabilities received out-of-school suspensions (13 percent) than did non-disabled students (6 percent). Moreover, the report revealed that 29 percent of American Indian/Alaska Native (AI/AN) boys with disabilities received out-of-school suspensions, compared with 12 percent of white boys with disabilities, while Twenty percent of AI/AN girls with disabilities received out-of-school suspensions, compared with 6 percent of white girls with disabilities.

A new report from the Center for Civil Rights Remedies at the University of California, Los Angeles, found even more extreme inequities in charter schools, stating, "1,093 charter schools suspended students with disabilities at a rate that was 10 or more percentage points higher than for students without disabilities. Perhaps the most alarming finding is that 235 charter schools suspended more than 50 percent of their enrolled students with disabilities."

The rule aimed, among other things, at correcting the too common occurrence of placing AI/AN students in special education classes, misidentified as needing special education or because they are not getting the early intervention services that IDEA mandates to keep them out of special education classes and in regular classrooms (Tanya H. Lee, "Too Many Native Kids Dumped in Special Ed," ICTMN, April 4, 2016, http://indiancountrytodaymedianetwork.com/2016/04/04/too-many-native-kids-dumped-special-ed-163995).


• The FEDERAL REGISTER notice is here: https://www.federalregister.gov/articles/2016/01/08/2016-173/tribal-decl...

• The Draft Tribal Declaration Pilot Guidance is here: https://www.fema.gov/second-draft-tribal-declaration-pilot-guidance-reso...

Background. On January 29, 2013, the President signed as PL 113-2 amendments to the Stafford Act which empower tribes, just like states, to directly petition the President for a declaration of an emergency or major disaster. (See our General Memorandum 13-026 of March 13, 2013.) FEMA is consulting with tribes in order to establish a pilot program for managing these requests. Information learned from the pilot program and future consultations will be used to eventually develop implementing regulations.
Draft Pilot Guidance. FEMA provides detailed descriptions of the process to submit a request for a Presidential Declaration for either a major disaster or an emergency along with requirements for how to apply for assistance. The Draft Pilot Guidance also provides detailed instructions on the how a tribe may apply for a Hazard Mitigation Grant while requesting a Presidential Disaster Declaration. FEMA writes that it will consider assistance under the Stafford Act only if all other potential resources have been explored and there is still a significant unmet need that other federal or state agencies cannot address.

The first iteration of the Draft Pilot Guidance had a number of features on which it received comments. One of the most significant issues in the first iteration was how it defined the community to be served by a tribe's declaration. The definition of "Tribal Land" failed to incorporate the meaning of "Indian country" by excluding lands within a reservation not owned by the Tribal government or individual Indians. FEMA also was urged to clarify the eligibility to serve enrolled tribal members who live outside of a reservation. Unfortunately, this second iteration of the Draft Pilot Guidance continues to limit the term of "Tribal Lands" to apply to lands held in trust for tribal governments and individual Indians within reservations, as well as to lands owned by tribal governments.

Another significant aspect of the first iteration of the Draft Pilot Guidance was its failure to clearly describe the Tribal cost share, and failure to describe the Stafford Act amendments as authorizing the President, in instances when it is "necessary and appropriate" to adjust or waive the non-federal share for public assistance for tribes. Subsection 401(c) of the Stafford Act provides:

(c) Cost share adjustments for Indian tribal governments

(1) In general In providing assistance to an Indian tribal government under this subchapter, the President may waive or adjust any payment of a non-Federal contribution with respect to the assistance if—

(A) the President has the authority to waive or adjust the payment under another provision of this subchapter; and

(B) the President determines that the waiver or adjustment is necessary and appropriate.

(2) Criteria for making determinations The President shall establish criteria for making determinations under paragraph (1)(B).

There remains some confusion about what flexibility this subsection provides for the federal government to consider requests from tribal governments for waivers or adjustments. The amendments to Stafford Act simply authorized tribal governments, if they so choose, to request major disaster and emergency Presidential Declarations in the same manner as a state and to be treated like a state. We understand that within this context, this subsection on cost share adjustments is being interpreted to mean that: when a tribal government submits a request for the President to waive or adjust a cost share, the President does not have any expanded authority to do so for that tribal government, rather, the President is bound by the same authority he is given elsewhere in the statute to waive or adjust a state cost share for a state government that requests it. However, to make such an adjustment for a tribal government the President must also make the determination whether the waiver or adjustment is "necessary and appropriate" and the statute instructs FEMA to establish criteria for determining what constitutes "necessary and appropriate." Tribes will want to submit comments on the development of these criteria.

This draft Tribal Declarations Pilot Guidance is an important step towards implementing the legislation that amended the Stafford Act. Tribal input to improve the Pilot Guidance will be important when FEMA is developing final regulations. Please let us know if we may provide additional information regarding FEMA's plans for the interim implementation of the Stafford Act or assistance in preparing comments."

"EPA Issues Proposed Rule for Far Reaching Energy Regulations With Tribal Implications; Tribal Comments and More Time Needed Hobbs-Straus General Memorandum 16-007, January 14, 2016, http://hobbsstraus.com/general-memorandum-16-007, reported. "The Environmental Protection Agency (EPA) has issued two final rules and one proposed rule which will accelerate dramatic changes in our nation's interconnected energy economy for decades to come. While each of the rulemaking documents includes discussion of EPA's efforts to seek input from tribes, there are implications for Indian Country that do not appear to have received sufficient consideration. The deadline for filing comments on the proposed rule is January 21, 2016 and tribes may want to ask for an extension of the comment period."
This is a complex set of rulemaking documents, and the proposed rule, which is still open for comment, builds on the two final rules. These rules are intended to help bring about a transition away from coal-fired power plants and toward much greater use of renewable energy. According to EPA's analysis, this transition will result in benefits that greatly exceed the costs, benefits that include reducing the adverse impacts of climate change, public health benefits from reduced air pollution, and a net increase in jobs. The proposed rule lays out the contours for what model emission reduction plans can look like and has far reaching financial and legal implications for our national economy, including Indian Country. EPA did seek input from tribes during the rulemaking process, but the proposed rule nevertheless raises issues regarding the extent to which Indian tribes and Indian people will be able to reap their fair share of the benefits from the changes that this proposed rule could bring about. There are also implications for tribal sovereignty that are not addressed in the rulemaking documents, particularly with respect to tribes that do not have electric utility power plants within their reservations.

Understanding the Regulatory Framework that the Final Rules Create

One final rule implements the "Clean Power Plan," the Obama Administration's regulatory initiative to use EPA's authority under the Clean Air Act to reduce carbon dioxide (CO2) emissions from electric utility power plants to 32 percent below 2005 levels by 2030 (with interim targets in effect from 2022 to 2029). The other final rule sets CO2 emission standards for new electric utility power plants. Under the first rule, each state in which there is an existing electric utility power plant is required to submit a plan for reducing CO2 emissions. EPA has calculated the CO2 emission reduction goals for each state. In developing the guidelines for existing power plants, EPA treated the electric grid as a single interconnected entity and designed the guidelines to achieve reductions in CO2 emissions by creating incentives for investments in renewable energy and energy efficiency, thus meeting demands for electricity while reducing reliance on fossil fuels. These reductions in emissions can be achieved through a combination of increasing the efficiency of current power plants; replacing coal-fired power plants with natural gas generating units (which emit less CO2) or with renewable energy such as wind and solar (which emit zero CO2); or by making investments in energy efficiency which reduce the total demand for electricity. The design of the plan is up to each particular state. As one way to achieve these reductions, states may initiate market-based emission trading programs, i.e. mechanisms to account for and give financial credit for investments in renewable energy and energy efficiency that offset reductions in electricity generated from sources that emit larger amounts of CO2. In addition, states may join forces and adopt multi-state or regional plans.

In instances where a state fails to submit a plan or does not submit an acceptable plan, EPA will develop a federal plan for that state. States have until September 6, 2016 to submit their plans to EPA. However, some 27 states have filed suit challenging EPA's authority to promulgate rules for the Clean Power Plan.

Tribes With Electric Utility Power Plants. There are four electric utility power plants in Indian Country on three reservations. EPA has calculated the CO2 emission reduction goals for each of these three tribes. Each of these tribes has the option to be treated as a state (TAS) and develop a plan. If any of these tribes do not submit an acceptable plan to EPA, and if EPA determines that a federal plan is necessary for that tribe's reservation, EPA will develop a plan.

Tribes Without Electric Utility Power Plants. The vast majority of tribes do not have electric utility power plants within their reservations. What about those tribes? Can they participate in emissions trading and otherwise benefit from the incentives in the Clean Power Plan to meet energy demands with renewable energy and energy efficiency? To a large extent, the answers depend on policy decisions made by the states. The states choose whether to adopt a state plan and, if so, how to structure that plan. Except for the three tribes that do have electric utility power plants, the rulemaking documents generally overlook the fact that tribes are separate sovereigns, distinct from the states. While some states have developed constructive relationships with tribes within their borders, this is far from a universal condition. Relying on state plans to provide incentives for implementing renewable energy and energy efficiency in Indian Country is likely to be less than optimally effective. One reason is that the transition to clean power raises policy issues on which state officials and tribal officials may
not agree, and tribal officials may want to decide for themselves.

Another reason is the general lack of authority on the part of states to implement governmental programs on Indian trust land. In submitting its plan to EPA, each state must demonstrate that it has legal authority to implement and enforce each component of the state plan. Tribes may see any assertion of state authority as a threat to tribal sovereignty. EPA should not implicitly require tribes to accept state authority in order to share in the benefits of the Clean Power Plan.

The Proposed Rule for Model Plans—Comments Due January 21, 2016

The proposed rule spells out two types of model market-based plans that states and the three tribes with covered electric utility power plants can customize if they choose to design their own plans. Both models include extensive provisions for evaluation, measurement, and verification of electricity produced by renewable energy sources or saved by demand-side energy efficiency. In instances when a state does not submit an acceptable plan, the EPA will develop, implement, and enforce a federal plan tailored for that state instead. In that instance, the EPA will look to the two proposed models to design a federal plan specific to that state. However, one key difference is that EPA is proposing to leave credits for energy efficiency out of any federal plan. The stated reason is that, for a federal plan there is a unique need to be able to implement the credit issuance process "in a streamlined manner across many jurisdictions ... while still assuring a rigorous EM&V [evaluation, measurement, and verification] process." This means that the tribe may be able to obtain credits for an energy efficiency project through a state plan, but not if the tribe's reservation is covered by a federal plan. EPA has asked for comments on this point, i.e., whether various types of energy efficiency components should be included as eligible measures under a federal plan. Examples suggested include "state and utility energy efficiency programs, project-based demand-side energy efficiency, state building codes, state appliance standards, and conservation voltage reduction."

A Federal Plan for Indian Country? While the electric utility power plants are the sources of the carbon pollution from which the Clean Power Plan seeks to reduce CO2 emissions, EPA treats the entire power grid as a single, interconnected entity. The parts of the grid that are located within Indian Country are part of that single entity. Renewable energy resources in Indian Country that put power into the grid and energy efficiency resources that reduce the demands for power from the grid help to reduce emissions from electric utility power plants that are connected to the grid. EPA should find a way for the Clean Power Plan to incentivize such investments in Indian Country, a way that also supports tribal sovereignty.

One option would be for EPA to use its authority under Clean Air Act section 301(d)(4) and promulgate a federal plan for Indian Country. Such a federal plan could offer the practical advantage of connecting Indian Country to all parts of the grid that will be using the federally-administered emission trading system. Such a federal plan should leave open the option for a tribe to be included in a state or multi-state plan where that would be preferable.

Federal Incentive and Assistance Programs—Comments Requested But No Deadline Specified

Clean Energy Incentive Program. The interim compliance period for the Clean Power Plan begins in 2022. In order to create incentives for investments before then in wind and solar renewable energy, and in demand-side energy efficiency in low-income communities, the Clean Power Plan establishes the Clean Energy Incentive Program (CEIP). State participation in the CEIP is optional, and states that choose to participate are to inform EPA of their intent by September 6, 2016. In the Clean Power Plan final rule, EPA says that it will address the design and implementation of the CEIP "in a subsequent action" after engaging with "states, utilities, and other stakeholders." One of the fact sheets, "Clean Energy Incentive Program Next Steps", raises some of the issues on which EPA seeks input. A few of the issues that may be of particular interest to tribes include:

• Criteria for eligible projects, including those for energy efficiency projects implemented in low-income communities;
• Definition of "low-income community" for eligible energy efficiency projects; and
• How states, tribes, and territories for whom goals have not been established in the final emission guidelines may be able to participate in the CEIP.
Other Federal Assistance Programs. We note the Clean Power Plan final rule states that EPA will be working with "federal partners and others to ensure that states and vulnerable communities have access to information" on federal programs relating to renewable energy and energy efficiency. This exercise should include examining such federal programs and resources to determine whether and, if so, the extent to which, they reach into Indian Country. Programs and resources that do not reach Indian Country should be candidates to be redesigned.

Conclusion

If EPA's analysis of the benefits of the Clean Power Plan is even relatively accurate, the benefits will be substantial, including a net increase in jobs. The families of Indian Country deserve to share in those benefits. Moreover, the Clean Power Plan is intended to help bring about a fundamental transition in the ways our economic order uses energy, a transition that the scientific consensus tells us must happen soon if we are to have a reasonable chance of avoiding some of the more severe and irreversible effects of global climate change. Tribal governments can help bring about this transition.

In addition to the rulemaking documents, EPA has released a number of fact sheets and other explanatory materials, a Regulatory Impact Analysis, and technical and legal documents, available at: http://www.epa.gov/cleanpowerplan."

"Energy Department Announces Funding for Inter-Tribal Technical Assistance Energy Providers Network," Hobbs Straus General Memorandum 16-017, February 22, 2916, http://hobbsstraus.com/general-memorandum-16-017, reported, "On February 12, 2016, the U.S. Department of Energy (DOE) announced that it will be taking applications from regional and intertribal Indian organizations as well as the thirteen Alaska Native regional corporations for grants of between $300,000 to $1 million each to provide technical assistance to their member tribes. This is a competitive grant program and the total amount available for all grants is between $4 million and $7 million. DOE's Office of Indian Energy will provide training during the first year of the grant, including five weeks of intensive training. The Office of Indian Energy will also provide access to DOE resources and energy experts throughout the grant period. This grant has a 10 percent cost share. A link to the application and further information about the funding opportunity is here: https://eere-exchange.energy.gov/#FoaId47df7cd5-5f75-4e14-954b-bce53b93cda The deadline for applications for the Funding Opportunity Announcement (FOA) is 5:00 PM EST, April 14, 2016.

The FOA limits participation to the thirteen Alaska Native regional corporations as well as an eligible Inter-tribal Organization which is "an organization comprised of two or more Indian tribes, established under Congressional, State, or Tribal law to act on behalf of the participating Indian tribes" such as "inter-tribal councils, regional tribal organizations or associations, Alaska Regional Development Organizations, and tribal federations." The overall mission of this grant opportunity is to maximize the development and deployment of energy solutions for the benefit of American Indians and Alaska Natives on a regional, rather than an individual Indian tribe or village, basis.

Grant award winners will be expected to:
1. Coordinate energy solutions among participating Indian tribes or Alaska Native villages within the region.
2. Deliver technical assistance to participating Indian tribes or Alaska Native villages within the region.
3. Build the human capacity of participating Indian tribes or Alaska Native villages by providing information to tribal leaders and staff through workshops or Webinars.
4. Serve as an information clearinghouse for participating Indian tribes or Alaska Native villages.
5. Network with regional and national energy organizations.
6. Advise DOE's Office of Indian Energy on the energy goals and needs within their region.
7. Enhance DOE's technical assistance network across Indian Country.

DOE will host a webinar for potential applicants on March 1. Those interested can register for the webinar at https://attendee.gotowebinar.com/register/1340168707350748930."
"Environmental Protection Agency Publishes Final Interpretive Rule on Tribal Eligibility for "Treatment as a State" under the Clean Water Act," Hobbs-Straus General Memorandum 16-033, May 16, 2016, http://hobbsstraus.com/general-memorandum-16-033, reported, "On May 16, 2016, the U.S. Environmental Protection Agency (EPA) published a final interpretive rule in the FEDERAL REGISTER to streamline how tribes can apply for "Treatment as a State" (TAS) for the water quality standards (WQS) program and other Clean Water Act regulatory programs. 81 Fed. Reg. 30183 (copy attached). This interpretative rule finds that Section 518 of the Clean Water Act (CWA) is an express delegation of authority by Congress, and eliminates the requirement that tribes show inherent authority over nonmembers on fee lands under the so-called Montana test, a requirement which has been a major impediment to tribes attaining TAS status and adopting WQS. The interpretive rule explains EPA's revised interpretation of the statutory requirements in the CWA and does not make any changes in the existing regulatory language relating to applications for TAS. As we reported in General Memorandum 15-059 (August 12, 2015), EPA invited comments on this rule even though, as an interpretive rule, it is not subject to notice and comment rulemaking under the Administrative Procedure Act. The final rule includes EPA's responses to comments received.

In this final rule, EPA reinterprets Section 518 of the CWA as a delegation of authority by Congress to eligible tribes to administer CWA regulatory programs over their entire reservations. Tribes and tribal organizations have been seeking this proposed reinterpretation for many years. This reinterpretation is a very significant shift away from the approach EPA adopted in 1991 when it promulgated final regulations for the WQS program, which required each applicant tribe to include a statement describing the basis for its assertion of authority. EPA's interpretation of this regulatory requirement, as explained in the preamble of the 1991 rulemaking document, required that a tribe seeking TAS to administer the WQS on lands owned by nonmembers of the tribe demonstrate inherent authority to regulate non-tribal members under principles of federal Indian common law, especially Montana v. United States, 450 U.S. 544 (1981). In Montana, the Supreme Court had announced a proposition that, absent a delegation of federal authority, tribes generally lack inherent sovereignty over nonmembers on fee lands, but the Court also formulated two exceptions in which tribes may retain inherent civil jurisdiction over nonmembers. The second exception, which EPA considered relevant for tribal authority for CWA regulatory programs, provides that tribes may retain inherent civil authority where nonmember "conduct threatens or has some direct effect on the political integrity, the economic security, or the health and welfare of the tribe."

In the final interpretive rule, EPA recognizes that the requirement for "the demonstration of inherent authority over nonmember activities on the reservation under the so-called Montana test has created the most significant and widespread burden" to tribes attaining TAS status for the WQS program. Only 53 of the more than 300 tribes with reservations have been approved for TAS to adopt WQS.

In explaining its reinterpretation, EPA recalls that, in the 1991 rulemaking, it had considered the question of whether CWA Section 518 was a delegation of authority to tribes. After noting that an opinion by four Supreme Court justices cited Section 518 as an example of delegation and that some legislative history supported a finding of such congressional intent, EPA had found that the support for delegation was not sufficiently definitive. EPA wrote that it considered the question "not resolved" and that EPA would be willing to revisit the issue if further congressional or judicial guidance indicates that Section 518 is properly interpreted as an express congressional delegation of authority.

EPA's approvals of TAS for CWA regulatory programs have been challenged several times, and in each case the reviewing court upheld EPA's determination. In its reinterpretation, EPA notes that the first federal court to rule on a challenge to a CWA TAS determination analyzed CWA Section 518 and concluded that it does provide tribes with delegated regulatory authority over their entire reservations, although that question was not an issue to be decided in the case. EPA also cites the TAS provisions in Section 301(d) of the Clean Air Act (CAA) as additional relevant insight into congressional intent, with language that was enacted in 1990, only three years after Congress enacted CWA Section 518. When EPA finalized its TAS regulations implementing CAA Section 301(d) in 1998, it concluded that Congress had intended to delegate regulatory authority to eligible tribes "over all air resources within the exterior boundaries of a reservation." That interpretation rendered the Montana test inapplicable. When EPA's TAS rule under the CAA was
challenged, the D.C. Circuit Court of Appeals found that EPA's interpretation was consistent with congressional intent. In its reinterpretation, EPA notes that (similar to the CAA) CWA Section 518 provides eligibility for tribal programs covering water resources "within the borders of an Indian reservation" and cites the definition of "federal Indian reservation" in Section 518(h) of the CWA as including all land within the limits of a reservation.

In light of the legal developments since 1991 and the experience to date in which the Treatment as a State application process has become much more burdensome than EPA anticipated in 1991, EPA has now finalized its reinterpretation of Clean Water Act Section 518."

"Department of Transportation to Establish Negotiated Rulemaking Committee for Tribal Transportation Self-Governance Program; Nominations and Comments Requested," Hobbs-Straus General Memorandum 16-030, April 22, 2016, http://hobbsstraus.com/general-memorandum-16-030, reported, "On April 25, 2016, the Department of Transportation (DOT) Federal Highway Administration (FHWA) will publish a notice in the FEDERAL REGISTER announcing its intent to establish a negotiated rulemaking committee to develop a proposed rule to carry out the Tribal Transportation Self-Governance Program (TTSGP). The inclusion of the TTSGP in the recent transportation reauthorization act (the FAST Act, PL 114-94) represents a landmark expansion of self-governance to a federal agency beyond the Department of the Interior and the Indian Health Service. The FAST Act requires the use of the negotiated rulemaking process to create implementing regulations for the TTSGP. We attach the pre-print of the FEDERAL REGISTER notice. Nominations for individuals to serve on the Committee and comments on the formation of the Committee are due by June 9, 2016.

Background. Under the TTSGP, tribes will be able to obtain all of their transportation funds (including not only their Tribal Transportation Program funds, but also transit, Federal-aid and other DOT funds) under one self-governance agreement. This will greatly streamline administrative procedures and help tribes to place safe and reliable transportation infrastructure on the ground and into operation faster and more cost effectively. (See our General Memorandum 15-082 of December 11, 2015.) The fact that the FAST Act requires the use of the negotiated rulemaking process to create implementing regulations for the TTSGP is key: negotiated rulemaking is a process by which a committee of representatives of the interests most affected by the rulemaking directly participates with the federal agency and negotiates the provisions of the proposed regulations.

Committee Composition and Formation. The Committee will be composed of federal and tribal officials with a Designated Federal Official, and may also include a neutral professional facilitator. The FHWA states that tribal Committee membership must be tribal government representatives (elected officials of tribal governments or their designated employees with authority to act on their behalf), a majority of whom shall be nominated by and be a representative of Indian tribes with existing Title 23 U.S.C. funding agreements with the DOT. FHWA expects that the Committee will be composed of one tribal representative from each of the 12 Bureau of Indian Affairs Regions, along with a lesser number of federal representatives. To the maximum extent possible, FHWA will consider geographical location, size, and existing transportation and self-governance experience, in selecting tribal committee representatives. Additional tribal representatives will be considered if the Secretary believes that it would result in better serving tribal interests. In order to achieve as much tribal diversity and representation as possible, the Secretary also invites nominations from intertribal consortia and tribal organizations. The total Committee membership is expected to be no more than 25 members.

Committee Responsibilities. The Committee is to develop proposed regulations to carry out the TTSGP. The regulations will include details on: eligibility criteria; the contents of program compacts and annual funding agreements including funding types; roles and responsibilities of tribes and the federal government; length of terms; redesign and consolidation; retrocession; and termination. In addition, the Committee will review and include cost principles, monitoring, waivers, and the applicability of the Indian Self-determination and Education Assistance Act. The FHWA estimates that the Committee will meet approximately 10 times over the course of 10-12 months, with the majority of the meetings to be held in Albuquerque, New Mexico. The meetings are expected to last three to four days each. Committee members
will not receive pay for their membership, but will be compensated for travel and per diem expenses while performing official committee business. Because of the scope and complexity of the tasks at hand, Committee members must be able to invest considerable time and effort in the negotiated rulemaking process. Committee members must be able to attend Committee meetings, work on Committee work groups, consult with their constituencies between Committee meetings, and negotiate in good faith toward a consensus recommendation on issues before the Committee.

Conclusion. The enactment of the FAST Act represents a significant step forward for tribal self-determination. We will be closely following the negotiated rulemaking process for the Department of Transportation Tribal Self-Governance Program. Please let us know if you are interested in participating in that rulemaking or if you would like to be included in our shared-cost advocacy and reporting related to that rulemaking process."

"Webinar on the New Department of Transportation Tribal Self-Governance Program and Other Tribal Transposition Provisions in the FAST Act: Hobbs Straus General Memorandum 16-004, January 8, 2016, http://hobbsstraus.com/general-memorandum-16-004, reported, "On Monday, January 11, 2016, at 3:00 PM EST the Self-Governance Communication & Education Consortium staff along with Geoff Strommer and Michael Willis of Hobbs, Straus, Dean & Walker, LLP will co-host a webinar on the new Department of Transportation (DOT) Tribal Self-Governance Program. Through this extension of self-governance to the DOT, tribes will be able to obtain all of their transportation funds (including not only their Tribal Transportation Program funds, but also transit, Federal-aid and other DOT funds) directly through DOT under one self-governance agreement. The new transportation authorization law (the FAST Act) also provides funding increases for the Tribal Transportation Program and the Tribal Transit program as well as a number of technical changes to these programs.

Sign up for the webinar here: https://cc.readytalk.com/cc/s/registrations/new?cid=e9sk2qxtzff to learn more about these important changes and what new opportunities they create for your tribe.

For further information on the FAST Act, see our General Memorandum 15-082 of December 11, 2015."

"Department of Labor Updates Salary Basis Test for Overtime Determination," Hobbs-Straus General Memorandum 16-035, May 24, 2016, http://www.hobbsstraus.com/general-memorandum-16-035, reported, "On May 18, 2016, the Department of Labor (DOL) pre-published a final rule that will expand the definition of salaried employees who are eligible to receive overtime pay. The final rule and related documents can be accessed here: https://www.dol.gov/whd/overtime/final2016/. The new rule more than doubles the minimum amount of salary that is used as one prong of the exemption test for employees in executive, administrative, and professional positions, from a level of $23,660 per year, to $47,476 per year. "White collar" employees—even those previously "exempt" from overtime—who make less than this amount will soon be eligible for overtime. We believe this may affect the employees of many tribes and tribal entities.

The overtime rules are authorized by the Fair Labor and Standards Act (FLSA), which generally requires that workers who work more than 40 hours in a workweek receive time-and-a-half as overtime pay. There is an exemption from this rule for 'bona fide executive, administrative, or professional' employees. This is generally referred to as the 'white-collar' exemption from overtime rules. We note that these changes do not apply to employees paid by the hour or piece, independent contractors, or outside sales employees.

Previously, an employee in one of these positions would be "exempt" from overtime if he or she was paid a salary of at least $23,660 per year, the salary was fixed and not subject to reduction because of the amount or quality of work, and who met the DOL tests and standards showing their duties were sufficiently executive, administrative or professional. Effective December 1, 2016, the new salary level will increase to $47,476 (the other two criteria are unchanged). All factors of this test must be met, meaning that even if an employee is paid by salary and does primarily these white-collar duties, he or she will still be eligible for overtime if making less than $47,476 per year.

The salary threshold was last updated in 2004, and is officially based on a weekly wage. The new rule is officially based on the lowest-wage region (the South) of four large national Census regions, and is set so
that the lowest-paid 40 percent of salaried workers would be caught by the new rule. While the rule more than doubles the floor for the salary basis test, it does state that an employer may count up to ten percent of the salary level in non-discretionary bonuses, incentives, or commissions that are paid at least quarterly. Governmental employers (though not specifically tribes, see below) may use "comp time" (1.5 hours for each overtime hour worked) instead of overtime payment in some circumstances.

The rule also updates the salary level for exemption of 'Highly Compensated Employees' (HCEs). HCEs exempt from overtime are those employees whose work is not primarily executive, administrative, or professional in nature (but who perform duties at least minimally so), and make over a certain salary. This level was previously $100,000 a year, but will now be $134,004 a year.

Finally, the rule provides that these levels will update automatically every three years, beginning on January 1, 2020, based on the same criteria.

While several tribal governments and intertribal organizations commented on this rule and its potential impact for tribes in their capacity as employers, it is worth considering whether the FLSA is applicable to tribes. Though it is not a settled question whether the FLSA applies to tribes, we know that many tribes and tribal organizations follow the overtime rules. The FLSA and the rules do not make specific mention of tribes, nor do they explicitly abrogate tribal sovereign immunity. As such, the FLSA is a 'statute of general applicability,' and there is an open question as to whether such statutes apply to tribal governments and arms of tribes. Some federal courts have held that the statute does not apply to tribes, but for differing reasons ranging from the fact Congress did not waive tribal sovereign immunity to a closer consideration of whether an employee's work was sufficiently related to tribal self-government. The Seventh and Ninth Circuits have held that the FLSA does not apply if the employee's work is sufficiently related to tribal self-government. In contrast, the Eleventh Circuit has held that the statute is not enforceable against tribes, finding that Congress did not intend to abrogate tribal sovereign immunity. The Ninth Circuit has held that the FLSA applies to on-reservation businesses owned by individual tribal members. No court has determined whether tribes are 'governments' for the purposes of using comp time allowed under these rules.

Several tribal commenters requested an exemption or special rules for tribal employers, noting the law does not address tribes, but DOL stated that since 'the Department did not propose any different treatment for [governmental employees] or ask any questions in the NPRM [Notice of Proposed Rulemaking] about such a change, [DOL] believe[s] the special provisions sought are beyond the scope of this rulemaking.'


"Advisory Council on Historic Preservation Seeks Suggestions for Improving the National Historic Preservation Program; Tribal Perspectives Needed," Hobbs-Straus General Memorandum 16-034, May 18, 2016, http://hobbsstraus.com/general-memorandum-16-034, reports, "In conjunction with the 50th anniversary of the enactment of the National Historic Preservation Act (NHPA), the Advisory Council on Historic Preservation (ACHP) has launched an initiative to seek creative suggestions for improving the National Historic Preservation Program. The ACHP plans to develop a set of policy recommendations and implementation strategies to be formally submitted to the next Administration and the incoming Congress at the end of this year. To provide a framework for dialogue, on May 10, the ACHP released a three-page statement captioned "The National Historic Preservation Act at 50: Challenges, Opportunities, and Priorities" ("NHPA at 50") (copy attached, also at www.achp.gov/historicpreservation.html). Suggestions and comments are invited by email to NHPA50@achp.gov. The deadline is June 10, 2016, noon EDT.

As noted in NHPA at 50, there have been many changes in the United States since 1966, and more
changes must be expected in the future. The historic preservation program has evolved over the decades and the ACHP believes it must continue to evolve as we deal with the basic issues of why preservation matters, what should be preserved, and how to make preservation work.

Tribal government involvement in the national program has grown substantially since the enactment of the NHPA Amendments of 1992, which authorize Tribal Historic Preservation Officer programs. NHPA at 50 notes that there is an unmet need for "adequate support for tribal preservation programs.' The 1992 Amendments also added a requirement that, in conducting the review process under NHPA section 106, each federal agency must consult with any tribe that attaches religious and cultural significance to a historic property that would be affected by a proposed federal undertaking. NHPA at 50 says that, despite this requirement to consult with tribes, 'in practice they are often overlooked or excluded.'"


"And in the end, the Ancient One’s descendants were proven right by the science employed by those who had wanted to prove the Ancient One—also known as Kennewick Man for the area where he was found—was perhaps related to other Pacific peoples, was part of another early human migration to the Americas.

On April 26, the U.S. Army Corps of Engineers ruled that the Ancient One is indeed Native American and most closely related to the people of the Colville Tribes. The ruling sets the stage for the return, under the Native American Graves Protection and Repatriation Act, or NAGPRA, of the Ancient One’s remains to the place where his loved ones first interred him some 9,000 years ago."

Following a discussion with leaders from several plains Indian Tribes and officials at the Department of Defense, in spring of 2016, it was agreed that the Army would cover the costs of returning the remains of Plains Indian students initially buried at the Carlisle Indian School, which later became the Army War College, whose remains were later moved during construction at the college (David Rooks, "US Army Pledges to Bear Full Cost of Returning Carlisle Remains," ICTMN, May 12, 2016, http://indiancountrytodaymedianetwork.com/2016/05/12/us-army-pledges-bear-full-cost-returning-carlisle-remains-164458).

**Federal Indian Budgets**

**Indian Affairs FY 2016 Appropriations; Includes Indefinite Appropriation for Contract Support Costs and Full Funding for Schools' Tribal Grant Support Costs**


"On December 18, 2015, President Obama signed the Consolidated Appropriations Act, 2016 as PL 114-113 ("the Act"). The Act contains funding for all federal agencies, combining what under regular procedures would be 12 separate bills. In this Memorandum we report on FY 2016 funding for Indian Affairs (which includes the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE)) which is in Division G (Interior, Environment and Related Agencies) of the Act. In addition to the Explanatory Statement accompanying the Act, House and Senate Interior Appropriations report language (H. Rept. 114-170; S. Rept. 114-70) is to be complied with unless specifically contradicted by the bill language or the Explanatory Statement. (See our General Memorandum 15-048 of July 7, 2015 comparing the House and Senate Committees' and the Administration's recommendations regarding the FY 2016 Indian Affairs budget.) Attached is the FY 2016 Enacted Budget Chart. We describe in narrative only those subactivities and line items which differ significantly from FY 2015 enacted amounts and terms or the Administration's FY 2016
INDIAN AFFAIRS (IA) OVERVIEW

For FY 2016, the Act provides $2.7 billion for Indian Affairs. This is slightly lower than the Administration's request ($2.9 billion) but higher than the FY 2015 enacted level ($2.6 billion). This overall funding level reflects the fact that Congress and the Administration reached a deal to slightly increase the budget caps for FYs 2016 and 2017 in exchange for targeted cuts elsewhere in the federal budget. The Administration had originally requested greater increases for FY 2016 while Congress had initially proposed lower spending levels in line with the budget caps set forth in the Budget Control Act.

The FY 2016 enacted amount reflects "indefinite appropriations" for Contract Support Costs and what for the first time is estimated to be full funding for tribally-controlled schools' Tribal Grant Support Costs. Notably, this overall amount for Indian Affairs also reflects substantial increases for school construction as well as significant increases for tribal court improvement (especially in PL 280 states) and implementation of the Violence Against Women Act and support for the Tiwahe initiative. The Act also provides funding to establish the Indian Energy Service Center that was requested by the Administration. These bipartisan investments in tribal self-determination, education, safety, justice, and economic development are significant not only for their dollar amount but also for the sheer fact that they exist when many federal programs are being cut, flat funded, or receiving only nominal increases.

Also of note, Congress provided a significant increase for the Office of Navajo-Hopi Indian Relocation. This Office is also funded under Division G of the Act but is separate from the INDIAN AFFAIRS budget. It is located under the OTHER RELATED AGENCIES section.

Contract Support Costs. Most notable is the moving of Contract Support Costs (CSC) into its own account and the instructions in the Act that it is to be funded at "such sums as may be necessary." The Explanatory Statement assumes a need of $277 million ($26 million over FY 2015). Should the need for CSC exceed the amount listed in the budget chart, additional CSC funds would be made available and the agencies' program funding will not be reduced. This provision is applicable to only the FY 2016 Appropriations Act and so discussion will continue on the issue of providing permanent mandatory funding for CSC. See the CSC section elsewhere in this Memorandum for additional information.

Fixed Costs. The Administration's request for the Indian Affairs budget included $18.3 million to fully fund increases attributed to fixed costs. The Explanatory Statement concurs, stating that fixed costs and transfers are included in the amounts provided for OPERATION OF INDIAN PROGRAMS. The Senate report specifies that fixed costs and transfers are also included in the amounts provided for CONSTRUCTION.

Indirect Costs. The House Report states:

The Committee is concerned that a recent Administration policy change with regard to indirect cost reimbursement may not fairly apply to Indian Tribes and tribal organizations. The Secretary is directed to report to the Committee justifying this policy change and in particular its application to tribal enrollment activities. (H. Rept. 114-170, p. 40)

Tribal Grant Support Costs. For the first time, Tribal Grant Support Costs (which are essentially Contract Support Costs for tribally-controlled schools) are fully funded. This is a significant step. The next step will be to ensure that they receive permanent, mandatory funding—just as tribes are advocating for Contract Support Costs.

Tiwahe (Family) Initiative. For FY 2016, the Administration requested increases to the Human Services activity and Public Safety and Justice activity to continue and expand the Tiwahe initiative which is designed to strengthen Indian families, reduce recidivism, and strengthen tribal justice systems. Congress largely agreed to these requested increases for the Tiwahe initiative.

Indian Reorganization Act – Carcieri Fix Not Included. Congress continues to not provide language which would reverse the U.S. Supreme Court's 2009 decision that the Secretary of the Interior does not have authority to take land into trust for tribes recognized after 1934. The Carcieri-Fix language that the Administration requested for FY 2016 is the same as what was requested in FY's 2011, 2012, 2013, 2014 and 2015.

Restriction on Implementation of New Federal Recognition Rule Not Included. The Act omits
language from the House bill which would have restricted the Secretary of Interior from implementing, administering, or enforcing the new Federal Acknowledgment rule. Instead, the Explanatory Statement merely states:

The Committees acknowledge concerns expressed by certain tribes, States, and bipartisan members of Congress regarding recent changes in tribal recognition policy on standards that have been applied to new applicants since 1978. Federal acknowledgement of a tribe impacts the Federal budget, other tribes, State and local jurisdictions, and individual rights. The Committees expect the Administration to maintain rigorous recognition standards while implementing a more transparent, efficient, and workable process.

OPERATION OF INDIAN PROGRAMS

FY 2015 Enacted $2,429,236,000
FY 2016 Admin. Request $2,660,591,000
FY 2016 Enacted $2,267,924,000
Operation of Indian Programs (OIP) budget includes the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE).

BUREAU OF INDIAN AFFAIRS

FY 2015 Enacted $1,618,705,000
FY 2016 Admin. Request $1,756,127,000
FY 2016 Enacted $1,415,557,000

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 2015 Enacted $547,679,000
FY 2016 Admin. Request $583,767,000
FY 2016 Enacted $301,517,000*

*This lower FY 2016 enacted amount reflects the transfer of Contract Support and the Indian Self-Determination Fund from within the Tribal Government activity to a new account which is separate from the OIP budget. The Tribal Government subactivities are now: Aid to Tribal Government; Consolidated Tribal Government Program; Self-Governance Compacts; New Tribes; Small and Needy Tribes; Road Maintenance; and Tribal Government Program Oversight. (See attached: FY 2016 Enacted Budget Chart, p. 1)

Congress rejected the Administration's requested increases for the Small and Needy Tribes and Tribal Government Program Oversight subactivities.

New Tribes. The Senate Report states:
[The Committee] notes the challenge of reconciling the timing of the tribal recognition process with the annual budget formulation process. If additional tribes are recognized during fiscal year 2016 beyond those contemplated in the budget request, the Bureau is urged to support their capacity building efforts to the extent feasible. (S. Rept. 114-70, p. 37)

Road Maintenance. The House Report states:
The Committee recognizes that too many roads on Indian reservations are in poor condition and are a significant safety concern. (H. Rept. 114-170, p. 37)

HUMAN SERVICES

FY 2015 Enacted $142,634,000
FY 2016 Admin. Request $149,004,000
FY 2016 Enacted $147,004,000

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. (See attached: FY 2016 Enacted Budget Chart, p. 1-2)

Social Services-Tiwahe Initiative. Congress provided $4 million of the Administration's $6 million requested increase to continue the work of the Tiwahe initiative. "The Tiwahe initiative supports the White House's cross-agency Generation Indigenous initiative, which takes a comprehensive, culturally appropriate
approach to help improve the lives and opportunities for Native Youth. Tiwahe, specifically, is a plan to strengthen Indian families and promote family stability in order to fortify tribal communities." (Admin. Request, p. IA-HS-1)

TRUST–NATURAL RESOURCES MANAGEMENT
FY 2015 Enacted $184,852,000
FY 2016 Admin. Request $232,796,000
FY 2016 Enacted $191,846,000

The Trust–Natural Resources Management subactivities are:
Natural Resources; Irrigation Operation and Maintenance; Rights Protection Implementation; Tribal Management/Development Programs; Endangered Species; Tribal Climate Resilience/Cooperative Landscape Conservation; Integrated Resource Information; Agriculture and Range; Forestry; Water Resources; Fish/Wildlife & Parks; and Resource Management Oversight. (See attached: FY 2016 Enacted Budget Chart, p. 2)

Congress provided just $6.9 million of the Administration's requested $46.9 million increase. Of this $6.9 million, $2 million was allocated for the Rights Protection Implementation subactivity and $4 million was allocated for the Forestry subactivity (with $2 million for forest thinning and $2 million for fire recovery). The $20.4 million increase requested by the Administration for the Tribal Climate Resilience subactivity went unfunded; however, the House Report states:

The Committee is concerned about tribal communities that face severe challenges to their long-term resilience because of risks associated with climate, geography, and extreme weather conditions. The Bureau is encouraged to work with at-risk Tribes to identify and expedite the necessary resources to support mitigation and, where necessary, relocation. (H. Rept. 114-170, p. 37)

TRUST–REAL ESTATE SERVICES
FY 2015 Enacted $127,002,000
FY 2016 Admin. Request $143,000,000
FY 2016 Enacted $127,486,000

The Trust–Real Estate Services subactivities are:
Trust Services; Navajo-Hopi Settlement Program; Land Title and Records Offices; Real Estate Services; Land Records Improvement; Environmental Quality; Alaskan Native Programs; Rights Protection; and Trust-Real Estate Services Oversight.(See attached: FY 2016 Enacted Budget Chart, p. 2)

Congress provided a nominal increase for Trust Real-Estate Services, but far less than the $16.2 million in increases sought by the Administration for the Probate; Land Title and Record Office; Land Records Improvement; Water Rights Negotiations/Litigation; Litigation Support/Attorney Fees and Regional Oversight subactivities. The House and Senate weighed in on the fee-to-trust process and the process for approving of rights-of-way.

The House Report states:
The Committee is concerned about the Department's goal of placing more than 500,000 acres of land into trust by the end of fiscal year 2016. Such a goal incentivizes haste and leads to situations such as in Clark County, Washington. On March 9, 2015, the Department took into trust approximately 152 acres in Clark County on behalf of the Cowlitz Indian tribe, notwithstanding ongoing litigation in the matter. The Committee directs the Department to: (1) report to the Committee within 30 days of enactment of this Act on (a) the process it has established for taking the land out of trust should the court order the Department to do so; and (b) the cost to the Department of taking the land out of trust; and (2) focus not on an acre goal but on reducing the current backlog of fee-to-trust applications. It is entirely appropriate for the government's goal to be to process those applications as efficiently and fairly as possible. The Committee recommends cuts to central and regional oversight in light of the program's current goal."

The Senate Report states:
The Committee recognizes natural gas flaring has been an ongoing issue in places of energy development, including on tribal lands. The Committee also recognizes the challenge of attracting investment and building infrastructure and understands that rights-of-way approvals are an important component to reduce natural gas flaring. The Committee is aware there are significant delays in getting rights-of-way approvals and encourages
the Department to move forward with reservation-wide fair market appraisals that provide fair market values to all parties affected for future rights-of-way applications on energy-affected tribal lands with natural gas flaring. (S. Rept. 114-70, p. 37-38)

PUBLIC SAFETY AND JUSTICE

FY 2015 Enacted $352,850,000
FY 2016 Admin. Request $364,423,000
FY 2016 Enacted $377,423,000

The Public Safety and Justice subactivities are: Law Enforcement; Tribal Courts; and Fire Protection. (See attached FY 2016 Enacted Budget Chart, p. 3)

Notably, Congress provided $24.5 million in increases above FY 2015 for Public Safety and Justice, outstripping even the Administration's requested increases by $13 million. Criminal Investigations and Police Services. The Act provides the $3 million increase requested by the Administration. "The Committees encourage BIA to continue to look for opportunities to improve public safety resources, especially child foster care services, on Spirit Lake Reservation." (Explanatory Statement)

Law Enforcement Special Initiatives. The Act provides the $3 million increase requested by the Administration to expand the BIA's efforts to reduce recidivism at additional Tiwahe initiative sites.

Tribal Courts. The Act provides the $5 million increase requested by the Administration to provide targeted base funding to tribal courts at each Tiwahe initiative site.

Office of Tribal Justice Support. The Act provides $11 million above FY 2015 and the Administration's request for flat funding "of which $1 million is to help implement the Violence Against Women Reauthorization of Act of 2013, and of which $10 million is to work with Indian tribes and tribal organizations to assess needs, consider options, and design, develop, and pilot tribal court systems for tribal communities including those communities subject to full or partial State jurisdiction under Public Law 83-280." (Explanatory Statement)

Educational and Health-Related Services for Youth in Tribal Detention Centers Considered Allowable Costs.

The House Report states:
For the purpose of addressing the needs of American Indian youth in custody at tribal detention centers operated or administered by the BIA, the Committee considers educational and health-related services to juveniles in custody to be allowable costs for detention/corrections program funding." (H. Rept. 114-170, p. 38)

COMMUNITY AND ECONOMIC DEVELOPMENT

FY 2015 Enacted $35,996,000
FY 2016 Admin. Request $40,619,000
FY 2016 Enacted $40,619,000

The Community and Economic Development subactivities are: Job Placement and Training; Economic Development; Minerals and Mining; and Community Development Oversight. (See attached: FY 2016 Enacted Budget Chart, p. 3)

Minerals & Mining Central Oversight. Congress provided the requested $4.5 million in new funding to "establish an Indian Energy Service Center staffed by BIA, the Office of Natural Resources Revenue, the Bureau of Land Management and the Office of the Special Trustee for American Indians to facilitate energy development in Indian Country... The Center will expedite leasing, permitting, and reporting for conventional and renewable energy on Indian lands." (Admin. Request, p. IA-CED-1-2)

The House Report states:
The Bureau is directed to consult with affected tribes regarding staffing and related functions of the new office. (H. Rept. 114-170, p. 38)

The Explanatory Statement adds:
Energy development holds much promise for Indian communities and it is the Committees' expectation that the new center will reduce much of the bureaucracy so that tribes may begin energy development without delay.

EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES
FY 2015 Enacted $227,692,000
FY 2016 Admin. Request $241,832,000
FY 2016 Enacted $229,662,000

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. (See attached: FY 2016 Enacted Budget Chart, p. 3)

Congress provided just $2 million of the Administration's $12 million in requested increases for Assistant Secretary Support to "help address long-standing concerns tribes have expressed with the quality of data in Indian Country" (Admin. Request, p. IA-ADM-2)

BUREAU OF INDIAN EDUCATION
FY 2015 Enacted $810,531,000
FY 2016 Admin. Request $904,464,000
FY 2016 Enacted $852,367,000

The Bureau of Indian Education (BIE) category displays funds for the BIE-funded elementary and secondary school systems as well as other education programs including higher education and scholarships. The Bureau of Indian Education 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.

BIE Oversight and Reform.

The Explanatory Statement states:

The Committees remain concerned about recent Government Accountability Office (GAO) reports detailing problems within the K-12 Indian education system at the Department of Interior, in particular as they pertain to organizational structure, accountability, finance, health and safety, and ultimately student performance. As the Department takes steps to reform the system, the Secretary is reminded that future support from Congress will continue to be based in large part upon successful implementation of GAO report recommendations. In particular, consistent with GAO report 13-774, the Secretary is urged to reorganize Indian Affairs so that control and accountability of the BIE system is consolidated within the BIE, to present such reorganization proposal in the fiscal year 2017 budget request, and to submit to the Committees a corresponding updated workforce plan. Consistent with GAO testimonials 15-389T, 15-539T, 15-597T, and any subsequent reports, the Secretary is urged to personally oversee immediate actions necessary to ensure the continued health and safety of students and employees at BIE schools and facilities. (Explanatory Statement, Section G, p. 26)

The House Report states:

Indian education remains among the Committee's top priorities because it is a fundamental trust responsibility and because elementary and secondary students in particular have fallen far behind their peers for reasons now well documented by the Government Accountability Office, the Department of Education, and others." (H. Rept. 114-170, p. 38)

And:

The Committee remains concerned that control of BIE's budget, procurement, hiring, and facilities maintenance and construction reside not within BIE but within the Bureau of Indian Affairs and the Deputy Assistant Secretary—Management (see Government Accountability Office report GAO–13–774). The Secretary is urged to reorganize Indian Affairs so as to improve leadership stability and accountability within the BIE. (H. Rept. 114-170, p. 39-40)

The Senate Report states:

The administration is commended for its continued focus on tribal education programs, including efforts to improve collaboration between the Departments of the Interior and Education and to implement Executive Order 13592 to improve educational outcomes for American Indian and Alaska Native students. It is noted that the administration is proposing significant reforms to the Bureau of Indian Education [BIE] to improve the quality of education offered and address the persistent performance gap of students educated at BIE-funded schools. These proposed changes will require a restructuring of the Bureau that is not currently
reflected in the fiscal year 2016 budget request and will necessitate continued consultation with tribes, as well as the Committees on Appropriations and the authorizing committees of jurisdiction.

The Committee is concerned the Office of the Assistant Secretary-Indian Affairs, which includes the Bureau of Indian Education [BIE], has not addressed the findings or implemented the recommendations in recent Government Accountability Office [GAO] reports and testimonies (GAO–13–774, GAO–14–121, GAO–15–389T, and GAO–15–539T). These reports outline systemic problems with management of BIE schools, such as lack of oversight over school spending and facilities, including construction, operation, maintenance, and basic repair and upgrades needed to improve the condition of schools that serve Indian Country. The Committee stands ready to work with the administration on the appropriate steps forward and directs the Office of the Assistant Secretary-Indian Affairs to report back within 60 days after enactment of this act on how this Office is implementing the GAO recommendations. As part of this report, the Committee expects a detailed description of the administrative functions of each entity that has or will have a decision making role in supporting and overseeing school facilities, including construction, maintenance, operation, and relevant activities for BIE schools. (S. Rept. 114–70, p. 38)

Juvenile Detention Education Grants. The Act provides $500,000 to restore juvenile detention education program grants.

Elementary and Secondary Programs (Forward Funded)
FY 2015 Enacted $536,897,000
FY 2016 Admin. Request $565,517,000
FY 2016 Enacted $553,458,000

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 2016 for these programs will become available for obligation on July 1, 2016, for SY 2016-2017. (See attached: FY 2016 Enacted Budget Chart, p. 2)

Education Enhancements. The Act provides flat funding relative to FY 2015 levels for this program. The Explanatory Statement suggests "The Bureau should consider transferring this line item to educational program management in the fiscal year 2017 budget request to more accurately account for personnel." The Administration had requested $10 million above FY 2015 in order to "improve student achievement through the adoption of school improvement measures. The enhancement funding is to assist in the development and improvement of education departments that are administered by tribes, while seeking to expand the curriculum for areas like Native language immersion. School improvement efforts that could be adopted include establishing a tribally managed school reform plan." (Admin. Request, p. IA-BIE-2)

Tribal Grant Support Costs. Notably, the Act provides $73.2 million for Tribal Grant Support Costs ($10.8 million above the FY 2015 level). The Explanatory Statement states that this increase is sufficient "to fully fund estimated tribal grant support costs." The Administration's request and the earlier House Report 114-170 had estimated that $75.3 million would fully fund tribal grant support costs for FY 2016. We assume that Congress must have received updated information since that time which lead them to determine that this lower number would provide full funding.

Tribal Education Department Grants. The Act provides $2 million for Tribal Education Departments. This is consistent with the Administration's request and the House Report:

The recommendation includes $2,000,000 as requested for the development and operation of tribal departments or divisions of education as authorized in 25 U.S.C. 2020. (H. Rept. 114-170, p. 39)

Early Child and Family Development.

The Explanatory Statement states:
Within the funding provided for the Early Child and Family Development Program, the Bureau shall not reduce funding for currently operating Family and Child Education programs. The Bureau is directed to publish its report on the 2013-2014 school year internal review of early child and family development programs in order to improve program direction and transparency.
The House Report states:

The Committee recommends $15,520,000 for early child and family development, equal to the fiscal year 2015 enacted level. The Committee strongly supports early childhood development models that address the achievement gap of Indian children primarily located on rural reservations by teaching preschool Indian children the skills they need to begin school and offering developmental opportunities for parents. The BIE is directed to publish its report on the 2013–14 school year internal review of early childhood education programs in order to improve program direction and transparency. (H. Rept. 114-170, p. 38)

The Senate Report states:

The administration's emphasis on education must be complemented by efforts to improve interagency coordination for the multiplicity of programs that affect the wellbeing of Native children. In addition to education, these include healthcare, social service, child welfare and juvenile justice programs. The Committee would like to note the recent Senate passage of S24, the Alyce Spotted Bear and Walter Soboleff Commission on Native Children.

The Committee encourages the Bureau to work with other relevant Federal, State, local, and tribal organizations to begin the process of identifying ways to make programs more effective in serving Native Children. Within the funding provided for the Early Child and Family Development Program, the Bureau shall not reduce funding for currently operating Family and Child Education programs. (S. Rept. 114-70, p. 39)

Early Childhood Caries.

The House Report states:

The Bureau is encouraged to coordinate with the Indian Health Service to establish a pilot program integrating preventive dental care at schools within the Bureau system. (H. Rept. 114-170, p. 39)

The Senate Report concurs:

The Bureau, working with the Indian Health Service as appropriate, is also urged to consider integrating school-based preventative health services such as dental care into elementary schools in order to improve health outcomes of tribal students. (S. Rept. 114-70, p. 39)

Language Immersion. The House Report states:

The Committee is supportive of standards and curricula that emphasize tribal history, language and culture. As alternative proposals are considered, language immersion should be carefully considered as a serious option for improved language development and student outcomes. (H. Rept. 114-170, p. 39)

Restriction on Funding for Satellite Locations. The Act continues language restricting funding for satellite locations while providing the Secretary the ability to waive this restriction in certain instances. The House Report provides the following clarification regarding the intent of the provision:

The recommendation continues bill language providing the Secretary with the authority to approve satellite locations of existing BIE schools if a Tribe can demonstrate that the establishment of such locations would provide comparable levels of education as are being offered at such existing BIE schools, and would not significantly increase costs to the Federal Government. The intent is for this authority to be exercised only in extraordinary circumstances to provide Tribes with additional flexibility regarding where students are educated without compromising how they are educated, and to significantly reduce the hardship and expense of transporting students over long distances, all without unduly increasing costs that would otherwise unfairly come at the expense of other schools in the BIE system. (H. Rept. 114-170, p. 39)

Restriction on Funding for Elementary or Secondary Schools in Alaska. The Act continues language restricting funding for the establishment of elementary or secondary schools in Alaska.

Restriction on Funding for Expanded Grades. The Act continues language restricting funding for the expansion of grades and schools within the BIE system.

Restriction on Funding for Charter Schools. The Act continues language restricting funding for the establishment of charter schools. The House Report provides the following clarification regarding the intent of the provision:

The Committee continues bill language limiting the expansion of grades and schools in the BIE system, including charter schools. The intent of the language is to prevent already limited funds from being spread further to additional schools and grades. The intent is not to limit tribal flexibility at existing schools. Nothing in the bill is intended to prohibit a Tribe from converting a tribally-controlled school already in the BIE system to a
charter school in accordance with State and Federal law. (H. Rept. 114-170, p. 39)

Elementary and Secondary Programs (Non-Forward Funded)
FY 2015 Enacted $119,195,000
FY 2016 Admin. Request $142,361,000
FY 2016 Enacted $134,263,000

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. (See attached: FY 2016 Budget Request, p. 3)

Facilities Operations. The Act provides $7 million of the Administration's $10 million requested increase to "allow BIE to fund schools at 61 percent of calculated need to augment escalating utility and operations costs for an aging school system, based on the FY 2014-2015 calculated need of $107,736,000." (Admin. Request, p. IA-BIE-2)

Facilities Maintenance. The Act provides $7 million of the Administration's $10 million requested increase to "allow schools to complete additional cyclic preventive maintenance repairs under the $2,500 maintenance fund limit before the required repairs deteriorate further, requiring additional funds from the minor or major improvement and repair account when repair costs exceed $2,500." (Admin. Request, p. IA-BIE-3)

Johnson-O'Malley. Congress rejected the Administration's proposed $2.6 million increase above the FY 2015 level and instead would provide nearly flat funding.

The Explanatory Statement states:
Johnson O'Malley Assistance Grants are funded at $14,778,000. The Committees remain concerned about the accuracy of student counts. The Bureau is directed to consult with tribes and Congress before proposing any changes in the distribution of future funds or in the frequency or method of future counts.

Post Secondary Programs (Forward Funded)
FY 2015 Enacted $69,793,000
FY 2016 Admin. Request $69,793,000
FY 2016 Enacted $74,893,000

This subactivity funds forward funded Tribal Colleges and Universities (See attached: FY 2016 Enacted Budget Chart, p. 2)

Forward funding for non-forward funded tribal colleges. The Act provides $5.1 million in new funding as a one-time appropriation to facilitate the transition of the two non-forward funded tribal technical colleges (United Tribes Technical College (UTTC) and Navajo Technical University (NTU)) to forward funding. This proposal was not in the Administration's request. The Explanatory Statement urges:
This one-time increase provides a transition to forward funding, consistent with funding practices for most other tribal colleges. The Bureau is encouraged to include a proposal in the fiscal year 2017 budget request to transition the remaining tribal colleges and universities to forward funding.

The House Report states:
The Committee acknowledges the inconsistency that not all tribal colleges and universities are forward-funded so as to align with academic calendars instead of fiscal calendars. (H. Rept. 114-170, p. 39)

The Senate Report states:
This funding addresses the long-standing concerns of tribal college leaders by providing greater financial security to plan for the academic year through forward funding. The Committee believes there should be parity on the way all tribal colleges that receive assistance throughout the bill are funded and encourages the administration to look for ways for all the tribal colleges to be put on the same funding schedule. (S. Rept. 114-70, p. 38)

Post Secondary Programs (Non-Forward Funded)
FY 2015 Enacted $64,182,000
FY 2016 Admin. Request $69,412,000
FY 2016 Enacted $64,602,000

The two post-secondary schools in the BIE's education system are Haskell Indian Nations University
(Haskell), and the Southwestern Indian Polytechnic Institute (SIPI). BIE also provides grants to two tribal technical colleges: United Tribes Technical College (UTTC) and Navajo Technical University (NTU) and makes available a variety of higher education scholarships, fellowships, and loans to eligible Indian students. The non-forward funded programs are: Haskell and SIPI; Tribal Colleges and Universities Supplements; Tribal Technical Colleges; Scholarships and Adult Education; Special Higher Education Scholarships; Science Post Graduate Scholarship Fund. (See attached: FY 2016 Enacted Budget Chart, p. 3)

Scholarships and Adult Education. Congress did not provide the $4.5 million increase the Administration had requested to "prioritize a third objective of the scholarship fund which is to increase students' engagement with Science, Technology, Engineering, and Mathematics (STEM) related initiatives." (Admin. Request, p. IA-BIE-3).

Education Management
FY 2015 Enacted $20,464,000
FY 2016 Admin. Request $57,381,000
FY 2016 Enacted $25,151,000

The Education Management subactivity consists of Education Program Management and Information Technology. (See attached: FY 2016 Enacted Budget Chart, p. 3)

Congress largely differed from the $36.7 million increases requested by the Administration. Education Program Management. The Act provides the $2.5 million increase requested by the Administration to "support the goals identified in the Blueprint." (Admin. Request, p. IA-BIE-3-4)

Education IT. The Act provides a $2 million increase above FY 2015 but rejects the $34.2 million increase the Administration had requested: "(1) to procure computers and software necessary to administer online assessments; (2) in concert with funding from other sources (such as the E-Rate program) to increase bandwidth in schools to ensure digital delivery of these assessments; (3) to provide the resources and training that staff need to administer these online assessments effectively and efficiently." (Admin. Request, p. IA-BIE-4)

CONTRACT SUPPORT COSTS

Contract Support
FY 2015 Enacted $246,000,000
FY 2016 Admin. Request $272,000,000
FY 2016 Enacted Such sums as may be necessary

Indian Self-Determination Fund
FY 2015 Enacted $5,000,000
FY 2016 Admin. Request $5,000,000
FY 2016 Enacted Such sums as may be necessary

The conferees adopted the Senate Committee-recommended approach to Contract Support Costs funding, creating a separate account for it and making it an indefinite appropriation at "such sums as may be necessary." These provisions are specific to FY 2016.

The Act states:
For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs for fiscal year 2016, such sums as may be necessary, which shall be available for obligation through September 30, 2017: Provided, That amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years: Provided further, That, notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account. (Division G, p.737)

The Explanatory Statement notes:
The agreement includes new language establishing an indefinite appropriation for contract support costs estimated to be $277,000,000, which is an increase of $26,000,000 above the fiscal year 2015 level. The budget request proposed to fund these costs within the "Operation of Indian Programs" account through Contract Support and the Indian Self-Determination Fund budget lines. Under the new budget structure, the
full amount tribes are entitled to will be paid and other programs will not be reduced in cases where the agency may have underestimated these payments when submitting its budget. Additional funds may be provided by the agency if its budget estimate proves to be lower than necessary to meet the legal obligation to pay the full amount due to tribes, but this account is solely for the purposes of paying contract support costs and no transfers from this account are permitted for other purposes. Similar to the President's request for calculating contract support costs, this provision also applies to new and expanded Indian Self-Determination and Education Assistance Act agreements funded through the Indian Self-Determination Fund activity.

Fiscal Year 2016 Limitation. Section 406 of Division G of the Act provides that no FY 2016 funds may be used by the IHS or the BIA to pay prior year CSC or to repay the Judgement Fund for payment of judgments or settlements related to past year CSC claims.

The Act states:

SEC. 406. Amounts provided by this Act for fiscal year 2016 under the headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2016 with the Bureau of Indian Affairs or the Indian Health Service: Provided, That such amounts provided by this Act are not available for payments of claims for contract support costs for prior years, or for repayments of payments for settlements or judgements awarding contract support costs for prior years.

Prior Year Fiscal Limitations. Section 405 of Division G of the Act continues by reference to Sections 405 and 406 of Division F of Public Law 113-235 (Consolidated and Further Continuing Appropriations Act, 2015) the comparable limitation as noted for FY 2016 above.

CONSTRUCTION
FY 2015 Enacted $128,876,000
FY 2016 Admin. Request $188,973,000
FY 2016 Enacted $193,973,000

The Construction budget includes: Education Construction; Public Safety and Justice Construction; Resources Management Construction; and Other Program Construction/ General Administration.

Maintenance Shortfalls. The House Report states:

The Bureau is encouraged to request full funding for facilities maintenance needs in future budget requests." (H. Rept. 114-170, p. 40)

EDUCATION CONSTRUCTION
FY 2015 Enacted $74,501,000
FY 2016 Admin. Request $133,245,000
FY 2016 Enacted $138,000,000

The Education Construction subactivities are: Replacement School Construction; Employee Housing Repair; and Facilities Improvement and Repair. The Administration had proposed to bring back the Replacement Facility Construction line item and the Act did so. (See attached: FY 2016 Enacted Budget Chart, p. 4)

The amount the Act provides exceeds the Administration's request for substantial increases above FY 2015 for all Education Construction subactivities. The amount provided for the Replacement School Construction subactivity is enough to finally complete the construction of the final two schools on the 2004 replacement priority list. In addition, Congress urges the Administration to create a new replacement priority list and engage in long range planning with regard to facilities replacement, repair and financing.

The Explanatory Statement states:

This appropriation completes the 2004 replacement school construction list and provides $8,000,000 towards planning and design of schools on the next list, as requested. The Committees encourage the Administration to continue work to work with tribal leaders in a transparent manner to complete the next list in time for fiscal year 2017 budget consideration.

This appropriation also restores the replacement facilities construction line item, as requested. Serious health and safety hazards exist at BIE facilities across the country, including the Bug-O-Nay-Ge-Shig School
of the Leech Lake Band of Ojibwe. The Secretary is directed to develop a comprehensive plan to work with tribes to repair and replace all substandard educational facilities, especially facilities being used for purposes other than those for which they were built.

Combined, these appropriations begin to restore the education construction budget which has declined significantly in recent years. Regardless of whether tribes choose to exercise their self-determination rights to run schools in the BIE system, the federal government retains ownership of the schools and the responsibility to ensure that the schools are properly maintained, repaired, improved, and ultimately replaced at the end of their lifespan, according to best practices across education systems nationwide. That is why the Committees are concerned that the current approach to construction, which focuses on a subset of schools in the worst condition and requires those schools to submit applications and compete for funding. Going forward, the Committees believe that the Bureau should conduct comprehensive, long-term facilities planning and expect the Bureau to model its efforts on the process used by the Department of Defense to produce its 2009 report to Congress on modernizing and improving all DOD schools.

The Committees strongly support efforts to identify innovative alternative financing options to accelerate the pace of repair and replacement of the Bureau of Indian Education schools, including the use of bonding authority. The Committees urge the Department to explore, in consultation with the Department of the Treasury, the best available approach to meet repayment obligations and to fund the construction, rehabilitation, and repair of Bureau of Indian Education schools.

This agreement includes a one-time funding amount of $5,000,000 above the President's request for BIE facilities and improvement repair projects that can be completed promptly and to address the backlog of critical deferred maintenance projects.

The House Report states:

Serious health and safety hazards exist at BIE facilities across the country, including the Bug-O-Nay-Ge-Shig School of the Leech Lake Band of Ojibwe. The Secretary is directed to develop a comprehensive plan to work with Tribes to repair and replace all substandard educational facilities. The Secretary is urged to consider alternative funding mechanisms to supplement appropriations for replacing schools and facilities, including the use of bonds." (H. Rept. 114-170, p. 40)

The Senate Report states:

The Committee understands the significant infrastructure needs and strongly urges the administration to work with tribal leaders in a transparent manner on developing the new school construction list. Further, the Committee stands ready to work with the administration and tribes to develop a strategy that provides safe, functional, and accessible facilities for schools. (S. Rept. 114-70, p. 40)

Replacement School Construction. The Act provides the $25.3 million above FY 2015 that was requested by the Administration to "replace both Little Singer Community School and Cove Day School on the Navajo Reservation in Arizona and for planning and design for future schools. This funding will allow BIA to bring to good condition all of the 14 schools on the Education Facilities Replacement Construction Priorities List as published in the Federal Register on March 24, 2004. (Admin. Request, p. IA-CON-ED-1).

Employee Housing Repair. The Act provides the $3.7 million above FY 2015 that was requested by the Administration to "correct priority deficiencies at education employee housing, beginning with critical safety work items. Correction of these items is critical for IA's compliance with American with Disabilities Act (ADA) requirements; Environmental Protection Agency (EPA) requirements; National Fire Protection Agency (NFPA); and other Life Safety code requirements ...This increase is complemented by a $10.0 million request in the Department of Housing and Urban Development budget for a set aside to address teacher housing needs near schools in the BIE school system." (Admin. Request, p. IA-CON-ED-3).

Replacement Facility Construction. The Act provides the $11.9 million in new funding that was requested by the Administration to "reconstitute the Facilities Component Replacement Program (FCRP) after several years. This program is an important part of BIA's plan to bring schools into good condition. The FCRP funds replacement of individual buildings when it is more cost effective to replace rather than repair a building on school campuses but other buildings can be brought to or maintained in good condition with improvement and repair projects. Projects for use of the FCRP are in the process of being identified." (Admin. Request, p. IA-CON-ED-3).
Facilities Improvement and Repair. The Act provides a total of $73.2 million. This is $5 million above the Administration's $17.7 million increase requested by the Administration. The Administration requested that these funds be directed to "schools that rank highest in a ranking of schools with critical health and safety deficiencies. The BIE school system buildings currently have a $377 million deferred maintenance backlog." (Admin. Request, p. IA-CON-ED-3)

PUBLIC SAFETY & JUSTICE (PS&J) CONSTRUCTION
FY 2015 Enacted $11,306,000
FY 2016 Admin. Request $11,306,000
FY 2016 Enacted $11,306,000

The Public Safety & Justice Construction subactivities are: Facilities Replacement/New Construction; Employee Housing; Facilities Improvement and Repair; Fire Safety Coordination; Fire Protection. (See attached: FY 2016 Enacted Budget Chart, p. 4)

Regional Detention Centers. The House Report states:
The Bureau is encouraged to consider establishing regional detention centers at new or existing facilities, such as the Shoshone-Bannock Tribes' Justice Center, as it works to combat the crime problem in Indian Country. (H. Rept. 114-170, p. 40)

RESOURCES MANAGEMENT CONSTRUCTION
FY 2015 Enacted $34,427,000
FY 2016 Admin. Request $34,488,000
FY 2016 Enacted $34,488,000

The Resources Management Construction subactivities are: Irrigation Project Construction; Engineering and Supervision; Survey and Design; Federal Power and Compliance; and Dam Projects. (See attached: FY 2016 Enacted Budget Chart, p. 4)

OTHER PROGRAM CONSTRUCTION/ GENERAL ADMINISTRATION
FY 2015 Enacted $8,642,000
FY 2016 Admin. Request $9,934,000
FY 2016 Enacted $9,934,000

The Other Program Construction subactivities are: Telecommunications Improvement and Repair; Facilities/Quarters Improvement and Repair; and Construction Program Management. (See attached: FY 2016 Enacted Budget Chart, p. 4)

Construction Program Management. The Act provides the $1.2 million above FY 2015 that was requested by the Administration for "the completed portions of the Fort Peck Reservation Rural Water System construction project requiring Operations and Maintenance (O&M), as authorized by the Congress. As construction by the Bureau of Reclamation progresses, completed portions will require O&M on an annual basis." (Admin. Request, p. IA-CON-OTH-1)

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS
FY 2015 Enacted $35,655,000
FY 2016 Admin. Request $67,656,000
FY 2016 Enacted $49,475,000
(See attached: FY 2016 Enacted Budget Chart, p. 4)

The Explanatory Statement provides "The Committees appreciate the importance of settling the numerous land and water settlements, and direct the Department to submit a spending plan to the Committees within 90 days of enactment of this Act for how it plans to allocate the funds provided by this bill for the specific settlements."

INDIAN GUARANTEED LOAN PROGRAM
FY 2015 Enacted $7,731,000
FY 2016 Admin. Request $7,748,000
FY 2016 Enacted $7,748,000
(See attached: FY 2016 Enacted Budget Chart, p. 4)

The Act provides the slight increase that was requested by the Administration. Regarding the total
funding level requested, the Administration explained "FY 2016 funding will support approximately $113.8 million in new loans in Indian Country, issued under the Loan Guarantee, Insurance and Interest Subsidy program, part of the Indian Financing Act of 1974 (P.L. 93-262), as amended. This program addresses the historic reluctance of private lenders to make business financing available to Indian borrowers on commercially reasonable terms, due to real or perceived concerns with inadequate collateral, poor or minimal credit history, and unclear jurisdiction." (Admin. Request, p. IA-LOAN-4)

OTHER RELATED AGENCIES

OFFICE OF NAVAJO-HOPI INDIAN RELOCATION

FY 2015 Enacted $ 7,341,000
FY 2016 Admin. Request $ 8,400,000
FY 2016 Enacted $15,000,000

NATIONAL PARK SERVICE

TRIBAL HISTORIC PRESERVATION

FY 2015 Enacted $8,900,000
FY 2016 Admin. Request $9,900,000
FY 2016 Enacted $9,900,000"

Indian Health Service Fiscal Year 2016 Appropriations; Includes FY 2016 Indefinite Appropriation for Contract Support Costs


On December 18, 2015, President Obama signed the Consolidated Appropriations Act, 2016 as PL 114-113. The Act contains funding for all federal agencies, combining what under regular procedures would be 12 separate bills. In this Memorandum we report on FY 2016 funding for the Indian Health Service (IHS) which is in Division G (Interior, Environment and Related Agencies) of the Act. In addition to the Explanatory Statement accompanying the Act, House and Senate Interior Appropriations report language (H. Rept. 114-170; S. Rept. 114-70) is to be complied with unless specifically contradicted by the bill language or the Explanatory Statement. (See our General Memorandum 15-049 of July 7, 2015 comparing the House and Senate Committees' and the Administration's recommendations regarding the FY 2016 IHS budget.)

While the ink is barely dry on the Consolidated Appropriations Act, 2016, we are ready to begin a new appropriations season with President Obama submitting his FY 2017 proposed budget to Congress on February 9, 2016.

FUNDING OVERVIEW

The Act provides $4.8 billion for the IHS, a 3.6 percent increase over FY 2015, but $295 million below the Administration's request. As with FY 2015, no funding is provided for medical inflation or population growth although the Administration had requested $71 million and the House had proposed $53 million for medical inflation. The Act does include $19.4 million for a 1.3 percent pay cost increase. Also included are the higher Senate recommendations for the Facilities account, Immunization, and $2 million in new funding for health clinic operating costs. The Act includes the higher House recommendation for Self-Governance and splits the difference between the Committees' recommendations for Hospitals and Clinics, Mental Health, Dental Health, Health Education, Community Heath Representatives, and Facilities and Environmental Health Support. However, the following accounts ended up with higher funding than had originally been recommended by the House and Senate Committees: Alcohol and Substance Abuse, Public Health Nursing and Urban Indian Health. Funding for Purchased and Referred Care remained flat.

Contract Support Costs. Most notable is the moving of Contract Support Costs (CSC) into its own account and the instructions in the Act that it is to be funded at "such sums as may be necessary." The Explanatory Statement assumes a need of $717.9 million ($55 million over FY 2015). Should the need for CSC exceed the amount listed in the budget chart, additional CSC funds would be made available and the
agencies' program funding will not be reduced. This provision is applicable to only the FY 2016 Appropriations Act and so discussion will continue on the issue of providing permanent mandatory funding for CSC. See the CSC section elsewhere in this Memorandum for additional information.

New Funding. New funding of $2 million is provided for operating shortfalls at community health clinics, and $2 million for use in ensuring the accreditation status of IHS-operated facilities.

Staffing of New Facilities. The Act provides $14.1 million in the Services and Facilities account combined for the staffing of new facilities at the Southern California Youth Treatment Center ($2.8 million Services, $311,000 Facilities) and the Choctaw (MS) Alternative Rural Health Care Center ($10 million Services, $930,000 Facilities). The Explanatory Statement notes: "Funds are limited to facilities funded through the Health Care Facilities Construction Priority System or the Joint Venture Construction Program that have opened in fiscal year 2015 or will open in fiscal year 2016. None of these funds may be allocated to a facility until such facility has achieved beneficial occupancy status."

CONTINUING BILL LANGUAGE

The Act continues bill language from previous bills, including the following:

Contract Support Costs. See CSC section below.

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 Act continues the prohibition on the implementation of the eligibility regulations, published September 16, 1987.

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

Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation.

Assessments by DHHS. The 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:

Sec. 411. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41 United States Code or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulations, unless:

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93-638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) Such contract was awarded prior to the date of enactment of this Act.

CONTRACT SUPPORT COSTS

FY 2015 Enacted $662,970,000
FY 2016 Admin. Request $717,970,000
FY 2016 Enacted Such sums as may be necessary

The conferees adopted the Senate Committee-recommended approach to Contract Support Costs funding, creating a separate account for it and making it an indefinite appropriation at "such sums as may be necessary." These provisions are specific to FY 2016.

The Act states:

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Indian Health Service for fiscal year 2016, such sums as may be necessary: Provided, That amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years: Provided further, That, notwithstanding any other provision of law, no amounts made available under this hearing shall be available for transfer to another budget account.

The Explanatory Statement notes:

CONTRACT SUPPPORT COSTS. The agreement provides an indefinite appropriation for contract support costs estimated to be $717,970,000, which is an increase of $55,000,000 above the fiscal year 2015 enacted level. The budget request proposed to fund this program within the "Indian Health Services" account. Under this heading the Committees have provided the full amount of the request for contract support costs. By virtue of the indefinite appropriation, additional funds may be provided by the agency if its budget estimate proves to be lower than necessary to meet the legal obligation to pay the full amount due to tribes. This account is solely for the purpose of paying contract support costs and no transfers from this account are permitted for other purposes.

Fiscal Year 2016 Limitation. Section 406 of Division G of the Act provides that no FY 2016 funds may be used by the IHS or the BIA to pay prior year CSC or to repay for Judgement Fund for payment of judgments or settlements related to past year CSC claims.

The Act states:

SEC. 406. Amounts provided by this Act for fiscal year 2016 under the headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2016 with the Bureau of Indian Affairs or the Indian Health Service: Provided, That such amounts provided by this Act are not available for payments 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.

Prior Year Fiscal Limitations. Section 405 of Division G of the Act continues by reference to Sections 405 and 406 of Division F of Public Law 113-235 (Consolidated and Further Continuing Appropriations Act, 2015) the comparable limitation as noted for FY 2016 above.

FUNDING FOR INDIAN HEALTH SERVICES

FY 2015 Enacted $3,519,177,000
FY 2016 Admin. Request $4,463,260,000
FY 2016 Enacted $3,566,387,000

Definition of Indian. The House Committee repeats language from FY 2015 which notes the problems caused by various definitions of "Indian" referenced in various federal health programs and urges the Department of Health and Human Services, the IHS, and the Treasury Department to work together to establish a consistent definition of "Indian" with regard to health care.

The Committee recognizes the Federal government's trust responsibility for providing healthcare for American Indians and Alaska Natives. The Committee is aware that the definition of who is an "Indian" is inconsistent across various Federal health programs, which has led to confusion, increased paperwork and even differing determinations of health benefits within Indian families themselves. The Committee therefore directs the Department of Health and Human Services, the Indian Health Service, and the Department of the Treasury to work together to establish a consistent definition of an "Indian" for purposes of providing health benefits. (H. Rept. 114-170, p. 76)
HOSPITALS AND CLINICS
FY 2015 Enacted $1,836,789,000
FY 2016 Admin. Request $1,936,323,000
FY 2016 Enacted $1,861,225,000

The Act includes $12.8 million for a pay cost increase, $7.6 million for staffing of new facilities, $2 million for operational shortfalls of tribal clinics, and $2 million to address accreditation emergencies.

Initiatives Funding Distribution. The Act includes language proposed by the Administration providing that the funds for methamphetamine and suicide prevention and treatment, the domestic violence prevention initiative, and efforts to improve collections from public and private insurance at IHS and tribally-operated facilities are to be allocated at the discretion of the Director. The conferees also added funds used for accreditation emergencies to this category. (The Administration has announced that it will not allocate contract support costs for the meth/suicide and domestic violence prevention initiatives, and in the budget request allocated $10 million for use in improving third party collections.)

Health Clinics. As mentioned above, the Act includes a $2 million increase for operational funds for health clinics:

Provided further, That, of the funds provided, $2,000,000 shall be used to supplement funds available for operational costs at tribal clinics operated under an Indian Self-Determination and Education Assistance compact or contract where health care is delivered in space acquired through a full service lease, which is not eligible for maintenance and improvement and equipment funds from the Indian Health Service Accreditation. The Explanatory Statement includes the following regarding accreditation issues at some IHS-operated facilities:

The Committees are concerned about loss and potential loss of CMS accreditation status at multiple IHS-operated facilities. These facilities are all located within the same Service Area, suggesting that the problems are systemic. Whatever the causes, the Committees consider the loss of accreditation to be an emergency. The agreement therefore includes $2,000,000 in new, flexible funding so that the Director may take actions necessary to ensure that CMS accreditation status is reinstated and retained, and, once accreditation has been reinstated, to restore third-party insurance reimbursement shortfalls.

Health Care Provider Shortage. The House Report repeats language from FY 2015, encouraging IHS "to work with Tribes and health care organizations to find creative ways to address the Service's health care provider shortage, including improvements to the credentialing process." (H. Rept. 114-170, p. 77)

DENTAL SERVICES
FY 2015 Enacted $173,982,000
FY 2016 Admin. Request $181,459,000
FY 2016 Enacted $178,286,000

The Act includes a $1.4 million program increase, $1.4 million for a pay cost increase, and $1.5 million for staffing of new facilities. As it did in FY 2015, the House Report encourages the IHS to work with the BIE to establish a pilot program integrating preventive dental care at schools within the Bureau system. (H. Rept. 114-170, p. 76)

MENTAL HEALTH
FY 2015 Enacted $81,145,000
FY 2016 Admin. Request $84,485,000
FY 2016 Enacted $82,100,000

The Act includes $616,000 for a pay cost increase and $339,000 for staffing of new facilities.

ALCOHOL AND SUBSTANCE ABUSE
FY 2015 Enacted $190,981,000
FY 2016 Admin. Request $227,062,000
FY 2016 Enacted $205,305,000

Included is a $10 million increase for programs focusing on tribal youth. The Administration's proposal requested an expansion of the methamphetamine/youth suicide prevention initiative by $25 million. Also provided is $1.3 million for a pay cost increase and $3 million for staffing of new facilities.

PURCHASED/REFERRED CARE
FY 2015 Enacted $914,139,000
FY 2016 Admin. Request $984,475,000
FY 2016 Enacted $914,139,000

The Act includes within the total $51.5 million for the Catastrophic Health Emergency Fund, the same as in FY 2015.

Medicare-Like Rates Legislation Encouraged. While the Act does not include legislative language addressing the Medicare-Like Rates issue, the House and Senate Committees commented on it. In addition, the Administration included in its budget recommendation a proposal supporting enactment of legislation to provide Medicare-like rates for non-hospital services, thus stretching the funding for Purchased/Referred Care.

The House Committee agreed, stating:

The Committee urges the Service to work expeditiously with the relevant Congressional authorizing committees to enact authorization for the Service to cap payment rates for non-hospital services, as recommended by the Government Accountability Office (GAO 13-272). Failure to do so costs the program an estimated $30 million annually that could be used to purchase more services. (H. Rept. 114-170, p. 76)

The House Committee also referenced a GAO report (GAO 12-446) critical of the program:

The Committee urges the Service, Tribes, and the congressional authorizing committees to make reasonable and expeditious progress to address the concerns and recommendations made by the Government Accountability Office (GAO), most notably with regard to unfair allocations, third-party overbilling and under-enrollment in other qualifying Federal programs. (H. Rept. 114-170, p. 76)

The Senate Committee, on the other hand, addressed a Purchased/Referred Care issue specific to Indian people in Oregon:

The Committee is aware that certain Indian people in Oregon have not been counted for purposes of purchased and referred care under current Service policies and that the Service is currently considering options to address the situation, including the potential expansion of service delivery areas. The Committee believes that it is important that this issue be resolved without impacting existing purchased and referred care allocations to California and Oregon. Within 60 days of enactment of this act, the Service is directed to provide a report to the Committee detailing its proposed management actions to address the situation. (S. Rept. 114-70, p. 70)

PUBLIC HEALTH NURSING
FY 2015 Enacted $75,640,000
FY 2016 Admin. Request $79,576,000
FY 2016 Enacted $76,623,000

The Act includes $605,000 for a pay cost increase and $378,000 for staffing of new facilities.

HEALTH EDUCATION
FY 2015 Enacted $18,026,000
FY 2016 Admin. Request $19,136,000
FY 2016 Enacted $18,255,000

The Act includes $133,000 for a pay cost increase and $96,000 for staffing of new facilities.

COMMUNITY HEALTH REPRESENTATIVES
FY 2015 Enacted $58,469,000
FY 2016 Admin. Request $62,363,000
FY 2016 Enacted $58,906,000

The Act includes $437,000 for a pay cost increase.

HEPATITIS B and HAEMOPHILUS
IMMUNIZATION (Hib) PROGRAMS IN ALASKA
FY 2015 Enacted $1,826,000
FY 2016 Admin. Request $1,950,000
FY 2016 Enacted $1,950,000

The Act includes a $109,000 program increase and $15,000 for a pay cost increase.

URBAN INDIAN HEALTH
FY 2015 Enacted $43,604,000
The Act includes a $1,137,000 program increase for Urban Indian Health which is higher than the amount initially recommended by the House or Senate. The Act includes new bill language instructing IHS to "develop a strategic plan for the Urban Indian Health program in consultation with urban Indians and the National Academy of Public Administration."

The Explanatory Statement directs:

The agency is directed to include current services estimates for Urban Indian Health in future budget requests. The Committees note the agency's failure to report the results of the needs assessment directed by House Report 111-180. Therefore, the recommendation includes bill language requiring a program strategic plan developed in consultation with urban Indians and the National Academy of Public Administration.

INDIAN HEALTH PROFESSIONS

Programs funded under Indian Health Professions are: Health Professions Preparatory and Pre-Graduate Scholarships; Health Professions Scholarships; Extern Program; Loan Repayment Program; Quentin N. Burdick American Indians Into Nursing Program; Indians Into Medicine Program; and American Indians into Psychology. Consistent with the Administration's request, bill language provides $36 million for the loan repayment program.

Use of Defaulted Funds. 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

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

DIRECT OPERATIONS

The Act includes $273,000 for a pay cost increase. The IHS noted in its budget submission that 58.7 percent of the Direct Operations budget would go to Headquarters and 41.3 percent to the 12 Area Offices. Tribal Shares funding for Title I contracts and Title V compacts are also included.

SELF-GOVERNANCE

The Act includes $8,000 for a pay cost increase. The Self-Governance budget supports implementation of the IHS Tribal Self-Governance Program including funding required for Tribal Shares; oversight of the IHS
Director's Agency Lead Negotiators; technical assistance on tribal consultation activities; analysis of Indian Health Care Improvement Act new authorities; and funding to support the activities of the IHS Director's Tribal Self-Governance Advisory Committee.

The IHS estimated in its budget justification that in FY 2015, $1.8 billion will be transferred to tribes to support 89 ISDEAA Title V compacts and 114 funding agreements.

SPECIAL DIABETES PROGRAM FOR INDIANS

While the entitlement funding for the Special Diabetes Program for Indians (SDPI) is not part of the IHS appropriations process, those funds are administered through the IHS. SDPI is currently funded through FY 2017 at $150 million (see our General Memorandum 15-032 of April 17, 2015).

FUNDING FOR INDIAN HEALTH FACILITIES

Funding for Indian Health Facilities

FY 2015 Enacted $460,234,000
FY 2016 Admin. Request $639,725,000
FY 2016 Enacted $523,232,000

MAINTENANCE AND IMPROVEMENT

FY 2015 Enacted $53,614,000
FY 2016 Admin. Request $89,097,000
FY 2016 Enacted $73,614,000

The Act includes a $20 million program increase. Maintenance and Improvement (M&I) funds are provided to Area Offices for distribution to projects in their regions. Funding is for the following purposes: 1) routine maintenance; 2) M&I Projects to reduce the backlog of maintenance; 3) environmental compliance; and 4) demolition of vacant or obsolete health care facilities. The Act provides that up to $500,000 may be deposited in a Demolition Fund to be used for the demolition of vacant and obsolete federal buildings.

FACILITIES AND ENVIRONMENTAL HEALTH SUPPORT

FY 2015 Enacted $219,612,000
FY 2016 Admin. Request $226,870,000
FY 2016 Enacted $222,610,000

The Act includes $1.7 million for a pay cost increase and $1.2 million for staffing of new facilities.

MEDICAL EQUIPMENT

FY 2015 Enacted $22,537,000
FY 2016 Admin. Request $23,572,000
FY 2016 Enacted $22,537,000

The Act continues language to provide up to $500,000 to purchase TRANSAM equipment from the Department of Defense and up to $2.7 million for the purchase of ambulances. The Administration's request was to distribute the FY 2016 requested funds as follows: $18 million for new and routine replacement medical equipment at over 1,500 federally- and tribally-operated health care facilities; $5 million for new medical equipment in tribally-constructed health care facilities; and $500,000 each for the TRANSAM and ambulance programs.

CONSTRUCTION

Construction of Sanitation Facilities

FY 2015 Enacted $ 79,423,000
FY 2016 Admin. Request $115,138,000
FY 2016 Enacted $ 99,423,000

The Act includes a $20 million program increase. 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 for HUD-built homes.

Most of the Administration's requested increase was for $30 million to service new and like-new homes, some of which could be used for sanitation facilities for individual homes of disabled or ill persons with a physician referral, with priority for BIA Housing Improvement Projects.

Construction of Health Care Facilities
While the Act includes a $20 million increase over FY 2015, this is $80 million less than the Administration's request. We do not have a breakdown on the distribution of the funds, but the Administration's request of $185 million would have provided funds for the Gila River Southeast Health Center (Chandler, AZ); Salt River Northeast Health Center (Scottsdale, AZ); Rapid City Health Center; and New Dilkon (AZ) Alternative Rural Health Center.

Labor-HHS-Education and Related Agencies FY 2016 Appropriations


"On December 18, 2015, President Obama signed the Consolidated Appropriations Act, 2016 as PL 114-113. The Act contains funding for all federal agencies, combining what under regular procedures would be 12 separate bills. In this Memorandum we report on FY 2016 funding matters of specific tribal interest in the Labor-Health and Human Services-Education portion of the Act (Division H). In addition to the Explanatory Statement accompanying the Act, House and Senate Interior Appropriations report language (H. Rept. 114-195; S. Rept. 114-74) is to be complied with unless specifically contradicted by the bill language or the Explanatory Statement.

Highlights. A few highlights of the Labor-HHS-Education bill include:

• Tribal Behavioral Health Grants - $30 million in SAMHSA funds for this purpose, a $25 million increase over FY 2015. The funding is evenly divided between Mental Health Programs of Regional and National Significant and Substance Abuse Programs of Regional and National Significance.
• Child Care and Development Block Grant – a $326 million increase, an amount which triggers the authority of the Secretary to provide tribes with more than a two percent allocation.
• Head Start – a $570 million increase, allowing for cost of living adjustments, more funding for Early Head Start and funding for training and technical assistance, among other things.
• Pell Grants – funding to allow the maximum 2016-2017 academic year grant to reach $5,915, a $140 increase.
• Workforce Investment Act – a $4 million increase for the Tribal Section 166 Workforce Investment Act program which has been flat funded for years.
• Indian Education Act's Special Program for Indian Children – a $20 million increase for grants to improve college- and career-readiness of Native youth.
• Administration for Native Americans – a $3 million increase for a Generation Indigenous initiative focused on Native language instruction.
• National Institutes of Health - a $2 billion increase.
• Centers for Disease Control and Prevention – a $300 million increase, including $70 million to continue work in combatting prescription drug/opioid abuse.

DEPARTMENT OF LABOR

Section 166 Program for Indian Tribes, Urban Indians, Hawaiians, and Samoans

FY 2015 Enacted $46.1 million
FY 2016 Admin. Request $50.0 million
FY 2016 Enacted $50.0 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. See our General Memorandum 14-053 of July 11, 2014, regarding the Workforce Innovation and Opportunity Act (PL 113-128) which reauthorized the WIA. The program year begins on July 1, 2016, and ends on June 30, 2017. One percent of funding is reserved for technical assistance.

Supplemental Youth Services
Increased funds are one-time funds designed to implement the newly enacted Workforce Innovation and Training Act. Tribes receive 1.5 percent of the funds (which in FY 2015 equaled approximately $12.3 million).

YouthBuild
FY 2015 Enacted $79.7 million
FY 2016 Admin. Request $84.5 million
FY 2016 Enacted $84.5 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

Definition of Indian. The House Committee report for Labor-HHS-Education includes language very similar to that in the House Committee report for the Indian Health Service (IHS) appropriations bill which notes the problems caused by various definitions of "Indian" referenced in federal health programs and urges the Department of Health and Human Services, the IHS, and the Treasury Department to work together to establish a consistent definition of "Indian" with regard to health care.

The Committee recognizes the Federal government's trust responsibility for providing healthcare for American Indians and Alaska Natives. The Committee is aware that the definition of who is an "Indian" is inconsistent across various Federal health programs, which has led to confusion, increased paperwork and even differing determinations of health benefits within Indian families themselves. The Committee therefore encourages the Department of Health and Human Services, the Indian Health Service, and the Department of the Treasury to work together to establish a consistent definition of an "Indian" for purposes of providing health benefits. (H. Rept. 114-195, pp. 107-108)

The Interior Appropriations report "directs" the agencies to take this action, while the Labor-HHS-Education report "encourages" them to do so.

PPH Fund. 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 2016 the Act transfers $932 million of the PPH funds to several agencies, most of which will go to the Centers for Disease Control and Prevention (CDC). Included in the transfer of funds to the CDC is $73 million for diabetes prevention efforts; $51 million for the REACH program (Racial and Ethnic Approaches to Community Health); $160 million for the Preventive Health and Health Services Block Grant; and $126 million for the Office of Smoking and Health. There will be a $12 million transfer to SAMHSA for the Garrett Lee Smith Suicide Prevention program.

Administration for Children and Families
FY 2015 Enacted $30.6 billion
FY 2016 Admin. Request $33.7 billion
FY 2016 Enacted $32.8 billion

Temporary Assistance for Needy Families (TANF)
The Act extends the authorization of the TANF program through September 30, 2016. As of January 1, 2015, there are 70 tribal TANF grantees administering $192 million. Of the 70 tribal grantees, 15 are administering the program in PL 102-477 (Indian Employment, Training and Related Services Demonstration Act) projects.

Administration for Native Americans (ANA)
FY 2015 Enacted $46.5 million
FY 2016 Admin. Request $50.0 million
FY 2016 Enacted $50.0 million

The Explanatory Statement provides that $3 million of the amount is "for the Generation Indigenous initiative focused on improving Native American language instruction across the education continuum."
Low-Income Home Energy Assistance Program
FY 2015 Enacted $3.39 billion
FY 2016 Admin. Request $3.39 billion
FY 2016 Enacted $3.39 billion
Tribes received $38.7 million in formula grants from this program in FY 2014.

Head Start
FY 2015 Enacted $8.59 billion
FY 2016 Admin. Request $10.12 billion
FY 2016 Enacted $9.17 billion
The Explanatory Statement notes that $294 million of the increase is to support grantees in expanding to full school-day and full-school-year services. Acknowledging that this is not the amount necessary to move all programs to full day/full year basis, priority is to be given to "grantees that volunteer for this expansion and can do so in a way that limits disruption to existing programs and services." An additional $135 million of the increase is to expand Early Head Start. The Explanatory Statement voices support for Early Head Start-Child Care Partnerships, while acknowledging that such partnerships are not suited to all applicants, particularly in rural communities and clarifies that equal priority should be given to other models for expansion.

Tribes received $226.7 million from the Head Start program in FY 2014.

Child Care and Development Block Grant
Discretionary Funds:
FY 2014 Enacted $2.36 billion
FY 2015 Enacted $2.43 billion
FY 2016 Admin. Request $2.81 billion
FY 2016 Enacted $2.78 billion
Entitlement Funds:
FY 2016 $2.92 billion
By statute, tribes receive two percent of the combined total of discretionary and entitlement funds under the Child Care and Development Block Grant (CCDBG). Tribes received approximately $100 million in FY 2014 from this program. The Secretary may increase the tribal allocation above 2 percent when the discretionary funding exceeds the FY 2014 enacted level – which it does.

Promoting Safe and Stable Families Program (Title IV-B, Subpart 2)
FY 2015 Enacted $59.8 million discretionary + $345.0 million mandatory
FY 2016 Admin Request $89.7 million discretionary + $345.0 million mandatory
FY 2016 Enacted $9.8 million discretionary + $345.0 million mandatory
Tribes and tribal consortia receive a three percent statutory allocation of the mandatory and discretionary funds. In FY 2014, tribes received $10.3 million from this program (138 tribal grantees).

Child Welfare (Title IV-B, Subpart 1)
FY 2015 Enacted $268.7 million
FY 2016 Admin. Request $268.7 million
FY 2016 Enacted $268.7 million
Although the statute does not specify a percentage or an 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 $6.32 million from this program in FY 2014 (160+ tribal grantees).

Child Welfare Training and Demonstrations
FY 2015 Enacted $15.9 million
FY 2016 Admin. Request $15.9 million
FY 2016 Enacted $17.9 million
This program funds child welfare training and research.

Kinship Guardianship
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 may be eligible to offer Kinship Guardianship payments. Tribes who have a Title IV-E agreement with a state may be able to access such payments through the agreement.

Chaffee Foster Care Independent Living Program
FY 2015 Enacted $140 million
FY 2016 Admin. Request $140 million
FY 2016 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. Four tribes received a total of $280,000 from this program in FY 2015, $175,000 above the FY 2014 level.

Education and Training Vouchers for Youth Leaving Foster Care
FY 2015 Enacted $43.2 million
FY 2016 Admin. Request $43.2 million
FY 2016 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. Three tribes received a total of $123,000 from this program in FY 2015.

Community Services Block Grant (CSBG)
FY 2015 Enacted $729.3 million
FY 2016 Admin. Request $692.9 million
FY 2016 Enacted $770.3 million

Tribes received $5.28 million from this program in FY 2014.

Battered Women's Shelters
FY 2015 Enacted $135 million
FY 2016 Admin. Request $150 million
FY 2016 Enacted $150 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.

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 handling child welfare cases.

Administration for Community Living
FY 2015 Enacted $1.70 billion
FY 2016 Admin. Request $2.12 billion
FY 2016 Enacted $1.99 billion

Within the total is the following Native-specific funding:

- $31.2 million for formula grants to tribes and Native Hawaiian organizations (a $5 million increase over FY 2015). Funding is for services for the elderly including transportation, nutrition, and health screening.
- $7.5 million for competitive grants to tribes for the Native American Caregiver Support Program (a $1.5 million increase over FY 2015). Funds are to assist tribes in providing support services for family caregivers as well as for grandparents caring for grandchildren.

The Senate Committee encourages the Administration for Community Living to continue working to establish an Advisory Council specific to Native aging issues:

The Committee encourages ACL to continue with their plans to establish a Tribal Advisory Council focusing on issues that affect the aging Indian population. ACL shall continue to participate in the broader Secretary-level Tribal Advisory Council to present their latest efforts, provide advice with respect to policies and services that affect the older Indian population, help in identifying priorities, and coordinating strategies across the Tribal, regional, or national levels. (S. Rept. 114-74. (p. 140)

Substance Abuse and Mental Health Services Administration (SAMHSA)
FY 2015 Enacted $3.62 billion
FY 2016 Admin. Request $3.68 billion
FY 2016 Enacted $3.78 billion

Under the mental health programs, the Act provides the following:
- Programs of Regional and National Significance: $414 million ($36 million over FY 2015). It includes $2.9 million for the American Indian/Alaska Native Prevention Initiative (same as FY 2015) and $15 million for Tribal Behavioral Health grants ($10 million over FY 2015).
- Mental Health Block Grant: $511 million ($28 million over FY 2015)
- Children's Mental Health Services: $119 million ($2 million over FY 2015)
- Protection and Advocacy Program: $36.1 million (same as FY 2015)

Under the substance abuse programs, the Act provides the following:
- Substance Abuse Treatment Programs of Regional and National Significance: $337 million ($27 million less than FY 2015)
- Substance Abuse Treatment Block Grant: $1.77 billion ($30 million over FY 2015)
- Substance Abuse Prevention Activities of Regional and National Significance: $211 million ($36 million over FY 2015). Of the increase, $15 million is for Tribal Behavioral Health grants – no funding was provided under this account for this purpose in FY 2015.)

Health Resources and Services Administration (HRSA)
FY 2015 Enacted $6.35 billion
FY 2016 Admin. Request $6.46 billion
FY 2016 Enacted $6.38 billion

Alternative Dental Health Providers. The Act continues the prohibition on funding alternative dental health provider projects as authorized by Section 350G-1 of the Public Health Services Act.

Community Health Centers
FY 2015 Enacted $1.49 billion
FY 2016 Admin. Request $1.49 billion
FY 2016 Enacted $1.49 billion

Nurse Loan Repayment Program for Shortage Area Service
FY 2015 Enacted $81.8 million
FY 2016 Admin. Request $81.8 million
FY 2016 Enacted $83.1 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 2015 Enacted $21.7 million
FY 2016 Admin. Request $25.0 million
FY 2016 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 2016 Enacted $59.0 million
FY 2016 Admin. Request $59.0 million
FY 2016 Enacted $63.5 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 2015 Enacted $14.2 million
FY 2016 Admin. Request -0-
FY 2016 Enacted $14.2 million
Funding is for medical and other health professions schools and colleges for recruitment and training of non-traditional students for health professions.
Telehealth Program
FY 2015 Enacted $14.9 million
FY 2016 Admin. Request $14.9 million
FY 2016 Enacted $17.0 million
Ryan White AIDS Programs
FY 2015 Enacted $2.32 billion
FY 2016 Admin. Request $2.32 billion
FY 2016 Enacted $2.32 billion
Maternal, Infant, and Childhood Home Visiting Programs (mandatory funding)
FY 2014 $371 million
FY 2015 $400 million
FY 2016 $400 million
The Affordable Care Act created an 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. Three percent of funds are reserved for tribes, tribal organizations and urban Indian organizations. A grant recipient is 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. The program was extended for FYs 2015-2017 through the Medicare Access and CHIP Act (PL 114-10) at $400 million annually.
DEPARTMENT OF EDUCATION
FY 2016 Formula Allocations
and the recently enacted reauthorization of the Elementary and Education Assistance Act (ESEA). The Explanatory Statement notes that formula grants for school year 2016-2017 are to be administered as ESEA was prior to the recent authorization by the Every Student Succeeds Act (ESSA), thus providing a transition time before taking affect in the 2017-2018 school year:
The agreement includes a general provision clarifying that funds provided in this Act for ESEA formula grant programs for academic year 2016-2017 are to be administered under the provisions of the ESEA in effect prior to the reauthorization of the ESEA by the ESSA [Every Student Succeeds Act]. The transition provisions in ESSA generally call for implementation of the new law starting with the 2017-2018 school year.
The general provision and the funding levels and directives included in this agreement are consistent with that intent.

Bureau of Indian Education (BIE) Allocations. We have indicated those Department of Education programs which allocate funds for BIE system schools and the amounts they received in School Year 2013-2014. Our source was the BIE FY 2016 Budget Justification. We are reporting in a separate General Memorandum on BIE-specific programs which are part of Interior, Environment and Related Agencies appropriations.

Title I, Education for the Disadvantaged
Basic Grants to Local Education Agencies (program level)
FY 2015 Enacted $6.46 billion
FY 2016 Admin. Request $6.46 billion
FY 2016 Enacted $6.46 billion

The BIE-funded schools and territories share a one percent allocation from the Title I basic and concentration grants. The BIE reported in its FY 2016 budget justification that in School Year 2013-2014, BIE schools received $92.6 million in Title I funds.

Concentration Grants
FY 2015 Enacted $1.36 billion
FY 2016 Admin. Request $1.36 billion
FY 2016 Enacted $1.36 billion

School Improvement Grants
FY 2015 Enacted $505.7 million
FY 2016 Admin. Request $555.7 million
FY 2016 Enacted $450.0 million

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 (Turnaround, Restart, School Closure, and Transformation).

Striving Readers
FY 2015 Enacted $160 million
FY 2016 Admin. Request $160 million
FY 2016 Enacted $190 million

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 BIE schools received $790,000 in School Year 2013-2014 from this program.

Impact Aid
Basic Support Payments
FY 2015 Enacted $1.15 billion
FY 2016 Admin. Request $1.15 billion
FY 2016 Enacted $1.67 billion

Payments for Children with Disabilities
FY 2015 Enacted $48.3 million
FY 2016 Admin. Request $48.3 million
FY 2016 Enacted $48.3 million

Federal Property
FY 2015 Enacted $66.8 million
FY 2016 Admin. Request $66.8 million
FY 2016 Enacted $66.8 million

Facilities Maintenance
FY 2015 Enacted $4.84 million
FY 2016 Admin. Request $71.64 million
FY 2016 Enacted $4.84 million
Construction and Renovation
FY 2015 Enacted $17.4 million
FY 2016 Admin. Request $17.4 million
FY 2016 Enacted $17.4 million

School Improvement Programs
State Grants for Improving Teacher Quality
FY 2015 Enacted $2.3 billion
FY 2016 Admin. Request $2.3 million
FY 2016 Enacted $2.3 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 School Year 2013-2014, the BIE schools received $11.6 million.

Math and Science Partnerships
FY 2015 Enacted $152.7 million
FY 2016 Admin. Request $202.7 million
FY 2016 Enacted $152.7 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 2015 Enacted $1.15 billion
FY 2016 Admin. Request $1.15 billion
FY 2016 Enacted $1.67 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 School Year 2013-2014, the BIE schools received $8 million from this program.

Educational Standards and Assessment
FY 2015 Enacted $378 million
FY 2016 Admin. Request $403 million
FY 2016 Enacted $378 million

Funding is distributed by formula to states and the BIE for the development and/or improvement of educational assessments and standards. The BIE receives 0.5 percent of these funds ($1.8 million was received in School Year 2013-2014).

Alaska Native Education Equity Assistance Program
FY 2015 Enacted $31.5 million
FY 2016 Admin. Request $32.5 million
FY 2016 Enacted $32.5 million

The Explanatory Statement, as was the case with last several year's appropriations reports, expresses concern about the Department of Education's process for awarding funding under this program, stating:

In awarding funds under the Alaska Native Educational Equity program, the Department shall: ensure the maximum participation of Alaska Native organizations and other required Alaska Native partners, guarantee that all grantees have meaningful plans for consultation with Alaska Native leaders, and make every effort to ensure that Alaska Natives and Alaskans represent a significant proportion of peer reviewers for
grant applications.

Rural Education
FY 2015 Enacted $169.8 million
FY 2016 Admin. Request $169.8 million
FY 2016 Enacted $175.8 million

Rural education funding 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 School Year 2013-2014, the BIE schools received $424,800 in Rural Education funds.

Indian Education Act
Grants to Local Education Agencies
FY 2015 Enacted $100.4 million
FY 2016 Admin. Request $100.4 million
FY 2016 Enacted $100.4 million

Special Programs for Indian Children
FY 2015 Enacted $17.9 million
FY 2016 Admin. Request $67.9 million
FY 2016 Enacted $37.9 million

National Activities
FY 2015 Enacted $5.6 million
FY 2016 Admin. Request $5.6 million
FY 2016 Enacted $5.6 million

The Explanatory Statement notes that within the total for Special Programs for Indian Children that "the agreement includes $22,890,000 for Native Youth Community Projects." This program makes competitive awards to support culturally-relevant coordinated strategies to improve the college- and career-readiness of Native American Youth.

In School Year 2013-2014, the BIE schools received $2.56 million in Title VII Indian Education Act formula funds.

Innovation and Improvement
Teacher Incentive Fund
FY 2015 Enacted $230 million
FY 2016 Admin. Request $350 million
FY 2016 Enacted $230 million

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

School Leadership
FY 2015 Enacted $16.4 million
FY 2016 Admin. Request $375 million
FY 2016 Enacted $16.4 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 2015 Enacted $253 million
FY 2016 Admin. Request $375 million
FY 2016 Enacted $333 million

Funds are provided as competitive grants to State Education Agencies (SEAs) 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.

<table>
<thead>
<tr>
<th>Safe Schools and Citizenship Education</th>
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<tbody>
<tr>
<td>Promise Neighborhoods</td>
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<tr>
<td>FY 2015 Enacted $ 56.8 million</td>
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<tr>
<td>FY 2016 Admin. Request $150.0 million</td>
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<td>FY 2016 Enacted $ 73.3 million</td>
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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 Priority 3.

<table>
<thead>
<tr>
<th>Elementary and Secondary School Counseling</th>
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<tbody>
<tr>
<td>FY 2015 Enacted $49.6 million</td>
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<td>FY 2016 Admin. Request $49.6 million</td>
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<td>FY 2016 Enacted $49.6 million</td>
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<tr>
<th>Carol M. White Physical Education Program</th>
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<tbody>
<tr>
<td>FY 2015 Enacted $47 million</td>
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<tr>
<td>FY 2016 Admin. Request $60 million</td>
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<tr>
<td>FY 2016 Enacted $47 million</td>
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<thead>
<tr>
<th>National Priorities</th>
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<tbody>
<tr>
<td>FY 2015 Enacted $70 million</td>
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<tr>
<td>FY 2016 Admin. Request $90 million</td>
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<td>FY 2016 enacted $75 million</td>
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<tr>
<th>English Language Acquisition Grants</th>
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<tbody>
<tr>
<td>FY 2015 Enacted $737.4 million</td>
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<tr>
<td>FY 2016 Admin. Request $773.4 million</td>
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<td>FY 2016 Enacted $737.4 million</td>
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This program provides formula grants for services to limited English proficient students and professional development for teachers. There is 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.

<table>
<thead>
<tr>
<th>Individuals with Disabilities Education Act (IDEA)</th>
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<tbody>
<tr>
<td>State Grants and Indian Allocation</td>
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<tr>
<td>FY 2015 Enacted $11.49 billion</td>
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<tr>
<td>FY 2016 Admin. Request $11.67 billion</td>
</tr>
<tr>
<td>FY 2016 Enacted $11.91 billion</td>
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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 School Year 2013-2014, BIE schools received $75 million under this program.

<table>
<thead>
<tr>
<th>Pre-School Grants</th>
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<tr>
<td>FY 2015 Enacted $353.2 million</td>
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<tr>
<td>FY 2016 Admin. Request $403.2 million</td>
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<tr>
<td>FY 2016 Enacted $368.2 million</td>
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</table>

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 SEAs in the provision of special education and related services to children with disabilities between the ages of three and five years. Tribal funding under this program will likely be in the $18 million range.

<table>
<thead>
<tr>
<th>IDEA, Part C, Grants for Infants and Families</th>
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<tbody>
<tr>
<td>FY 2015 Enacted $438.6 million</td>
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<tr>
<td>FY 2016 Admin. Request $503.6 billion</td>
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</table>
FY 2016 Enacted $458.6 billion

Tribes with BIE-system 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. Tribal funding under this program will likely be in the $5 million range.

Vocational Rehabilitation

State Grants/Tribal Allocation

FY 2015 Enacted $3.33 billion
FY 2016 Admin. Request $3.39 billion
FY 2016 Enacted $3.39 billion

Tribes receive an allocation of one to 1.5 percent from the amount appropriated for Basic State Grants which are competitively awarded. Tribes will receive approximately $40 million from this program in FY 2016.

Career and Technical Education

Basic State Grants

FY 2015 Enacted $1.12 billion
FY 2016 Admin. Request $1.33 billion
FY 2016 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 (see Highlights section of this Memorandum)

Tribally Controlled Postsecondary Career and Technical Institutions

FY 2015 Enacted $7.70 million
FY 2016 Admin. Request $7.70 million
FY 2016 Enacted $8.28 million

These funds are authorized under the Carl Perkins Career and Technical Education Act and are provided to United Tribes Technical College and Navajo Technical University.

Strengthening Alaska Native and Native Hawaiian-Serving Institutions

FY 2015 Enacted $12.8 million discretionary + $13.9 million mandatory (per HEA III-F)
FY 2016 Admin. Request $12.8 million discretionary + $13.9 million mandatory
FY 2016 Enacted $13.8 million discretionary + $13.9 million mandatory

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

Strengthening Tribal Colleges

FY 2015 Enacted $25.6 million discretionary + $27.8 million mandatory
FY 2016 Admin. Request $25.6 million discretionary + $27.8 million mandatory
FY 2016 Enacted $27.6 million discretionary + $27.8 million mandatory

Strengthening Native American Non-Tribal Institutions

FY 2015 Enacted $3.1 million discretionary + $4.6 million mandatory
FY 2016 Admin. Request $3.1 million Request + $4.6 million mandatory
FY 2016 enacted $3.3 million discretionary + $4.6 million mandatory
Fund for the Improvement of Postsecondary Education (FIPSE)
FY 2015 Enacted $68 million
FY 2016 Admin Request $200 million
FY 2016 Enacted -0-

TRIO Programs
FY 2015 Enacted $839.3 million
FY 2016 Admin. Request $859.8 million
FY 2016 enacted $900.0 million

TRIO received a $60 million increase. The following are TRIO programs: Upward Bound discretionary; Veterans Upward Bound; Upward Bound Math-Science; Educational Opportunity Centers; Student Support Services; the Ronald D. McNair Post-Baccalaureate Achievement Program; Talent Search; Staff Training; Administration/Peer Review; and Evaluation.)

GEAR UP
FY 2015 Enacted $301.6 million
FY 2016 Admin. Request $301.6 million
FY 2016 Enacted $322.8 million

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

Teacher Quality Partnership Grants
FY 2015 Enacted $40.6 million
FY 2016 Admin. Request -0-
FY 2016 Enacted $43.1 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 Care
FY 2015 Enacted $15.1 million
FY 2016 Admin. Request $15.1 million
FY 2016 Enacted $15.1 million

Tribal colleges are among the eligible applicants for the program.

OFFICE OF MUSEUM AND LIBRARY SERVICES

The Act provides $4.06 million for Native American Library Services and $972,000 for Native American/Hawaiian Museum Services. These are small increases over FY 2015. The total funding for the Office of Museum and Library Services is $230 million which is $2.2 million over FY 2015.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
FY 2015 Enacted $1.05 billion
FY 2016 Admin. Request $1.19 billion
FY 2016 Enacted $1.09 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).

CORPORATION FOR PUBLIC BROADCASTING
FY 2017 Enacted $445 million
FY 2017 Admin. Request $445 million
FY 2018 Enacted $445 million

Funding for the Corporation for Public Broadcasting (CPB) is provided two years in advance. The FY 2016 appropriations Act will provide FY 2018 CPB core funding, most of which is distributed via a statutory formula to public television and radio stations. In addition to the FY 2018 advance appropriations, the Act includes $40 million in FY 2016 funds toward replacement of the public broadcasting interconnection system.
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”.

Indian Health Service Proposed Fiscal Year 2017 Appropriations


"On February 9, 2016, the President submitted a proposed budget for FY 2017. This Memorandum reports on the proposal for the Indian Health Service (IHS). See our General Memorandum 16-005 of January 12, 2016, regarding the FY 2016 IHS enacted appropriations.

Under the Bipartisan Budget Act of 2015 (PL 114-74) FY 2017 spending caps were raised by $30 billion over the amount set in the Budget Control Act of 2011 (PL 112-25). The funding increase is evenly split between defense and discretionary domestic programs. However, $15 billion in the context of the discretionary domestic portion of the federal budget is not considered enough to meet inflationary increases. In addition, some in Congress are advocating that the cap be lowered.

FUNDING OVERVIEW
The Administration requests $5.185 billion for IHS, an increase of $377 million above the FY 2016 enacted level.

Built-in Costs. Of the total requested, $159 million is for inflationary increases: $26 million for pay costs; $14.4 million for non-medical inflation (2.1%); $75.4 million for medical inflation (5.8%), and $43.2 million for population growth. Congress has not appropriated funding for IHS medical inflation since FY 2010 even though the Obama Administration has requested such funds.

Staffing Packages. Funding of $33 million is requested for staffing and operation of new facilities: Kayenta Health Center, $182,000; Muskogee Creek Nation Health Center, $10.7 million; Northern California Youth Residential Treatment Center, $3.4 million; Flandreau Health Center, $6.3 million; and Choctaw National Regional Medical Center in Oklahoma, $12.4 million.

Program Increases. Program increases are proposed in the following programs: $35 million in Hospitals and Clinics; $25 million in Mental Health; $16.8 million in Alcohol and Substance Abuse; $1.5 million in Purchased/Referred Care; $1.1 million in Urban Indian Health; and $500,000 in Maintenance and Improvement. There would be an $23.4 million increase in Health Care Facilities Construction. For Contract Support Costs, whose funding is proposed at "such sums as necessary", the estimate in the budget justification is $82 million over the FY 2016 estimate of $717.9 million for a total estimate of $800 million. We provide more detail about proposed budget increases in the individual budget line items.

Proposed Mandatory Funding. The Administration has proposed mandatory funding of $10 million in FY 2017 to expand the number of behavioral professionals providing service in Indian communities and $15 million in FY 2017 to provide assistance "to prevent recurrences to tribes experiencing behavioral health crises including specialized crisis response staffing, technical assistance, and community engagement." The proposals are for two years of mandatory funding. In order for mandatory funding to be made available there would need to be legislation authorizing such appropriations. The Administration has also made proposals for new mandatory spending in various parts of the HHS budget, including the National Health Service Corps and the Substance Abuse and Mental Health Services Administration, some of it tribal-specific. The proposals for mandatory spending are strongly criticized by some in Congress as an attempt to get around the domestic discretionary spending cap, and prospects for such funding are slim.

Legislative Initiatives. These are proposals which are included in the budget justification, but will
likely not be part of the appropriations process and would require separate legislation:

- The Administration proposes a permanent extension of the Special Diabetes Program for Indians at the current level of $150 million per fiscal year.
- The Administration again proposes that tribes, the IHS, and urban Indian organizations utilizing the Purchased/Referred Care program be charged Medicare-like rates (MLR) 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 MLR cap was imposed on non-hospital providers and suppliers through the Purchased/Referred Care program. This proposal is deemed to be revenue-neutral. The Budget Justification also notes that in December 2015 IHS submitted to the Office of Management and Budget proposed MLR rules. However, tribes have advocated for a legislative fix to more fully address the issue than can be done via regulations.
- The Administration proposes, as in past years, to make tax-exempt the IHS Health Professions Scholarship Program and Loan Repayment Program, thus not requiring recipients to count the benefits in their gross income. This would be similar to the tax treatment afforded recipients of the National Health Service Corps and the Armed Forces Health Professions scholarships. The Administration also proposes to exempt recipients from the Federal Employment Tax just as is afforded the National Health Service Corps.
- The Administration proposes that the IHS Loan Repayment and Scholarship Program allow recipients to "satisfy their service obligations through half-time clinical practice for double the amount of time or to accept half the loan repayment award amount in exchange for a two-year service obligation." This would be consistent with the statutory requirements for National Health Service Corps loan and scholarship recipients. The IHS states that this proposal could reduce the number and cost of Purchased/Referred Care program referrals, notably at sites that do not need full time specialty care services.
- The Administration proposes that the 100 percent Federal Medical Assistance Percentage (FMAP) be extended under the Medicaid program to apply to all American Indian/Alaska Native patients, including urban Indian health programs. One hundred percent FMAP already applies to tribally-operated health programs.
- The Administration proposes that the statutory definition of "Indian" in the Affordable Care Act be changed legislatively to utilize the definition relied on by Medicaid, Children's Health Insurance Program and IHS.

CONTINUING BILL LANGUAGE

The proposed budget would continue language from previous bills, including the following:

IDEA Data Collection Language. Proposed is the continuation of the BIA authorization to collect data from the IHS and tribes regarding disabled children in order to assist with the implementation of the Individuals with Disabilities Education Act (IDEA). The provision is:

Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93-638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act. (20 U.S.C. 1400, et. seq.)

Prohibition on Implementing Eligibility Regulations. Proposed is the continuation of the prohibition on the implementation of the eligibility regulations, published September 16, 1987.

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

Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation.

Assessments by DHHS. Proposed is the continuation of 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. Proposed is the continuation of the provision regarding the use of no-bid contracts. The provision specifically exempts Indian Self-Determination agreements:

Sec. 409. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41 United States Code or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulations, unless:

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93-638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) Such contract was awarded prior to the date of enactment of this Act.

Use of Defaulted Funds. The 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.

CONTRACT SUPPORT COSTS
FY 2015 Enacted $662,970,000
FY 2016 Enacted Such sums as may be necessary
FY 2017 Admin. Request Such sums as may be necessary

Administration's FY 2017 Contract Support Costs Proposal. The Administration proposes for FY 2017 to continue the FY 2016 enacted policy of Contract Support Costs (CSC) being an indefinite appropriation—"such sums as may be necessary"—in a separate account in both the IHS and the Bureau of Indian Affairs (BIA) discretionary budgets. The estimated amount listed for IHS CSC in the Explanatory Statement is $800 million ($82 million over the FY 2016 estimate), with IHS noting that the estimate will be adjusted as new information becomes available, and the estimated amount for the BIA is $278 million ($1 million over the FY 2016 estimate and which includes $5 million for the Indian Self Determination Fund). However, because the CSC accounts are indefinite and separate, there is no funding cap, and program funding would not be reprogrammed to cover unmet needs if the estimated amounts prove insufficient. Rather, the agencies could seek additional funding from the Treasury.

The proposal would also continue problematic bill language from FY 2016 in both the IHS and BIA CSC sections: "amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years." This language can be misread to endorse IHS’s "costs incurred" interpretation of the ISDEAA, which holds that tribes are only entitled to the amount of CSC expended in a given year—effectively denying the carryover authority granted by the ISDEAA. Requiring an offset against the succeeding year's CSC entitlement for unspent CSC upends the indirect cost rate-making process as well as tribal budgets. Tribes have already begun advocating that this language be removed in FY 2017.

The Administration's proposed IHS CSC bill language is:
For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education assistance agreements with the Indian Health Service for fiscal year 2017, such sums as may be necessary. Provided, That amounts obligated but not expended by a tribe or tribal organization for contract support costs for such agreements for the current fiscal year shall be applied to contract support costs otherwise due for such agreements for subsequent fiscal years; Provided further, That, notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

Administration’s Proposal for Mandatory CSC Funding in FY 2018 and Beyond. The Administration also proposes to reclassify CSC – beginning with FY 2018 – as a mandatory, 3-year appropriation "with sufficient increases year to year to fully fund the estimated need for the program, for both the IHS and BIA." The IHS budget justification indicates the following estimated mandatory amounts, while noting that "new CSC estimates will be provided as part of the reauthorization process."
While the proposal to reclassify CSC as mandatory funding is encouraging, the amounts would be capped rather than indefinite. Finally, the IHS proposes that "a small amount of CSC can be used for program management and integrity, for example, 2 percent." This 2 percent set-aside was also part of the Administration’s proposal for FY 2016, which included a similar three-year mandatory appropriation beginning in FY 2017. The set-aside was not supported by tribes.

Fiscal Year 2017 Limitation. Section 405 of the General Provisions provides that no FY 2017 funds may be used by the IHS or the BIA to pay prior year CSC or to repay for Judgement Fund for payment of judgments or settlements related to past year CSC claims:

SEC. 405. Amounts provided by this Act for fiscal year 2017 under the headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2017 with the Bureau of Indian Affairs or the Indian Health Service: Provided, That such amounts provided by this Act are not available for payments of claims for contract support costs for prior years, or for repayments of payments for settlements or judgements awarding contract support costs for prior years.

FUNDING FOR INDIAN HEALTH SERVICES

FY 2015 Enacted $3,519,177,000
FY 2016 Enacted $3,566,387,000
FY 2017 Admin. Request $3,815,109,000

HOSPITALS AND CLINICS

FY 2015 Enacted $1,836,789,000
FY 2016 Enacted $1,861,225,000
FY 2017 Admin. Request $1,979,998,000

Built-in Increases. Proposed are the following built-in increases: $16.8 million for pay increases; $2.4 million for non-medical inflation; $23.3 million for medical inflation; $21.3 million for population growth. In addition, there is $20.1 million for staffing of new facilities.

Program Increases. Proposed program increases over FY 2016 are:

• $20 million for Health Information Technology. Among the uses for the program increase is making improvements needed for the 2015 certification and deployment for Meaningful Use, Stage 3 addressing interoperability and security of patient data.

• $4 million for the Domestic Violence Prevention program to fund approximately 30 additional, IHS, tribal and Urban Indian organizations.

• $2 million for the IHS Quality Consortium for Federal Hospitals "for the coordination of quality improvement activities among the 27 IHS Hospitals and Critical Access Hospitals to reduce Hospital Acquired Conditions and Avoidable Readmissions, while also developing standardized processes and procedures for inpatient care."

• $9 million for Tribal Clinic Lease, Operations & Maintenance. In FY 2016, $2 million was provided to supplement existing funds for this purpose. Proposed bill language reads: Provided further, that, of the funds provided, $11,000,000 shall remain available until expended to supplement funds available for operational costs at tribal clinics operated under an Indian Self-Determination and Education Assistance Act compact or contract where health care is delivered in space acquired through a full service lease, which is not eligible for maintenance and improvement and equipment funds from the Indian Health Service.

Explanatory language does not make clear which clinics are eligible for this funding.

Initiatives Funding Distribution. The proposed bill expands initiatives to include other behavioral health efforts—Zero Suicide Initiative and aftercare pilots at Youth Regional Treatment Centers—and reads:

Provided further, that, notwithstanding any other provision of law, the amounts made available within
this account for the Substance Abuse and Suicide Prevention program, for the Domestic Violence Prevention Program, the Zero Suicide Initiative, for aftercare pilots at Youth Regional Treatment Centers, to improve collections from public and private insurance at Indian Health Service and tribally operated facilities, and for accreditation emergencies shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended.

The Administration announced last year that it will not allocate contract support costs for the meth/suicide and domestic violence prevention initiatives and we expect that will also apply to the expanded list of initiatives.

Tribal Epidemiology Centers. The Administration proposes $4.9 million for the 12 tribal Epidemiology Centers, a $194,000 increase over FY 2016. The increase is for built-in costs.

DENTAL SERVICES
FY 2015 Enacted $173,982,000
FY 2016 Enacted $178,286,000
FY 2017 Admin. Request $186,829,000
The requested amount over FY 2016 consists of increases of $1.8 million for pay costs, $2 million for inflation, $1.2 million for population growth, and $2.6 million for staffing and operating cost of newly constructed facilities.

MENTAL HEALTH
FY 2015 Enacted $ 81,145,000
FY 2016 Enacted $ 82,100,000
FY 2017 Admin. Request $111,143,000
The Administration is requesting a $25 million program increase. Of that amount $21.4 million would be for a Behavioral Health Integration Initiative. Funding would be available to tribes, tribal organizations, and urban Indian organizations to expand the behavioral health services to areas outside the traditional health care system. Funds could also be used for training, to hire behavioral health staff and for community-based programs. The remaining $3.6 million would fund pilot projects to implement a Zero Suicide Initiative. IHS notes that the current Zero Suicide model has not been tested or adopted for tribal communities and that it will take concerted effort to develop a model that will be appropriate and effective for tribal communities.

The Administration also requests the following funding increases: $816,000 for pay costs, $1.1 million for inflation, $928,000 for population growth, and $1.2 million for staffing and operations of newly constructed facilities.

ALCOHOL AND SUBSTANCE ABUSE
FY 2015 Enacted $190,981,000
FY 2016 Enacted $205,305,000
FY 2017 Admin. Request $233,286,000
The Administration is requesting a $16.8 million program increase which is focused on youth. Of that amount $15 million would expand the Generation Indigenous Initiative Support initiative which received $10 million in FY 2016. Focus will be on hiring staff to improve and provide more services and prevention programs for Native youth. The remaining $1.8 million is for a pilot project to provide a continuum of care for youth after they are discharged from the Youth Regional Treatment Centers (of which here are eleven). In addition, the request includes $3.4 million inflation, $2.5 million for population growth, and $3.6 million for staffing and operating of newly constructed facilities.

PURCHASED/REFERRED CARE
FY 2015 Enacted $914,139,000
FY 2016 Enacted $914,139,000
FY 2017 Admin. Request $962,331,000
The requested amount over FY 2016 consists of increases of $37.4 million for medical inflation and $9.3 million for population growth. In addition the Catastrophic Health Emergency Fund would be allocated $53 million, a $1.5 million increase over FY 2016.

PUBLIC HEALTH NURSING
FY 2015 Enacted $75,640,000
FY 2016 Enacted $76,623,000  
FY 2017 Admin. Request $82,040,000  
The requested amount over FY 2016 consists of increases of $796,000 million for pay costs, $2 million for inflation, $874,000 for population growth, and $1.7 million for staffing and operating cost of newly constructed facilities.

HEALTH EDUCATION  
FY 2015 Enacted $18,026,000  
FY 2016 Enacted $18,255,000  
FY 2017 Admin. Request $19,545,000  
The requested amount over FY 2016 consists of increases of $175,000 for pay costs, $598,000 for inflation, $210,000 for population growth, and $307,000 for staffing and operating cost of newly constructed facilities.

COMMUNITY HEALTH REPRESENTATIVES  
FY 2015 Enacted $58,469,000  
FY 2016 Enacted $58,906,000  
FY 2017 Admin. Request $62,428,000  
The requested amount over FY 2016 consists of increases of $500,000 for pay costs, $2.3 million for inflation, and $685,000 for population growth.

HEPATITIS B and HAEMOPHILUS IMMUNIZATION (Hib) PROGRAMS IN ALASKA  
FY 2015 Enacted $1,826,000  
FY 2016 Enacted $1,950,000  
FY 2017 Admin. Request $2,062,000  
The requested amount over FY 2016 consists of increases of $17,000 for pay costs, $74,000 for inflation, and $21,000 for population growth.

URBAN INDIAN HEALTH  
FY 2015 Enacted $43,604,000  
FY 2016 Enacted $44,741,000  
FY 2017 Admin. Request $48,157,000  
The Administration requests a program increase of $1,137,000 to develop a strategic plan for the Urban Indian Health program in consultation with urban Indians and the National Academy of Public Administration. This effort was begun in FY 2016 with $1.1 million being appropriated for the development of a strategic plan.

The requested amount over FY 2016 also consists of increases of $265,000 for pay costs, $1.5 million for inflation, and $479,000 for population growth. As noted earlier, the Administration also proposes that 100 percent FMAP be extended to all Indian health programs, including urban Indian health centers.

INDIAN HEALTH PROFESSIONS  
FY 2015 Enacted $48,342,000  
FY 2016 Enacted $48,342,000  
FY 2017 Admin. Request $49,345,000  
The requested amount over FY 2016 consists of increases of $18,000 for pay costs and $985,000 for inflation.

Programs funded under Indian Health Professions are: Health Professions Preparatory and Pre-Graduate Scholarships; Health Professions Scholarships; Extern Program; Loan Repayment Program; Quentin N. Burdick American Indians Into Nursing Program; Indians Into Medicine Program; and American Indians into Psychology. Consistent with the Administration's request, bill language provides $36 million for the loan repayment program.

TRIBAL MANAGEMENT  
FY 2015 Enacted $2,442,000  
FY 2016 Enacted $2,442,000  
FY 2017 Admin. Request $2,488,000  
The requested $46,000 increase is for inflation.
Funding is for new and continuation grants for the purpose of evaluating the feasibility of contracting IHS programs, developing tribal management capabilities, and evaluating health services. Funding priorities are, in order: 1) tribes that have received federal recognition or restoration within the past five years; 2) tribes/tribal organizations that are addressing audit material weaknesses; and 3) all other tribes/tribal organizations.

IHS notes that in FY 2015, 88 percent funding awarded focused on Health Management Structure, 8 percent on planning grants, and 4 percent on Evaluation studies.

**DIRECT OPERATIONS**

FY 2015 Enacted $68,065,000  
FY 2016 Enacted $68,338,000  
FY 2017 Admin. Request $69,620,000

The requested amount over FY 2016 consists of increases of $641,000 for pay costs and $641,000 for inflation. The IHS noted in its budget submission that 58.7 percent of the Direct Operations budget would go to Headquarters and 41.3 percent to the 12 Area Offices. Tribal Shares funding for Title I contracts and Title V compacts are also included.

**SELF-GOVERNANCE**

FY 2015 Enacted $5,727,000  
FY 2016 Enacted $5,735,000  
FY 2017 Admin. Request $5,837,000

The requested amount over FY 2016 consists of increases of $20,000 for pay costs and $82,000 for inflation.

The Self-Governance budget supports implementation of the IHS Tribal Self-Governance Program including funding required for Tribal Shares; oversight of the IHS Director's Agency Lead Negotiators; technical assistance on tribal consultation activities; analysis of Indian Health Care Improvement Act new authorities; and funding to support the activities of the IHS Director's Tribal Self-Governance Advisory Committee.

The IHS estimated in its budget justification that in FY 2016, $1.8 billion will be transferred to tribes to support 92 ISDEAA Title V compacts and 117 funding agreements.

**SPECIAL DIABETES PROGRAM FOR INDIANS**

While the entitlement funding for the Special Diabetes Program for Indians (SDPI) is not part of the IHS appropriations process, those funds are administered through the IHS. SDPI is currently funded through FY 2017 at $150 million (see our General Memorandum 15-032 of April 17, 2015). As mentioned under the Legislative Initiatives section, the Administration is proposing that SDPI be permanently authorized at $150 million per fiscal year.

**FUNDING FOR INDIAN HEALTH FACILITIES**

FY 2015 Enacted $460,234,000  
FY 2016 Enacted $523,232,000  
FY 2017 Admin. Request $569,906,000

**MAINTENANCE AND IMPROVEMENT**

FY 2015 Enacted $53,614,000  
FY 2016 Enacted $73,614,000  
FY 2017 Admin. Request $76,981,000

Proposed is a $517,000 program increase and increases of $1.87 million for inflation and $978,000 for population growth. As of October 1, 2015 the Backlog of Essential Maintenance, Alteration, and Repair is $473 million.

Maintenance and Improvement (M&I) funds are provided to Area Offices for distribution to projects in their regions. Funding is for the following purposes: 1) routine maintenance; 2) M&I Projects to reduce the backlog of maintenance; 3) environmental compliance; and 4) demolition of vacant or obsolete health care facilities. The Act provides that up to $500,000 may be deposited in a Demolition Fund to be used for the demolition of vacant and obsolete federal buildings.

**FACILITIES AND ENVIRONMENTAL HEALTH SUPPORT**

FY 2015 Enacted $219,612,000
FY 2016 Enacted $222,610,000  
FY 2017 Admin. Request $233,858,000  
The requested amount over FY 2016 consists of increases of $2.4 million for pay costs, $2.9 million for inflation, $2.5 million for population growth, and $3.4 million for staffing and operating cost of newly constructed facilities.

MEDICAL EQUIPMENT  
FY 2015 Enacted $22,537,000  
FY 2016 Enacted $22,537,000  
FY 2017 Admin. Request $23,654,000  
The requested amount over FY 2016 consists of increases of $858,000 for inflation and $259,000 for population growth.

The Administration proposes to continue bill language to provide up to $500,000 to purchase TRANSAM equipment from the Department of Defense and up to $2.7 million for the purchase of ambulances.

The Administration's request is to distribute the FY 2017 requested funds as follows: $18 million for new and routine replacement medical equipment at over 1,500 federally- and tribally-operated health care facilities; $5 million for new medical equipment in tribally-constructed health care facilities; and $500,000 each for the TRANSAM and ambulance programs.

CONSTRUCTION  
Construction of Sanitation Facilities  
FY 2015 Enacted $79,423,000  
FY 2016 Enacted $99,423,000  
FY 2017 Admin. Request $103,036,000  
The requested amount over FY 2016 consists of increases of $2.3 million for inflation and $1.3 million for population growth.

IHS projects that the funds would be distributed as follows: 1) $57 million for projects to serve new or like-new housing; 2) $43 million for projects to serve existing homes; 3) $2 million projects such as studies, training, or other needs related to sanitation facilities construction; and 4) $1 million emergency projects. The IHS sanitation facilities construction funds cannot be used to provide sanitation facilities for HUD-built homes.

Construction of Health Care Facilities  
FY 2015 Enacted $85,048,000  
FY 2016 Enacted $105,048,000  
FY 2017 Admin. Request $132,377,000  
Under the Administration's request the following would be provided:

- Phoenix Northeast Health Center $52.5 million
- Whiteriver Hospital, Whiteriver, AZ $15.0 million
- Rapid City Health Center $28.7 million
- Dikon Alternative Rural Health Center, Dikon, AZ $15.0 million

In addition, funding is requested for:

- Small Ambulatory Program Health Care Facilities $10.0 million Funding would be for facilities smaller than health centers which do not qualify for the IHS Health Care Facilities Construction Priority System. Funds are for "the construction, expansion or modernization of non-IHS owned small tribal ambulatory health care facilities located apart from a hospital." (p. CJ-176)

- New and Replacement Quarters $12.0 million Citing that the greatest need for new and replacement quarters is in the Great Plains, Navajo and Alaska Areas, the funds would be used "to initiate the replacement and addition of quality housing for health care professionals in these three Areas. The amount distributed to each Area will be based on each Area's internal priority list that will be completed by mid-FY 2016". (p. CJ-176)

Inflation $3.8 million.
TANF Final Rule on Restrictions on Use of Electronic Benefit Transfer Transactions," Hobbs-Straus General Memorandum 16-012, February 5, 2016, http://hobbsstraus.com/general-memorandum-16-012, reported, "On January 15, 2016, the Department of Health and Human Services (HHS) published the attached Final Rule which requires states to have in place policies and practices to prevent state-funded Temporary Assistance for Needy Families (TANF) assistance from being accessed via electronic benefit transfer cards (EBT) in liquor stores, gaming establishments, or in strip-clubs or other adult-entertainment venues. This Rule was issued pursuant to the requirement of Section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012, PL 112-96 (Act). The provision does not apply to tribally-administered TANF programs, but it does apply to Indian lands where the state is administering the TANF program.

As of January 1, 2015 there were 70 tribal TANF programs administering $192 million. A number of the tribal grantees are consortia, notably in Alaska and California. A list of tribal TANF programs may be found here:

https://www.acf.hhs.gov/sites/default/files/ofa/appvd_tfags_fy_2015_revi...

Reporting. The Act requires each state to file an annual report to HHS regarding its TANF plan as required by the Act. The report is to include:

- Description of the implementation of the state policies and practices designed to restrict TANF recipients from using their TANF assistance via EBT transactions in prohibited places;
- How the state identifies the locations specified in the Act;
- The procedures for ongoing monitoring to ensure policies are being carried out as intended;
- How the state responds to findings of non-compliance.

The Secretary may reduce a state's TANF allocation by up to five percent for noncompliance.

Definitions. The Rule clarifies the Act's reference to "casino, gambling casino, or gaming establishment" to mean an establishment with a primary [emphasis added] purpose of accommodating the wagering of money.

The definition of "liquor store" is also clarified:

Casino, gambling casino, or gaming establishment means an establishment with a primary purpose of accommodating the wagering of money. It does not include:

(i) A grocery store which sells groceries including staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities; or

(ii) Any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business.

Liquor store means any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods (within the meaning of Section 3(r) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012 (r))).

HHS did not include in the Rule a definition of "adult-oriented entertainment," stating that the description in the Act is sufficient.

Enforcement on tribal lands where a state administers the TANF program. HHS addresses the issue of enforcement of the Act on tribal lands where the state is administering the TANF program by stating:

We reiterate that we are not extending the requirements to tribal TANF programs. We agree that Congress did not apply these requirements to TANF assistance administered by a tribal TANF program. However, states do have a responsibility to develop appropriate policies for preventing TANF cash assistance administered by state programs from being used at any of the three types of businesses, including those located on tribal land, to the extent practicable. As we stated in the NPRM, we encourage states to work with tribes to try to prevent state TANF assistance from being used at the prohibited locations on sovereign tribal land. We would consider it sufficient for states to provide notice to recipients that the prohibition of use extends to tribal lands."

U.S. Fish and Wildlife Service Adopts Updated Native American Policy; Additional Alaska-Specific Chapter to be Developed," Hobbs-Straus General Memorandum 16-013, February 5, 2016,
The U.S. Fish and Wildlife Service (FWS) announced the adoption of an updated Native American Policy (Policy). The Policy provides a framework for government-to-government relationships which furthers the trust responsibility of the United States and the Department of the Interior to Indian tribes, with particular reference to the protection, conservation, and use of tribal reserved, treaty guaranteed, and statutorily identified resources. As stated in the FEDERAL REGISTER notice (Notice), the Policy "recognizes the sovereignty of federally recognized tribes; states that the Service will work on a government-to-government basis with tribal governments; and includes guidance on co-management, access to and use of cultural resources, capacity development, law enforcement, and education."

The Policy was released as Chapter 1 of Part 510 of the Fish and Wildlife Service Manual. The Notice does not include the text of the Policy, but, rather, says that it can be downloaded from www.fws.gov/policy/510fw1.html. The Notice provides background on the development of the Policy and discusses changes that were made in response to comments from tribes and others after a draft was made available on August 3, 2015. In addition, the Policy includes three exhibits: (1) definitions; (2) responsibilities of FWS employees; and (3) authorities. They can be downloaded from http://www.fws.gov/policy/ (click on "Service Manual" and scroll to part 510). The Notice, Policy, and exhibits are all attached.

Implementation and Training. The Policy does not stand on its own. Rather, the Notice says that, in order to effectively implement the Policy, FWS will develop training for its employees and will update its Tribal Consultation Handbook (www.fws.gov/mountain-prairie/tribal/documents/Tribal_Consultation_Guide_...).

Development of an Alaska-Specific Chapter. While the Policy applies to all federally recognized tribes, including those in Alaska, FWS will also develop an Alaska Regional Native American Policy as a separate chapter for the Fish and Wildlife Service Manual to address issues unique to Alaska.

Highlights by Section. The Policy addresses a number of important issues, only a few of which are noted in this memorandum. In section 2, Sovereignty and Government-to-Government Relations, in response to comments from some tribes that have delegated some authority to inter-tribal agencies, FWS added a sentence stating that FWS "will consult with inter-tribal organizations to the degree that tribes have authorized such an organization to consult on the tribe's behalf." In section 3, Communications and Relationships, in addition to using the "best available scientific and commercial data," FWS will "solicit and consider information, traditional knowledge, and expertise of affected tribal governments." In response to comments raising concerns about the sensitivity of information relating to cultural practices and locations, the Policy acknowledges the constraints of the Freedom of Information Act (FOIA) and says that FWS "will work collaboratively with tribal governments to protect and prevent disclosure of confidential or sensitive information to the extent allowable by law." Section 5 of the Policy, Culture and Religion, which contains similar language regarding cultural resources and sacred sites, incorporates text from the exemption from disclosure authorized by the National Historic Preservation Act if disclosure may cause a significant invasion of privacy, risk harm to an historic property, or impede the use of a traditional religious site by practitioners. For this exemption from disclosure to apply, the place at issue must be an historic property, i.e., listed on or eligible for the National Register of Historic Places. Places that have ongoing cultural importance for a tribe may be eligible for the National Register as traditional cultural properties.

Section 4, Resource Management, includes a reference to Secretarial Order 3206 regarding the Endangered Species Act and says that, when designating critical habitat, FWS will always consider exclusion of tribal lands. This section also expresses support for co-management of fish and wildlife resources "where there is a legal basis" for it. The Notice, however, says, "Congress has not given us authority to give tribes management authority over Service lands. Management of Service lands is an inherently federal function." Section 5, Culture and Religion, says FWS "will work in collaboration with tribal governments to protect traditional, customary, ceremonial, medicinal, spiritual, and religious uses of plants and animals for tribal members where it is not contrary to our legal mandates and conservation goals." The Notice adds that, with respect to federal laws protecting birds, the federal priority is to prosecute violators engaged in commercial activities.

http://hobbsstraus.com/general-memorandum-16-013, reported, "On January 27, 2016, the U.S. Fish and Wildlife Service (FWS) announced the adoption of an updated Native American Policy (Policy). 81 Fed. Reg. 4638. The Policy provides a framework for government-to-government relationships which furthers the trust responsibility of the United States and the Department of the Interior to Indian tribes, with particular reference to the protection, conservation, and use of tribal reserved, treaty guaranteed, and statutorily identified resources. As stated in the FEDERAL REGISTER notice (Notice), the Policy "recognizes the sovereignty of federally recognized tribes; states that the Service will work on a government-to-government basis with tribal governments; and includes guidance on co-management, access to and use of cultural resources, capacity development, law enforcement, and education."
Section 6, Law Enforcement, expresses support for cooperative law enforcement, saying that FWS law enforcement officers "should cooperate with tribal governments, including tribal law enforcement, to enforce Federal or tribal laws and regulations pertaining to fish, wildlife, or cultural resources." In section 7, Tribal Capacity Building, Assistance, and Funding, FWS offers to provide technical assistance to tribes "as resources and priorities allow," including working with tribes to develop and conduct joint training programs. Section 8, Implementation and Monitoring, states the intent to develop national and regional implementation plans, and to form national and regional teams with FWS and tribal representatives to carry out such plans."

In the Courts

The U.S. Supreme Court

"Supreme Court Rules the Omaha Indian Reservation was not Diminished," Hobbs-Straus General Memorandum 16-024, March 25, 2016, http://hobbsstrauss.com/general-memorandum-16-024, reported, "On March 22, 2016, in Nebraska v. Parker, a unanimous U.S. Supreme Court held that Congress did not diminish the Omaha Indian Reservation when it adopted a 'surplus property' Act in 1882. The 1882 Act empowered the Secretary of the Interior "to cause to be surveyed, if necessary, and sold" more than 50,000 acres of the Omaha Reservation. Once the land was appraised "in tracts of forty acres each" the Secretary was 'to issue [a] proclamation' that the "lands are open for settlement under such rules and regulations as he may prescribe.' The proceeds from any land sales were to 'be placed to the credit of said Indians in the Treasury of the United States."

The townsite for the village of Pender was platted from land sold under the 1882 Act.

The case began in 2006 when the Omaha Tribe sought to assert jurisdiction over the village of Pender through its newly amended Beverage Control Ordinance ('BCO'). Federal law permits the Tribe to regulate liquor sales on its reservation or Indian Country. The BCO requires retailers to obtain a tribal liquor license and imposes a 10 percent sales tax on liquor sales. Nonmembers who are not in compliance are subject to a $10,000 fine. The village of Pender and various retailers brought suit alleging that they were neither within the boundaries of the Omaha Reservation nor in Indian Country, and therefore not bound by the BCO, essentially arguing that the 1882 surplus property Act diminished the Omaha Reservation and vested jurisdiction with the State in that section.

The framework to determine whether Congress has diminished an Indian reservation when it opened it for non-Indian settlement is 'well settled,' said the Court. 'Only Congress can divest a reservation of its land and diminish its boundaries, and its intent to do so must be clear.' The Court has developed a three part test in such cases.

First, looking at the plain language of the 1882 Act, the Court found none of the hallmarks of diminishment. Of importance was the fact the Act opened the lands for settlement under such rules and regulations as the Secretary of the Interior might prescribe. The Court found the 1882 land Act merely opened reservation land to settlement. This scheme allowed non-Indian settlers to own land on the reservation, but that alone does not show that Congress intended to diminish the reservation's boundaries.

Second, looking at the historical evidence presented by both sides the Court was not able to overcome the lack of clear language that Congress intended to diminish the reservation. Floor statements were introduced which painted opposing pictures of what Congress intended with the 1882 Act. The Court found such dueling remarks from individual legislators far from the clear and plain evidence of diminishment that is required. The Court was unable to find any statements that would unequivocally support a finding that the existing boundaries of the reservation would be diminished.

Finally, the Court considered both the subsequent demographic history of the land in question and the federal government's treatment of the affected areas in the years immediately following its opening. The Court stressed that this evidence might reinforce a finding of diminishment or nondiminishment, but has never relied solely on this consideration to find diminishment. The facts that (1) the Tribe was essentially "absent" from the disputed territory for more than 120 years and did not
enforce any laws, and (2) reports from the Office of Indian Affairs and other governmental officials that the disputed lands fell under the jurisdiction of Nebraska were not enough to overcome the conclusion that Congress did not intend to diminish the reservation.

The Court did find the 'justifiable expectations' of the almost exclusively non-Indian settlers who live on the land an important factor, but reiterated that only Congress has the power to diminish the reservation. In closing, the Court made the significant observation that the door was still open as to whether other equitable considerations may curtail the Tribe's power to tax the retailers of Pender, 'in light of the Tribe's century-long absence from the disputed lands,' citing the Sherrill case (2005). This consideration could also affect other reservations where the courts have already held they remained intact after Congress opened them to non-Indian settlement."

"Supreme Court Issues Decision in Menominee Indian Tribe v. United States," Hobbs-Straus General Memorandum 16-011, January 28, 2016, http://hobbsstraus.com/general-memorandum-16-011, reported, "On January 25, 2016, the U.S. Supreme Court issued its decision in Menominee Indian Tribe of Wisconsin v. United States. In a unanimous decision authored by Justice Samuel Alito, the Supreme Court upheld the D.C. Circuit's ruling that the statute of limitations on the Tribe's 1996-1998 contract support cost claims against the Indian Health Service (IHS) was not equitably tolled, and therefore the Tribe's claims were filed too late under the Indian Self-Determination Act and the Contract Disputes Act (ISDEAA).

The case has a complicated factual background, which is only briefly summarized here. Before the federal government's liability for full payment of contract support costs under the ISDEAA had been clearly established by the courts, the Menominee Tribe chose to rely on class action litigation filed against the Bureau of Indian Affairs and the Indian Health Service to advance its contract support cost claims against those agencies. The class action litigation against the Bureau of Indian Affairs was successfully certified, despite the federal government's objection that many of the tribal class members (including Menominee) had not filed individual administrative claims, as required by the Contract Disputes Act. The case proceeded as a class action, and resulted in a series of settlement payments to class members.

Later, class certification in the class action against the Indian Health Service was denied, and the Tribe realized that it would most likely have to pursue its claims by filing them individually with the agency. However, the Tribe believed that the six-year statute of limitations for filing its claims had been tolled (suspended) during the pendency of the proposed class action, under a legal doctrine known as 'class action tolling.' It was only years later, and well after the Tribe had filed its claims in 2005 that the courts determined the Tribe was not eligible for class action tolling because it should have filed its individual claims first in order to participate in the class action. This ruling was contrary to the court's decisions and the Tribe's experience in the parallel class action against the Bureau of Indian Affairs, in which all short-funded tribes were allowed to participate regardless of whether they had filed individual claims at an earlier date or not.

The Tribe then argued that the statute of limitations on its claims should be equitably tolled in light of the extraordinary facts of the Tribe's case and its reasonable reliance on the class action litigation. Equitable relief is generally designed to allow courts to make exceptions to strict legal rules in the interest of fairness, though the standard for equitable tolling is stringent: parties seeking equitable tolling must establish (1) that they were reasonably diligent in pursuing their claims and (2) that some extraordinary circumstance stood in the way of timely filing.

In a case involving facts very similar to the Tribe's, the Federal Circuit ruled that the Arctic Slope Native Association met the standard for equitable tolling. The Federal Circuit in that case found that the backdrop of the long-running contract support cost litigation against the federal government and the existence of the prior, identical class action against the Bureau of Indian Affairs constituted extraordinary circumstances, and that in light of those circumstances the Arctic Slope Native Association reasonably and diligently relied on the class action litigation, thus excusing its tardy filing of administrative claims. Finally, the Federal Circuit held that the special trust relationship between the federal government and Indian tribes weighed in favor of tolling the statute of limitations so that the claims could proceed.
The D.C. Circuit disagreed with the Federal Circuit's analysis, and ruled against the Menominee Tribe. In its decision, the Supreme Court sided with the D.C. Circuit. First, the Court held that the two prongs of the equitable tolling test—diligence and extraordinary circumstances—are two distinct elements that must be satisfied separately, not factors to be weighed with or against each other. Accordingly, the Supreme Court held that the D.C. Circuit did not err in failing to consider the Tribe's diligence once it determined that there were no extraordinary circumstances in the Tribe's case. Second, the Court disagreed with the Tribe's argument the D.C. Circuit interpreted the "extraordinary circumstances" requirement too strictly in requiring the Tribe to show some "external obstacle" that made it impossible to file the claims at an earlier time. The Supreme Court determined that the D.C. Circuit's formulation of the test—which differed substantially from the Federal Circuit's more holistic approach—correctly reflected the requirement that a litigant seeking equitable tolling show that some extraordinary circumstance "stood in his way" and was "outside of his control." The Court held that the circumstances faced by the Tribe did not meet this standard because the Tribe's reliance on the Ramah and Cherokee Nation class action lawsuits in deciding whether and when to file individual administrative claims was not something beyond the Tribe's control. The Supreme Court did not address the Federal Circuit's reasoning, which led to a different result.

Finally, the Supreme Court declined to consider the trust relationship between the federal government and the Tribe as a special factor in the case. Though the Court acknowledged the general trust relationship, it held that the general relationship could not overcome the specific statutory requirement in the Indian Self-Determination Act and the Contract Disputes Act that contract claims must be filed within six years of accrual."

Suzette Brewer, "Breaking: Scotus Overturns Ninth Circuit, Upholds Tribal Court Convictions," ICTMN, June 13, 2016, http://indiancountrytodaymedianetwork.com/2016/06/13/breaking-scotus-overturns-ninth-circuit-upholds-tribal-court-convictions-164779, reported, "In a historic victory for tribal jurisprudence, the United States Supreme Court today ruled that prior unounselled tribal court convictions used in subsequent criminal cases does not violate the Constitution when the proceedings were in compliance with the Indian Civil Rights Act. The unanimous decision in U.S. v. Bryant, which was delivered by Justice Ruth Bader Ginsburg, reversed a Ninth Circuit Court decision which held that using unounselled tribal court convictions was "unconstitutionally impermissible."

In plain English, today’s decision makes it possible for federal prosecutors to establish 'habitual offender' status in domestic violence cases for enhanced sentencing under federal statute.

Noting that this case ‘is illustrative of the domestic violence problem existing in Indian country,’ Justice Ginsburg pointed out that Native women suffer the highest rates of domestic violence in the country, along with high rates of recidivism by their abusers.

States are unable or unwilling to fill the enforcement gap. Most States lack jurisdiction over crimes committed in Indian country against Indian victims,' wrote Ginsburg. ’...Even when capable of exercising jurisdiction, however, States have not devoted their limited criminal justice resources to crimes committed in Indian country.’ It is a disparity, she said, which must be addressed by the federal government.

This case arose when Michael Bryant Jr., who was convicted in federal court for assaults on two women, appealed his conviction in the Ninth Circuit on the basis that he didn’t have a lawyer in the cases that resulted in his tribal court convictions. Bryant was found eligible by the U.S. Attorney for "habitual offender" status and was sentenced to 46 months on each count in federal prison.

Bryant is an enrolled member of the Northern Cheyenne Tribe, having pled guilty to charges of domestic abuse in at least five cases in tribal court. Bryant’s lawyers argued that using his prior misdemeanor convictions to prove 'habitual offender' status under the Violence Against Women Act (VAWA) violated the Fifth and Sixth Amendment under the Constitution.

In an 8-0 decision, the court ruled that the Sixth Amendment does not apply because, '[as] separate sovereigns pre-existing the Constitution, tribes have historically been regarded as unconstrained by those constitutional provisions framed specifically as limitations on federal or state authority."

That was the statement from Tim Purdon, partner at Robins Kaplan LLP and former United States Attorney General for the District of North Dakota, following the unanimous decision written by Justice Clarence Thomas on March 22 that was in favor of the Omaha Tribe of Nebraska.

The decision ruled that an 1882 Act of Congress did not diminish the tribe’s reservation and upholds the decision of the U.S. Court of Appeals for the Eighth Circuit.

"The case originally arose in 2004 following the tribe’s enactment of an alcohol beverage control ordinance regulating and taxing the sale of alcohol within the boundaries of its reservation as reported by ICTMN yesterday. When the tribe proceeded to notify the seven liquor stores located in the town of Pender that they would have to pay tribal licensing fees and a 10 percent liquor tax to continue to operate, the town and liquor stores sued the tribe in federal court in 2007."


In refusing to review the case, the court has reaffirmed three lower court rulings made by the U.S. Court of Appeals for the Tenth Circuit, all of which held that the tribe’s Uintah and Ouray (“U&O”) Reservation included both the lands of the Uncompahgre Reservation and the national forest lands located within the tribe’s original reservation boundaries.

The current litigation stems from two federal lawsuits filed by the tribe in April 2013, seeking to enjoin the State of Utah and its counties from prosecuting tribal members through Utah state courts for alleged violations of Utah state law committed by Indians within the boundaries of the tribe’s reservation."

The U.S. Supreme Court, in January 2016, declined to hear an appeal, letting stand the circuit court ruling that under the Native American Graves Protection and Repatriation Act (NAGPRA), that a California tribe had the right to repatriate 9000 year old remains of a man and a woman found on state property near San Diego in 1976 that archeologists wished to continue to study (Cynthia Coleman Emery, "Landmark Judgment Returns Bones to Tribe," ICTMN, May 15, 2016, http://indiancountrytodaymedianetwork.com/2016/05/15/landmark-judgment-returns-bones-tribe).

Lower Federal Courts

"Ninth Circuit Directs District Court to Hear Navajo Nation Claim for Native Human Remains Excavated from Canyon de Chelly," Hobbs-Straus General Memorandum 16-026, April 15, 2016, http://hobbsstraus.com/general-memorandum-16-026, reported, "On April 6, 2016, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit issued an opinion in Navajo Nation v. U.S. Department of the Interior, a case in which the Navajo Nation seeks to have the National Park Service (NPS) return 303 sets of human remains and associated funerary objects that NPS removed from Canyon de Chelly National Monument during the period from 1931 to 1990. While the case involves issues relating to the Native American Graves Protection and Repatriation Act (NAGPRA), the Circuit Court’s opinion is limited to a holding that the District Court erred in dismissing the Navajo Nation's claim that NAGPRA does not apply. The Navajo Nation asserts that it is the lawful owner of the remains and funerary objects based on the Nation's recognized ownership of the land from which the remains and objects were removed. The Circuit Court did not address the merits of this claim. Rather, holding that the threshold decision by NPS to treat the remains and objects as subject to NAGPRA foreclosed the Navajo Nation's claim and, as such, constituted final agency action for purposes of the Administrative Procedure Act (APA), the Circuit Court remanded the case to the District Court."
Canyon de Chelly is located within the boundaries of the Navajo Reservation established by treaty in 1868. The National Monument was created in 1931 by an act of Congress which expressly states that the legislation shall not be "construed as in any way impairing the right, title, and interest of the Navajo Tribe" in the lands within the Monument. 16 U.S.C. §§ 445, 445a. After 1931, NPS excavated and removed some 297 sets of human remains and funerary objects without consent of the Navajo Nation. At that time, the statutory authority for such excavations was the Antiquities Act of 1906, which did not expressly require tribal consent. With the enactment of the Archaeological Resources Protection Act (ARPA) of 1979, tribal consent for archaeological excavations on tribal land became a legal requirement. Six more sets of human remains were excavated after the enactment of ARPA, from sites threatened by erosion. The Navajo Nation asserts that tribal consent was conditioned on NPS agreeing to immediate reinterment; NPS denies that it agreed to reinterment.

With the enactment of NAGPRA in 1990, NPS became subject to its requirement to conduct an inventory of the Native American human remains and funerary objects in its collections, and to repatriate such remains and items to known lineal descendants and culturally affiliated tribes. 25 U.S.C. §§ 3003, 3005. In the mid-1990s, NPS began an inventory of the remains and objects removed from Canyon de Chelly. In addition to the Navajo Nation, NPS also consulted with the Hopi Tribe and Zuni Pueblo, as ancestors of both tribes had lived in Canyon de Chelly from roughly 750 A.D. until the 1600s.

In 1996, the Navajo Nation asked NPS to stop the inventory process and return the remains and objects. The Nation asserted that the inventory and repatriation provisions of NAGPRA only apply to remains and objects that are lawfully within the possession and control of NPS, and that NPS does not have the legal possession and control because the remains and objects are the property of the Navajo Nation and were illegally removed from Canyon de Chelly. NPS declined the request, relying on advice that NPS had informally received from the Department of the Interior Solicitor's Office. After many years, by letter dated September 7, 2011, NPS provided a written response denying the Navajo Nation's demands. The Navajo Nation sued, seeking a court order to return the remains and objects.

The District Court dismissed the claim, ruling that it was precluded by the federal government's sovereign immunity. The Ninth Circuit panel reversed, ruling that the September 7, 2011, letter constituted final agency action by NPS, and, as such, the waiver of federal sovereign immunity in the APA applies. The court reasoned that the threshold decision by NPS to apply NAGPRA had, in effect, determined the Navajo Nation's legal rights in the remains and objects.

In a dissenting opinion, Judge Ikuta disagreed with the majority's finding final agency action in the September 2011 letter. The dissent argued that final agency action will not occur until NPS completes the repatriation process prescribed in the regulations implementing NAGPRA.

The case does not implicate the graves protection provisions of NAGPRA, 25 U.S.C. § 3002, since the excavations occurred prior to 1990. Under those provisions, for Native American human remains and associated funerary objects excavated or discovered on tribal lands, if there are no known lineal descendants, the right of ownership or control is with the tribe 'on whose tribal land the objects or remains were discovered.'" Under the definition of 'tribal land' in NAGPRA, Canyon de Chelly is tribal land of the Navajo Nation".


A three-judge panel of the 9th U.S. Circuit Court of Appeals said a lower court was right to reject challenges to the Desert Diamond West Valley Resort and Casino raised by the state of Arizona and by the Gila River and the Salt River Pima-Maricopa Indian communities.

The courts said the language of the law was clear – the Tohono O’odham have a right to run a casino on property they bought in Glendale that is now considered tribal land."

"9th Circuit Sides in Favor of NIGC, Jamul Indian Village," ICTMN, June, 13, 2016,
The three-judge panel unanimously agreed the NIGC was not required to complete an environmental impact statement — a process that could take years to resolve under the National Environmental Policy Act — before approving the gaming ordinance, because there is only a 90-day window for ordinance approval. Insisting upon an EIS would create an "irreconcilable conflict" with the Indian Gaming Regulatory Act, the court determined.

"There is no question that it would be impossible for NIGC to prepare an EIS in the ninety days it has to approve a gaming ordinance," Jamul Action Committee v. Jonodev Chaudhuri (Chairman of the NIGC) Judge Morgan Christen wrote in the 16-page decision, reported WorldCasinoDirectory.com.

"District Court Issues Decision in Maniilaq Association v. Burwell," Hobbs-Straus General Memorandum 16-023, March 24, 2016, http://hobbsstraus.com/general-memorandum-16-023, reported, "On March 22, 2016, Judge John D. Bates of the United States District Court for the District of Columbia issued the attached memorandum opinion and order in Maniilaq Association v. Burwell, No. 15-152 (D.D.C.) ("Maniilaq II"), ordering the Indian Health Service (IHS) to negotiate lease compensation under Section 105(l) of the Indian Self-Determination and Education Assistance Act (ISDEAA) and implementing regulations for a proposed lease of Maniilaq Association's clinic facility in Kivalina, Alaska. The ruling vacates the IHS's denial of the proposed lease on the grounds that the compensation requested by Maniilaq Association, which was based on specific criteria set out in the Section 105(l) implementing regulations, exceeded the amount to which Maniilaq Association is entitled under the ISDEAA.

The case is a sequel of sorts to the 2014 decision in Maniilaq Association v. Burwell, 72 F. Supp. 3d 227 (D.D.C. 2014) ("Maniilaq I"), in which the district court held that a similar proposed lease for Maniilaq Association's clinic facility in Ambler, Alaska was awarded as a matter of law when the IHS failed to respond to the lease proposal within the mandatory time period for ISDEAA Title V final offers. That case established that a Section 105(l) lease may be incorporated into an ISDEAA funding agreement and submitted as a final offer—a fact the IHS had disputed—but did not reach the question of whether Section 105(l) and its implementing regulations require the IHS to compensate for a Section 105(l) lease according to any specific criteria.

Maniilaq II squarely raised the question of lease compensation for the district court to decide. Section 105(l)(2) requires that the Secretary "shall compensate" an Indian tribe or tribal organization for a lease entered pursuant to that section, and states that such compensation "may include rent, depreciation based on the useful life of the facility, principal and interest paid or accrued, operation and maintenance expenses, and such other reasonable expenses that the Secretary determines, by regulation, to be allowable." The Secretary’s implementing regulations at 25 C.F.R. §§ 900.69-900.74 provide that "[t]here are three options available" for a tribe or tribal organization to choose from when proposing lease compensation: (1) fair market rental; (2) a combination of fair market rental and specific cost elements listed in the regulations (including depreciation, operation and maintenance, and other costs); or (3) the regulatory cost elements only.

Maniilaq Association had proposed lease compensation based on the third option (the regulatory cost elements) for its proposed lease of the Kivalina facility. Maniilaq Association took the position that the IHS may deny duplicative or unreasonable costs, or costs that do not meet the regulatory criteria, but is otherwise bound by the regulations to provide lease compensation based on the listed cost elements. The IHS, on the other hand, argued that the cost elements and other compensation options specified in the regulations are discretionary, and that the IHS is therefore free to limit lease compensation based on other factors if it so chooses. For Maniilaq, the IHS sought to limit the lease compensation to the Section 106(a)(1) program amount that Maniilaq historically received for a Village Built Clinic Lease/Construction program in Kivalina through its ISDEAA funding agreement. That amount, in turn, was based on the amount the IHS historically
paid to lease clinic space from the Village of Kivalina using a "full service lease" under discretionary leasing authority with no statutory or regulatory compensation requirements.

Judge Bates closely reviewed the statutory and regulatory language and found that they were ambiguous. He decided, however, that "Maniilaq offers a reasonable interpretation of an ambiguous statute and its ambiguous regulations." He continued, "Because the Secretary has not shown that her alternative reading is compelled by those sources, the Court will—as it must—construe the ambiguity in Maniilaq's favor." In so ruling, Judge Bates relied on the Indian law principle of interpretation—which is explicitly required by the ISDEAA as well as its implementing regulations—that ambiguities in statutes or regulations benefitting Indian tribes must be resolved in favor of the tribes. Judge Bates also noted that the IHS's argument had significant gaps and did not adequately explain the compensation requirement in Section 105(l).

Noting that negotiations between the parties had broken down as a result of their conflicting legal positions, Judge Bates ordered the parties to resume negotiations consistent with his opinion on the meaning of the regulatory requirements. It remains to be seen whether the IHS will seek to appeal the ruling, but it if stands Judge Bates' opinion has significant implications for tribes and tribal organizations seeking to enter into fully compensated Section 105(l) leases for Village Built Clinics and other facilities used to carry out ISDEAA contracts and compacts in Alaska and throughout the country."

"U.S. District Court Orders Tribal Council to Produce Tribal Documents, Says Tribe Waived Immunity through ISDEAA Contract," Hobbs-Straus General Memorandum 16-014, February 5, 2016, http://hobbsstraus.com/general-memorandum-16-014, reported, "On February 2, 2016, a Montana federal judge ordered the Fort Belknap Indian Community Council and its members to respond to subpoenas and produce tribal government documents related to the Community's Indian Self-Determination and Education Assistance Act (ISDEAA) contract with the Department of Interior (DOI). U.S. District Judge Brian Morris said that the Council waived its sovereign immunity by entering into the ISDEAA contract, because the ISDEAA contract effectively made the Council members federal officials subject to the Federal Tort Claims Act (FTCA).

The ongoing, underlying case, Terryl T. Matt v. United States of America, was filed by an individual tribal member against the federal government. The complaint alleges that DOI and the Bureau of Indian Affairs (BIA), working with tribal officials, built a road on the plaintiff's property without authorization, causing damage to the plaintiff's property in violation of the FTCA. The subpoenas to the Council requested tribal documents related to road construction and maintenance, rights-of-way, and applications for funding of tribal projects.

The Council argued that it did not waive its sovereign immunity to release the documents sought by the plaintiff, and did not authorize Council members to respond to subpoenas. The Council further argued that its sovereign immunity has been recognized under Ninth Circuit precedent quashing subpoenas of tribal officials to compel production of tribal documents. Although Judge Morris previously agreed with the Council and quashed the subpoenas, he reversed course upon receiving information that an ISDEAA contract was in effect during the time of the alleged events under the complaint. Judge Morris said that the Council opened itself up to the subpoenas by entering into the ISDEAA contract, which effectively made the Council members federal officials subject to the Federal Tort Claims Act (FTCA).

Section 314 of Public Law 101-512 deems Indian tribes and tribal organizations and their employees to be part of the BIA for purposes of FTCA coverage for claims arising from carrying out an ISDEAA agreement. However, section 314 also deems any civil action or claim brought against a tribe to be an action or claim against the United States. That makes the United States the exclusive defendant for FTCA claims. Thus, the tribe's sovereign immunity from suit should not have been an issue in this case because section 314 deems this case to be a suit against the United States, not the tribe."

organization from on-going investigations by two California labor and employment agencies. The suit, filed by United Indian Health Services (UIHS), asserted that the District Court should step in to prevent California's Department of Labor Standards Enforcement (DLSE) and the Department of Fair Employment & Housing (DFEH) from investigating the retaliation claims of two terminated employees' initiated under the agencies' state law-based processes.

UIHS claimed that the investigations, which carried threats of financial penalties and had sought information via subpoenas, were improper, as neither the DFEH nor the DLSE had authority over intertribal organizations like UIHS. UIHS also claimed that participation with the investigations carried a threat to its immunity from suit that stemmed from its status as an intertribal organization under the Indian Self-Determination and Education Assistance Act (ISDEAA) and as a tribally run business (i.e., an "arm" of its member tribes).

The Court did not reach the question of whether the state agencies had jurisdiction over UIHS, but said instead that UIHS' claim of a threat to its sovereign immunity was too remote as the agencies had not sued UIHS or otherwise attempted to enforce any penalties against the organization. The Court held that a mere investigation did not rise to the level of a "case or controversy" required to give plaintiffs in federal court "standing" to sue. Accordingly, the Court held that it did not have jurisdiction to hear the case. The Court stated that the fact UIHS would incur financial costs to participate in the investigation or respond to question was not an injury sufficient to give rise to standing.

The case highlights the tension of how far state agencies can go in pursuing their investigations, even if when the law generally points to the idea that the states cannot enforce penalties against tribes and tribal organizations like UIHS. See, Pink v. Modoc Indian Health Project, 157 F.3d 1185, 1187 & 1187 n.1 (9th Cir. 1998); Middletown Rancheria of Pomo Indians v. Workers' Compensation Appeals Bd., 60 Cal. App. 4th 384, 388 (Board did not have jurisdiction over a tribe for purposes of enforcing state law)."

U.S. District Court Judge Robert Shelby, two months after finding that the San Juan County Utah School Board Districts violated the Federal Voting Rights Act, in denying American Indian citizens equal representation and ordering a redistricting, Judge Shelby, in late February 2016, ruled that the San Juan County Commission voting districts were similarly flawed, as 93 percent of Navajo residents, who are a slight majority in the county, were placed in one of three voting districts (Cindy Yurth, "Judge finds SJC's new voting districts unconstitutional," Navajo Times, February 25, 2016).

On March 27, 2015, in a case supported by the Native American Rights Fund (NARF), the Federal District Court for the Central District of California ruled in Agua Caliente v. Coachella Valley (CA) Water District, et al that the Agua Caliente Band of Cahuilla Indians had senior water rights in the Coachilla valley, with a ground water source available to fulfill that right, and enjoined the Coachella Valley Water District and Desert Water Agency from further injuring the tribe, its members and residents in the surrounding communities in the valley by impairing the quality and quality of the water in the aquifer. However, the court denied the Tribe's summary motion on its claim for aboriginal title to groundwater (NARF Casefile No: 0190127).

Tanya H. Lee, "$380 Million More to Benefit Farmers, Ranchers in Keepseagle Compromise," ICTMN, May 2, 2016, http://indiancountrytodaymedianetwork.com/2016/05/02/380-million-more-benefit-farmers-ranchers-keepseagle-compromise-164327, reported, "U.S. District Judge Emmet G. Sullivan on April 20 approved the creation of a $265-million Native American-controlled trust to benefit AI/AN farmers and ranchers, the largest such trust ever created. The money is left over from the fund set up by Congress in 2011 to settle claims of discrimination by the the U.S. Department of Agriculture against Native American food producers."

"By 2013, when all of the funds should have been dispersed, there had been only 3,587 successful Track A claimants whose awards came to $224,187,500 (copy 79,350,000 in direct payments to class members and $44,837,500 in payments to the IRS) and only 14 successful Track B claimants whose awards totaled $3,364,647, leaving $380 million in undispersed funds."
"The Keepseagles and other class members went back to court and asked that another period of time be allowed for claimants to come forward, but the judge said that given the terms of the 2011 settlement agreement, which included the 180-day limit for claims to be filed, he could not do that. Nor, he said, could he accede to the request that the $380 million in excess funds be distributed to the claimants who had been successful in their original claims, again because the original settlement agreement specified the maximum amount that those claimants could receive.

The government threatened to take back the $380 million if the class members persisted in their request for further payment. The judge sent everyone back to the negotiating table to find a solution.

The compromise, which is what the judge approved on April 20, gives each of the prevailing claimants an additional $21,275 in payments (copy8,500 in direct payments and $2,775 to the IRS as tax relief payments), puts aside $38 million to be distributed to nonprofits chosen by class counsel and orders that the remaining $265 million capitalize the Native American Agriculture Fund, a trust that over the next 20 years will make awards to nonprofits, including tribal colleges and CDFIs that serve AI/AN farmers and ranchers."

U.S. District Judge Bruce Black gave the Navajo Nation an initial victory in Navajo Nation v. Urban Outfitters, contending that Urban Outfitters violated Navajo Nation Rights by using "Navajo" on some of its products without permission (and with out paying any royalty), in ruling, March 31, 2016, that the Navajo Nation had not unreasonably delayed asserting its rights since 2001, as Urban Outfitters claimed, opening the possibility that the firm may be liable for millions of dollars in royalties and penalties (Steve Russell, "Huge Navajo Win for All Tribes: Exploiters of Tribal Names Slapped Down," ICTMN, April 8, 2016, http://indiancountrytodaymedianetwork.com/2016/04/08/huge-navajo-win-all-tribes-exploiters-tribal-names-slapped-down-164079).

However, in May, Judge Black ruled that the name "Navajo" was not sufficiently famous to warrant trade mark protection, leading to dismissal of two of the the counts in the case. Six other counts remain, concerning claims of trade mark infringement, false advertising, unfair competition, and violation of the Indian Arts and Crafts Act (Alysa Landry, "Navajo does not meet legal definition of 'famous' in Urban Outfitters case, judge rules," Navajo Times, May 26, 2016).

A $940 million settlement of the class action settlement between the Obama administration and American Indian tribes over claims the government failed to pay all that was required to tribes on contracts to manage education, law enforcement and other federal services, was approved by a Federal District Court judge in Albuquerque, in late November, 2016. Nearly 700 tribes or tribal agencies are expecting compensation is expected by almost 700 Indian nations, ranging from about $8,000 for some Alaska Native villages and communities elsewhere to $58 million for the Navajo Nation. Some of the underfunded federal contracts in the case extend back to the 1970s ("New Mexico: Judge Signs Off on $1 Billion for Tribes," The New York Times, February 24, 2016, http://www.nytimes.com/2016/02/25/us/new-mexico-judge-signs-off-on-1-billion-for-tribes.html?ref=todayspaper).

David Rooks, "Rosebud Sioux Tribe Files Lawsuit Against IHS, Attorney Says ER Shutdown Illegal," ICTMN, May 2, 2016, reported, "A lawsuit filed on behalf of the Rosebud Sioux Tribe last Thursday asks 'the federal court to step in and exercise some control over the dysfunctional IHS (Indian Health Service) emergency room on the Rosebud Reservation.'

Tim Purdon, of Robins Kaplan LLP, the firm representing the tribe, said, 'The filing of this case is necessary because IHS has been unable to solve this problem, at grave cost to the vulnerable, rural population of the Rosebud Reservation.' Purdon also said his firm has taken the case pro bono.

The Indian Health Service hospital located in the town of Rosebud announced the Emergency Room would be shut down on December 5, 2015 with a Notice of Intent to Terminate its Medicare Provider agreement on November 23.

The Notice stated: 'deficiencies identified in a recent [Center for Medicare Services] survey were serious enough to constitute an immediate and serious threat to the health and safety of any individual
who comes to the hospital to receive emergency services.” All ambulances were directed to send emergency patients to the nearest medical facility in Winner, South Dakota; Valentine, Nebraska; or Martin, South Dakota."

Suzette Brewer, "CWA: Victory for Tribes as Judge Reaffirms South Dakota Decision," ICTMN, February 22, http://indiancountrytodaymedianetwork.com/2016/02/22/icwa-victory-tribes-judge-reaffirms-south-dakota-decision-163496, reported, "Citing a “fundamental lack of competence,” a federal judge on Friday, February 19 denied South Dakota’s motion to reconsider an earlier decision, which found the state violated the Indian Child Welfare Act (ICWA) and denied Indian parents their Constitutional rights. In March 2015, Judge Jeffrey Viken issued a partial summary judgment in favor of the plaintiffs in Oglala Sioux Tribe v. Luann Van Hunnik regarding emergency removal hearings, also known as “48-hour hearings,” in Pennington County, South Dakota."


Constitutional Threat. By arguing that ICWA is an impermissible race-based law, and therefore unconstitutional, the Goldwater Institute is not only attacking the legitimacy of ICWA alone, but also of a number of other Indian statutes that enshrine the federal government's trust responsibility to tribes, which is based on a political relationship, not a racial one. If ICWA were found to be unconstitutionally race-based, that holding would open the door to challenging whether other Indian statutes treat tribes or Indians differently based on race rather than political status.

This case comes on the heels of the 2013 Supreme Court decision in Adoptive Couple v. Baby Girl, in which four anti-tribal briefs argued that ICWA was unconstitutional. The Court noted this argument and expressed concern regarding whether ICWA complies with the Equal Protection Clause. While the Goldwater Institute's suit makes its way through the judicial system, other similar state and federal court cases are also winding their way through the system—threatening an eventual revisit to the Supreme Court.

Background. ICWA applies to children who are members of a tribe and to children eligible for membership whose biological parent is a member of a tribe. Membership eligibility requirements are determined by each tribe, and some tribes require only lineal descent. ICWA dictates certain actions be taken when a Native child is at risk of being removed from his or her home or has been removed from his or her home due to child abuse or neglect allegations. The actions ICWA requires are intended to maintain the Native child's ties to his or her tribe. Thus, ICWA provides for transfer of child welfare proceedings to tribal court. It also requires active efforts be made to prevent breakup of the Native family and a high burden of proof be met before Native children are placed in foster care or parental rights are terminated. Additionally, ICWA creates placement preferences for foster care and adoption that aim to keep the Native child with family or connected to the tribe.

The Goldwater Institute—through a next of friend and foster parents seeking adoption—brought suit on behalf of two children with Native mothers and unknown fathers. The children are either members of or eligible for membership in the Gila River Indian Community and the Navajo Nation. Gila River has indicated its intent to seek transfer of the adoption proceedings from Arizona court to tribal court. Navajo has suggested multiple alternative ICWA-compliant placements, thereby affecting Arizona's ability to deem the Native child cleared for adoption. The Goldwater Institute seeks to certify the suit as a class action on behalf of all children with Indian ancestry living in Arizona outside of Indian country as well as non-Indian foster and adoptive parents living in Arizona outside of Indian country.

The suit asserts that Native children, based on their race alone, face unequal treatment under ICWA that requires them to remain in unsafe homes, delays their permanent placement with adoptive families, and
results in removal from foster homes for placement with ICWA-compliant homes unfamiliar to them. The suit argues ICWA is subject to and fails strict scrutiny, thus violating the Equal Protection Clause. According to the suit, the principles articulated in Morton v. Mancari, in which the Supreme Court found the Indian statute at issue was not subject to strict scrutiny because the law was targeted at members of a political entity rather than racial group, do not apply to ICWA because ICWA's application turns on individuals' race alone.

On December 18, 2015, a hearing was held before Judge Neil Wake on the federal government's motion to dismiss the case. He stated that Morton v. Mancari is not sufficient to dispose of the case, but rather there is a boundary beyond which the principles in Morton v. Mancari do not apply. He said that ICWA falls somewhere on the periphery, based in part on his expressed doubt regarding the restrictiveness with which tribes define their membership criteria. Next steps in the case will involve decisions regarding class certification and whether Navajo and Gila River are permitted to intervene.


The suit underscores a longstanding complaint by Navajo activists alleging that the Navajo Nation took on a bad deal in 2013 when it bought the Navajo Mine, which supplies the plant’s coal.

The Navajo grassroots group Diné Citizens Against Ruining Our Environment (Diné CARE) filed the complaint on April 20 in federal district court in Arizona, along with the Western Environmental Law Center, Sierra Club, Center for Biological Diversity and other groups against the U.S. Department of the Interior and several other federal agencies. The suit claims that Interior failed to adequately consider impacts to air, water, land, people and endangered fish when it approved, in July 2015, a 25-year extension for the 1,540-megawatt plant and thus violated the National Environmental Policy Act (NEPA)."


The DOJ is suing on behalf of the Santa Clara Pueblo, using its authority as trustee under the Indian Right-of-Way Act. The Pueblo and the city of Espanola have intertwined histories, with the city occupying former Pueblo grant lands sold off in the Pueblo Lands Act of 1924. According to a complaint filed in federal district court in New Mexico on May 6, the city has failed to negotiate renewal of rights-of-way that expired in 1994 and 2002, and now its infrastructure is an unwelcome intrusion on the Pueblo.

A group of Navajo and environmental organizations filed a law suit in Federal District Court in New Mexico, in April 2016, opposing the U.S. government’s decision to approve expansion of coal operations at the Four Corners Power Plant and the Navajo mine (Bill Donovan, "Enviro groups sue feds over Four Corners Plant," Navajo Times, April 28, 2016).

Federal Agency Adjudications

The Navajo Nation Housing Authority (NHA), in January 2016, filed an appeal with a U.S. Housing and Urban Development (HUD) administrative court of a HUD administrative law judge's December 2015 finding that NHA must return $96 million of HUD funds that it did not spend before the deadline for doing so in 2012 (Bill Donovan, "NHA and HUD still fighting over $96 million," Navajo Times, January 14, 2016).
Suzette Brewer, "Breaking: California Supreme Court Denies Appeal in Lexi Case," ICTMN, March 30, 2016, http://indiancountrytodaymedianetwork.com/2016/03/30/breaking-california-supreme-court-denies-appeal-lexi-case-163974, reported, "Today the California Supreme Court denied a petition to reconsider a state appellate court ruling in the case of a 6-year-old Choctaw Nation tribal member who was returned to her relatives last week after a five-year custody battle. On March 21, foster parents Summer and Russell Page ignited a worldwide firestorm of publicity when they initially refused to turn Lexi over to her biological relatives because of their objections to the Indian Child Welfare Act, a federal law enacted in 1978 to prevent the dissolution of tribal families and communities across the country."

See the court docket here.

"The case began in 2010 when the child’s father lost custody of his daughter after he went to jail for selling stolen auto parts, according to court documents. The girl went through several foster homes before being placed with the Pages, who subsequently tried to adopt the girl out of foster care, in spite of repeated warnings that she was not up for adoption and that she had biological family in Utah who wanted to raise her. In 2014, a California appeals court rejected the Pages’ appeal of an order to return the girl to her relatives in Utah, as well as their petition to be recognized as parents with the same rights and legal standing as biological parents. The Utah couple, who also have custody of Lexi’s biological half-sister, have had ongoing, lifelong contact with Lexi. According to court documents and the Choctaw Nation, the couple have visited her at their own expense every month and Skyped with her at least once a week. Additionally, Lexi has also visited them for extended stays at their home in Utah numerous times, contradicting the Pages contention that she 'doesn’t know them.'"

The record of the case in the California courts is available at: http://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=0&doc_id=2136924&doc_no=S233315.

Hunting and fishing treaty rights are continuing to come to state and local courts and could advance to federal courts. Tony Morris and Randy Finn, members of the Leach Lake Band of Ojibwe, were arrested for illegal hunting near Blackduck, Minnesota, on November 1, 2015. In Beltrami County Court, in January 2016, the defendants argued that their hunting was permitted by an 1855 treaty, that ceded the land in question to the United States. Their case was to return to court March 24.


The Hopi Nation and the City of Flagstaff, AZ reached a settlement (still requiring Flagstaff city council approval), in late March 2016, of a case in Arizona Superior Court in Coconino County, AZ, challenging the city's decision to sell reclaimed wastewater to the Arizona Snowbowl ski area for snow making on the San Francisco Peaks (Sacred to several Indian Nations). Under the tentative settlement, the city would build a $1.6 million filtration system for the reclaimed water in question, while the tribe reserved the right to continue to mount legal opposition to snowmaking on the mountain. The Hopi charged in their suit that city's supplying reclaimed water to the Snowbowl violated several Arizona environmental regulations on use of reclaimed water ("Hopi tribe, City of Flagstaff reach settlement in Snowbowl lawsuit," Navajo Times, March 24, 2016).

Tribal Courts

winds-down-last-three-defendants-face-trials-163463, reported, "More than five years after a special prosecutor first brought charges against a staggering number of Navajo leaders accused of misusing the tribe’s discretionary funds, three individuals are still facing criminal trials.

A trial for Navajo Nation Council Delegate Mel R. Begay is set for March 14 in district court in Window Rock, Arizona. Begay, who has served as a delegate for 12 years, faces 16 complaints of making or permitting false vouchers. Seven of those complaints allege that between 2006 and 2010, Begay personally authorized at least $33,750 in financial assistance for his six children.

Trials are still pending in the Dilkon, Arizona, district court for former Council delegates Hoskie Kee and Young Jeff Tom.

The three defendants are the last of 15 Council delegates and two tribal employees who faced a total of 140 criminal complaints, said Eric Dahlstrom, special prosecutor for the Navajo Nation. Dahlstrom took over as special prosecutor in 2011 after the tribe failed to renew former prosecutor Alan Balaran’s contract."

"The law firm also filed ethics complaints against 12 former Council delegates. The Navajo Office of Hearings and Appeals heard those complaints, which carry no threat of incarceration, but can affect whether individuals are eligible to run for office in the future."

"Fourteen of the 17 criminal cases have gone through the courts, Dahlstrom said. All of them resulted in conviction – either through guilty pleas or pleas of no contest. None of the individuals has been sentenced, though each faces fines and up to one year in jail.

The 17 individuals charged in the criminal cases are accused of taking nearly $850,000 of discretionary funds. Delegates facing ethics charges allegedly took $270,000 – for a total of more than $1.1 million.

The cases broke in the fall of 2010 when Balaran filed criminal charges against 77 of the 88 sitting Council delegates, as well as additional elected and appointed officials and staff members. During the following years, prosecutors continued filing charges against a growing number of individuals, often alleging people conspired together to approve financial payments for families of their colleagues.

A total of 142 people, including Navajo Nation Council delegates, the controller, the attorney general and a former president, were accused of a converting millions of dollars in discretionary funds to personal use. Discretionary funds are those allocated to delegates to provide assistance to citizens with emergency needs, including single parents, elders and families who need burial funds.

The original charges ultimately were dismissed and replaced with civil suits, which went after lawmakers who ‘covertly manipulated and converted Navajo, federal and state funds,' in a 'wholesale pattern and practice of corruption.' The theft resulted in a ‘“disparity of wealth whereby the vast majority of the Nation lives precipitously on the edge of poverty while those in positions of authority have amassed considerable wealth,' the 2011 civil suit states.

After Dahlstrom completed his investigation, he dismissed all of the remaining civil cases and filed criminal charges only when 'the amount of money involved was significant or there was evidence that there was either a misrepresentation or some other wrongdoing by the individual,'"

"Dahlstrom commended the Nation for 'self-policing’” and holding government officials responsible.

‘The number of individuals who have publicly taken responsibility for their deeds is evidence that these prosecutions were necessary and important,’ he said. 'The Nation has demonstrated to citizens that the government is going to hold officials responsible when they misuse Navajo money.’"

Two Navajos filed a law suit in the Navajo Nation district court at Window Rock, in March 2016, claiming that they had suffered multiple instances of sexual abuse while they were students in a placement program sponsored by the Church of Jesus Christ of Latterer Day Saints (Bill Donovan, "Law suit filed on behalf of Navajo children [allegeedly] abused in Morman Placement Program," Navajo Times, March 3, 2016).
Tribal Government and State and Local Government Developments,

The Yakima Nation of Washington has had its criminal and civil law authority returned to the State of Washington, that was taken from the Tribe by federal termination Public Law 83-280, enacted in 1953. Yakima Nation is the second tribe to have its jurisdiction returned to it under a 2012 Washington State law (Richard Walker, "Civil, Criminal Authority Restored to Yakama Nation," ICTMN, May 5, 2016, http://indiancountrytodaymedianetwork.com/2016/05/05/civil-criminal-authority-restored-yakama-nation-164367).

The State of Alaska and the Central Council of the Tlingit and Haida Indian Tribes signed an agreement, in March 2016, transferring jurisdiction in Tlingit and Haida child welfare cases from the State Office of Child Welfare Services to the tribes (Agreement provides Tlingit, Haida tribes control over child welfare, NFIC, March 2016).

The New Mexico tribal task force against sex trafficking in Indian Country put on a two-day workshop in Albuquerque, in mid-May, bringing together in a training: tribal, federal, and state agency personnel, along with members of Coalition to stop violence Against Native Women, behavioral health specialists and a few private citizens (Colleen Keane, "Tribal task force against sex trafficking mobilizes," Navajo Times, May 19, 2016).


Jim Unsworth, director of the Washington Department of Fish and Wildlife (WDFW) said state and tribal fisheries would be greatly reduced this year in Puget Sound because low returns of chinook, chum and coho were expected.

It was the first time state and tribal co-managers could not reach agreement during the annual season-setting process, which concluded in mid-April.

'Cooperative co-management showed us the way' Lorraine Loomis, chair of the Northwest Indian Fisheries Commission, said in a statement. 'Our first priority is to develop fisheries that are consistent with efforts to protect and rebuild wild salmon stocks,' Unsworth said in a statement. 'Reaching an agreement on how to do that proved very challenging this year. Ultimately, we agreed on a package of fisheries that places a priority on conservation while allowing for limited fishing opportunities in Puget Sound.'"

Governor Mark Dayton of Minnesota supported a bill in the state legislature that would allow members of the Chippewa tribe with valid tribal identification to harvest wild rice without a license at any state controlled waterway in Minnesota. The tribe contends that its members have that right under an 1855 treaty with the federal government, but the Minnesota Department of Natural Resources has not accepted the Chippewa claim (Steve Karnowski, "Minnesota Governor proposes expanded wild rice rights for Chippewa, NFIC, March 2016).

Richard Walker, "No More Squaw Bay: Name Change Coming, ICTMN, April 26, 2016, Read more at http://indiancountrytodaymedianetwork.com/2016/04/26/no-more-squaw-bay-name-change-coming-164251, reported, "A Washington state committee will give final consideration in May to changing the name of Squaw Bay, on Shaw Island, to a Lummi Nation place name for the island.
Many more changes could follow.

Last fall, state Sen. Pramila Jayapal, D-Seattle, worked with U.S. Sen. Patty Murray, D-
Washington, and a resident to have a lake and creek in Chelan County renamed for a 19th century African-American pioneer. The lake and creek formerly bore a name considered to be offensive.

And in January, Jayapal sent a letter to state Department of Natural Resources Commissioner Peter Goldmark asking that his department review and coordinate the re-naming of places that bear names commonly accepted as ethnically or racially offensive."

The Arizona legislature passed a budget in May that includes funding for a new Department of Economic Services building on the Navajo Nation, at Chinle (providing expanded services); improvement of Navajo/Hopi BIA highway 60 linking the Pinon, Black Mesa, Forest Lake, Tachee/Blue Gap, Whippoorwill, Low Mountain and Polacca Navajo Nation Chapters as well as major facilities on the Hopi Reservation; $250,000 for the Tribal College Dual Credit Program; and $2 million to reimburse American Indian veterans or their survivors who can prove Arizona income tax was illegally withheld from them between 1977 and 2001 (Cindy Yurth, "AZ Legislatures budget includes dollars for rez road, Chinle des," Navajo Times, May 5, 2016).

Amy Morris. "Sacred Items Protected Under Newly Amended Georgia Bill," ICTMN, March 30, 2016, reported, "A Georgia Senate bill (SB 346) which initially gave exemptions to state projects that cost less than copy00 million from conducting cultural resource studies and was titled, the “Environmental Policy Act” was amended March 14, 2016 to protect cultural and historic resources found during transportation construction projects. The original version of bill SB 346 had failed to include protections for undocumented archaeological findings which would have potentially put at risk newly discovered sacred items or burials and this raised many concerns among archaeologists and Native Americans."  

Indian nations in Wisconsin helped defeat a bill in the state legislature, AB-620, which would have required tribe, the state historical society, and local land owners seeking protection for burial sites on their property to prove that human remains were in the site, often requiring them to be dug up (Paul DeMain"Tribes bury burial ground desecration bill," NFIC, January 2016).

The Southern Ute and Navajo Nations and the states of Colorado, New Mexico and Utah, in March 2016, announced their Animas and San Juan Spring Run Off Preparedness Plan to monitor during the spring runoff for contamination in the Animas and San Juan Rivers in the wake of the Gold King Mine contaminated water release of August 5, 2015. This is an enhancement of ongoing monitoring since the release. The plan can be found at: www.southernute-nsn.gov/environmental-programs/waterquality.

The New Mexico Clearinghouse for Native American Suicide Prevention was created by the State of New Mexico in 2011, under SB 417. Also known as Honoring Native American Life, it is based in the University of New Mexico Department of Psychiatry and Behavioral Sciences, Division of Community Behavioral Health. It collaborates with the Native American Suicide Prevention Tribal Advisory Council, created in 2013 under SB 447, on suicide prevention measures in: 1. Community capacity building through education and training; 2. community-based program support: through technical assistance and consultation; 3. Education and Mentorship: for youth and college students ("Honoring Native Life Newsletter," No. 1, undated, accessed in June 2016. See also: http://honoringnativelife.org).

Brian Daffron, "Tribal Self-Sufficiency Behind Pokagon and South Bend Agreement," ICTMN, April 6, 2016, http://indiancountrytodaymedianetwork.com/2016/04/06/tribal-self-sufficiency-behind-pokagon-and-south-bend-agreement-164047, reported, "On March 22, elected officials with the Pokagon Band of Potawatomi and the City of South Bend reached an initial agreement on water and sewer services on a 166-acre site owned by the Pokagon Band. Pending approval of a Draft Environment Impact Statement as part of its trust land application to the Bureau of Indian Affairs, the initial agreement will begin development of the land for 44 homes for tribal members, government services that include a health
care clinic and a Class II-level casino."

"Part of the agreement includes monetary payments by the Pokagon Band to the city of South Bend a full 12 months after the casino opens. Although federal law doesn’t require the tribe to pay the city, the Pokagon felt it was in their best interest to do so. However, Warren did not disclose any projected revenue that the casino may generate."

David Rooks, "Into the Breach: Rapid City Police Chief Seeks to Heal Fractured Community," ICTMN, March 14, 2016, http://indiancountrytodaymedianetwork.com/2016/03/14/breach-rapid-city-police-chief-seeks-heal-fractured-community-163748, reported, "On Wednesday, Rapid City Police Chief Karl Jegeris introduced the members of his new community advisory committee to the Rapid City Police Department. The committee’s formation, primarily in response to community anger over four officer-involved shootings in recent years, took on greater urgency in the wake of an alleged racial incident at an event in the city’s civic center a year ago that sparked a regional firestorm of anger."

"Jegeris tapped Rapid Citian, Vaughn Vargas, a young Si Tanka Lakota and member of the nearby Cheyenne River Sioux Tribe, to head the committee. Vargas is an engineering student at Rapid City School of Mines. Other members of the committee include Oliver White, Erik Bringswhite, Eric Whicher, Gary Nelson, Tim Doyle, Anthony Picket-Pin, Jennifer Giroux, Susie DeHart, Kayla Pritchard, Linda Palzkill, Lloyd LaCroix, Beverly Lafferty, Harriet Brings and Thomas Raymond.

The formation of the committee is the latest in a series of initiatives Jegeris hopes will build bridges between Rapid City’s sizeable American Indian population and a majority population that has often been characterized as, at best indifferent to its minority members’ culture and needs. Jegeris says that, because this lack of understanding did not spring up overnight, it will take large doses of patience, on every side, to overcome it."


Cambridge joins Berkley, California; Seattle, Washington; Minneapolis, Minnesota; Portland, Oregon; Carrboro, North Carolina; Albuquerque, New Mexico, and the state of Alaska in celebrating Indigenous Peoples Day. The effort to make this transition has been underway since 1992, which marked the 500th anniversary of Columbus’s first voyage."

Jacqueline Keeler, "Cleveland Bans Baseball Team’s Wahoo From Utility Poles," ICTMN, April 6, 2016, http://indiancountrytodaymedianetwork.com/2016/04/06/cleveland-bans-baseball-teams-wahoo-utility-poles-164054, reported, "On Monday, the day of the Cleveland Indians’ opening game for the new season, Cleveland’s city council voted unanimously to pass a city ordinance that will lead to the removal of banners displaying the team’s controversial mascot, Chief Wahoo, from the city’s public utility poles in the downtown central business area."

The Banks, OR School District and the Confederated Tribes of the Grand Ronde were working, in April 2016, to finalize an arrangement under which the schools would maintain their "Braves" team name, but would replace all existing "Braves" logos and mascots with ones designed by the Grand Ronde, and the schools would offer a Confederated Tribes developed Native American history curriculum. The Oregon Department of Education, in January 2016, established rules allowing the 14 high schools in the state that had American Indian mascots to secure permission from Oregon’s nine Indian nations if they wished to continue them ("Banks, Grand Ronde to sign agreement to keep Braves
Vincent Schilling, "High School with Native Mascot Bans Traditional Moccasins at Graduation," ICTMN, May 14, 2015, http://indiancountrytodaymedianetwork.com/2016/05/14/high-school-native-mascot-bans-traditional-moccasins-graduation-164479, reported, "A Sapulpa Oklahoma High School is refusing to allow Native American graduating senior Liseanne Yazzie to wear traditional moccasins to her graduation ceremony. Ironically, the school mascot is a Native American chief wearing a headdress."

Tribal Developments

National Center for Health Statistics, Health, United States 2015, With Special Feature in Racial and Ethnic Health Disparities, shows continuing, but lessening health disparities between American Indians and Alaska Natives and other groups in the U.S. population. A limitation in the report is that it when it does consider American Indians and Alaska Natives (AIAN), it reports only people who identified as AIAN alone. All persons identifying as more than one race or ethnicity were grouped together into one category, that provided no breakout information about AIAN mixed-race persons. The first, though decreasing disparity, is in government financing of health care. Approximately 42 percent of the Native American (AIAN) population receives its healthcare through the Indian Health Service. The National Congress of American Indians in its analysis of the FY2017 budget request for the IHS found that the agency’s per capita spending was only $3,107, compared to $8,097 per person for health care spending nationally in 2014. If Congress were to increase IHS funding by $2 billion a year for 10 years, IHS would be funded at the $29.96 billion amount required for Native peoples to achieve health care parity with the rest of the U.S. population. The Health and Human Services 2017 budget request for IHS, detailed above, is $5.185 billion, $377.4 million above the FY 2016 enacted level of $4.808 billion. The recent GAO report summarized above, finds that largely because of inadequate level funding, Native people often do not receive timely primary care, and many facilities are in poor condition with insufficient, out of date, and dilapidated equipment.

While life expectancy was shown in the CDC report to have had an over all increase in the U.S. of 2 years from 2000 to 2015, IHS reports that Native life expectancy trails the nation over all by 4.4 years. The leading cause of death for the AIAN males was unintentional injuries, followed by heart disease, cancer and liver disease, and for AIAN women, heart disease, cancer, unintentional injuries and liver disease. The leading cause of death in the overall population was heart disease, closely followed by cancer. Deaths related to opioid and heroin use for the total population were four times greater in 2015 than in 1999, but, as is still too often the case, including in the CDC report, data on AIAN opioid and heroin deaths was unavailable. AIAN death rates from motor vehicle related injuries declined from 78.9 per 100,000 in 1980 to 23.4 per 100,000 in 2014. Homicide death rates for AIAN males dropped from 23.3 per 100,000 in 1980 to 9.1 per 100,000 in 2014.

For the U.S. as a whole, the suicide death rate increased 21 percent between 2004 and 2014, with the largest increase for white men. In contrast, for AIAN males, the suicide rate declined from 19.3 per 100,000 overall in 1980 to 16.4 percent per 100,000 in 2014, with the still alarmingly high rate continuing highest among 15-24 year olds (23.5 per 100,000) and 25-44 year olds (26.2 per 100,000). Suicide death rates for AIAN females increased from 4.7 per 100,000 in 1980 to 5.5 per 100,000 in 2014. The rate is highest for 14-24 year olds (9.6 per 100,000) and 25-44 year olds (9.7 per 100,000).

Cigarette smoking remained a major high risk behavior as smokers are more likely to develop heart disease, stroke, cancer, diabetes, cataracts, rheumatoid arthritis, and stillbirth. AIAN adults 18 and over had the second highest rates of cigarette smoking of all groups in 2012-2014, 28 percent for men and 24 percent for women. Rates for people of 2 or more races were slightly higher, while the lowest rates were for Asians (14.8 percent for men, 5 percent for women). The percentage of male AIAN smokers declined only slightly from 1999-2001 and 2012-2014, but rates for women, declined from 36.3 percent in 1999-2001 to 24 percent in 2012-2014.

The CDC report found the overall rate of obesity for U.S. adults 20 and over at 36.5 percent (2011-
For 2 to 5 year olds, the rate is 8.9 percent. While report does not include data for AIAN people, the U.S. Health and Human Services’ Office of Minority Health reported from CDC data that in 2012 30.8 percent of AIAN adults over 18 were overweight but not obese and 40.8 percent of AIAN adults over 18 were obese. A 2015 report from the Trust for America’s Health and the Robert Wood Johnson Foundation found the rate of obesity for AIAN children ages 2 to 4 had risen to 21.1 percent, up from 16.3 percent in 1998; 31 percent of AIAN 6 to 11 years olds were obese in 2015 and 49 percent were overweight or obese. For 12 to 19 year old AIAN children, the rate of obesity in 2015 was 31 percent and the rate of overweight or obese AIAN teens was 51 percent.

The overall U.S. rate of diabetes increased by about 25 percent between 2000 and 2014. The report does provide AIAN diabetes statistics, but data from NCAI’s Center for Diabetes Research and Policy Research Center indicates that one out of every two AIAN children can be expected to develop Type 2 diabetes, with some being diagnosed as early as age 4.

Concerning women’s health, for all reported groups, in 2013, around two-thirds of women over 40 had had mammograms within the past 2 years, while only a slightly higher percentage had had Pap smears within the past 3 years. AIAN mothers experienced the lowest percentage of low-risk Caesarean section births in 2014, and the second-highest rate of preterm births of less than 37 weeks. 9.0 percent, compared with 11 percent for black or African American women and 6.9 percent for whites. While teen pregnancy (maternal age 15-19) rates had decreased over the past 10 years for all ethnic and racial groups, for AIAN teens, the rate dropped by 51 percent for AIAN teenagers ages 15 to 17 and by 39 percent for ages 18-19. Between 1983 and 2013, infant deaths have been nearly cut in half for all groups, but the rates for AIAN babies remain the highest of all measured groups, being per 1000 live births at 12.6 in 1989-1991, 8.4 in 2003-2005, and 8.1 in 2011-2013, while in the same periods for all races were 9.0, 6.8 and 6.0.

For cancer screening, in 2013 about half of all adults between the ages of 50 and 75 had been screened for colorectal cancer. For AIAN people, the percentage jumped from 26.7 to 46.7 between 2008 and 2010. The increase may be at least partly attributed to the Affordable Care Act requiring colorectal cancer screening tests to be among the free services provided for preventive care by insurance policies instituted after September 23, 2010. Passage of the Affordable Care Act in 2010 appears to have reduced to have the number of people who reported not receiving needed medical care, prescription drugs or dental care by about 25 percent from 2010 and 2014, reversing an upward trend that had been in place since the late 1990s. However, in 2014, almost twice as many AIAN people as whites reported they did not get the prescription drugs they needed because of cost. The percentage of AIAN people who did not receive needed dental care increased between 1999-2001 and 2009-2011, then fell back to 1999-2001 levels in 2012-2014. In 2014, 35.5 percent of AIAN persons were covered by Medicaid, the highest percentage ever. Also in 2014, 28.3 percent of AIAN people under 65 (when Medicare is available) had no health insurance with those who had only IHS coverage considered uninsured. IHS provided health care for 2.2 million AIAN people in 2014 (Tanya H. Lee, "Report Confirms: Serious Racial Inequities in Health and Health Care Continue," ICTMN. May 6, 2016, http://indiancountrytodaymedianetwork.com/2016/05/06/report-confirms-serious-racial-inequities-health-and-health-care-continue-164384; and National Center for Health Statistics., Health, United States 2015, With Special Feature in Racial and Ethnic Health Disparities, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, DHHS Publication No. 2016-1232, May 2016, http://www.cdc.gov/nchs/data/hus/hus15.pdf).

On the Navajo Nation for 2006-2009, Suicide was the 7th leading cause of death, while it is the 8th in Indian Country as a whole - where it is a serious problem- which has led to increased anti-suicide efforts at Navajo Nation. This and other health and morbidity information is available in the Navajo Nation Mortality Report, 2006-2009 (Alastair Lee Bitsi, "Mortality Report spurs initiative against suicide, substance abuse," Navajo Times, January 14, 2016).

American Indian Tribes, following the example of Alaska Native villages, are beginning to employ Dental Therapists, to make up for the lack of dentists on or near reservations, that has led to American Indian Children having untreated dental problems at four times the national rate. The first was a dental clinic on the Swinomish reservation in Washington. In February 2016, the State of Oregon
passed legislation authorizing a pilot project allowing the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians and the Coquille to hire dental therapists. Other Indian nations are likely to follow. Dental Therapists are the equivalent of nurse practitioners, who have some of the training of M.D.s, and can treat patients under the supervision of a doctor. To date, only Alaska has allowed dental therapists to practice, because of opposition by the American Dental Association, but a number of state legislatures were considering authorizing legislation, as of late may, 2016 (Kirk Johnson, "Where Dentists Are Scarce, American Indians Forge a Path to Better Care," The New York Times, May, 22, 2016, http://www.nytimes.com/2016/05/23/us/where-dentists-are-scarce-american-indians-forge-a-path-to-better-care.html?ref=todayspaper).

Tanya H. Lee, "Deadly Hep C Going Untreated in Native Communities," ICTMN, June 6, 2016, http://indiancountrytodaymedianetwork.com/2016/06/06/deadly-hep-c-going-untreated-native-communities-164670, reported, "Hepatitis C is raging through American Indian and Alaska Native communities, and the Indian Health Service does not have nearly enough funding to fight the disease, according to a May 26 article in the Journal of the American Medical Association."

"Roughly 120,000 people living on reservations are positive for the HCV antibody. Ten percent of AIAN veterans born between 1945 and 1965 show an HCV antibody-positive seroprevalence, meaning they have been exposed to the virus at some point in their lives, say the authors. Eighty percent of those exposed will not be able to clear the virus out of their bodies on their own and may spread the disease even if they do not have any symptoms.

Hepatitis C is a viral infection that damages the liver and can be fatal if left untreated. From 2009 to 2013, AIAN HCV-related mortality rates increased by 23.2 percent to 12.2 deaths per 100,000 population, more than double the national rate of 5.0 per 100,000.

AIAN people have 'both the highest rate of acute HCV infection and the highest HCV-related mortality rate of any U.S. racial/ethnic group,' according to the article, “The Need to Expand Access to Hepatitis C Virus Drugs in the Indian Health Service.”

According to IHS, 'Hepatitis C is treated with medications that your doctor can prescribe. Many people can be cured from hepatitis C.'

New direct-acting antiviral treatment regimens 'have high rates of achieving sustained virologic response with few contraindications or adverse effects. These advances represent a major shift in treatment options for HCV and may likely reduce HCV-related deaths,' wrote Finkbonner and Leston.

"Actually, there are three related problems.

The first is that these antiviral treatments are expensive, well beyond the means of most families to pay even a small part of the costs.

The second is that many state Medicaid programs and insurance companies have sought to control costs by requiring that people already have significant liver damage before they can get the drugs that would prevent such damage. 'These criteria present a quandary: earlier treatment can prevent advanced liver disease, but late-stage liver disease is needed to qualify for treatment,' the authors said.

And the third is that IHS, which spends an average of $2,849 per year per patient, compared with the $7,713 per year of treatment of individuals in the U.S. general population receive, simply cannot pay for treatment for all HCV-infected AIAN people. If Medicaid or private insurance (which may have the restrictions mentioned above) will not pay for treatment, the only recourse for patients or their doctors is to ask the drug manufacturer for help, Leston told ICTMN."

Catherine Burnette - cburnet3@tulane.edu, et. al, Uploaded to Academia.edu by Charles Figley, in June 2016, https://www.academia.edu/25842890/Risk_and_protective_factors_related_to_the_wellness_of_American_Indian_and_Alaska_Native_youth_A_systematic_review?auto=view&campaign=weekly_digest. "Risk and protective factors related to the wellness of American Indian and Alaska Native youth: A systematic review," "Abstract: In comparison with the general population, research indicates a need for greater health equity among American Indian and Alaska Natives (AI/AN). AI/ANs have demonstrated remarkable
resilience in response to centuries of historical oppression, yet growing evidence documents mental health disparities. Consequently, some AI/AN youth, defined as 18 years or younger, experience elevated rates of suicide, substance use disorders, conduct and oppositional defiant disorders, attention deficit-hyperactivity disorders, and posttraumatic stress disorders. In this article we systematically review the growing body of research examining the culturally specific risk and protective factors related to AI/AN youth wellness. This review includes published, peer-reviewed qualitative and quantitative research on AI/AN youth between the years 1988 to 2013. Organizing risk and protective factors within a ecosystemic resilience framework, the following broad risk and protective factors are critically reviewed: societal factors (historical oppression and discrimination), cultural factors (ethnic identity, spirituality, and connectedness), community factors (community environment, school environment, peer influence, and social support), family factors (family support, family income, parental mental health, family trauma and stressful life events), and individual factors. The review includes a discussion of the risk and protective factors accounting for AI/AN youth mental health disparities, implications for correcting disparities, and importance of incorporating familial and community level interventions for AI/AN youth."

Frances Madeson,  Albuquerque Natives Have Nation’s Worst Healthcare’: Indian Center Gets Reprieve," ICTMN, April 15, 2016, http://indiancountrytodaymedianetwork.com/2016/04/15/albuquerque-natives-have-nations-worst-healthcare-indian-center-gets-reprieve-164123, reported, "Even before The Albuquerque Journal reported that the Albuquerque Indian Center was slated to close on April 1 due to loss of both city and state funding, concerned community members started pulling together to raise money and save the center. For the past 14 years AIC has been a linchpin in the city's safety net providing daily hot meals, support groups, and other essential services to more than a thousand impoverished Indians every week.

When Grammy-Award nominee and former Miss Navajo Radmilla Cody got wind of the proposed closure, her organization For the People called upon performers to play a benefit concert. The result was Ké Hasin - A Gathering of Kinship for the Albuquerque Indian Center, which was held on March 25 at the South Broadway Cultural Center in partnership with the UNM LGBTQ Resource Center and The Red Nation.

The concert was preceded by a potluck dinner to welcome American Indian Movement founder Dennis Banks in connection with his Long March 5. Midway through the lineup that included some very intense remarks about domestic violence by Banks, and performances by artists as various as Navajo flautist Andrew Thomas, rappers Katrina & LETSJUSB, Cody herself singing traditional Navajo ballads, and the bluesy rock of the Levi Platero Band, an important announcement was made concerning the status of the center.

Executive Director Mary Garcia mounted the stage with three of AIC's board members to tell the hundred or so supporters gathered in the audience that an anonymous donor had come forth with sufficient funds to keep AIC open through the end of June. “By then,” she said, “we expect the Navajo Nation and the New Mexico Bureau of Indian Affairs to come through with a long-term funding solution.”

"Progress Report: USDA Investments Make Big Impact for Rural America in 2015," ICTMN, February 5, 2016, http://indiancountrytodaymedianetwork.com/2016/02/05/progress-report-usda-investments-make-big-impact-rural-america-2015-163318, included in its report, "The Yukon-Kuskokwim Health Corporation (YKHC) in Bethel, Alaska has been awarded a $165 million loan from USDA-Rural Development (USDA-RD). The funding comes through USDA-RD's Community Facility Direct Loan program. Funds will be used to provide permanent financing for a new 129,600 square foot primary care clinic and 110,000 square foot hospital remodel in Bethel. YKHC is the only full service health provider in the Yukon-Kuskokwim Delta, an area almost the size of Oregon. They are not connected to the standard road system, so transportation to the area is either by boat or airplane, making it a truly rural area,” said Greg Stucke, USDA-RD Alaska’s Director, Community Facilities."

The National Congress of American Indians (NCAI), "National Native Organizations Receive Funding to Pursue First Kids 1st: Every Native Child is Sacred Initiative," June 14, 2016,
This initiative - called First Kids 1st: Every Native Child is Sacred - aims to galvanize systems changes in education, health, welfare, and governance to better support Native children and youth. In each of these areas, community-determined and community-driven changes will improve the systems that impact Native youth, allowing them more and better opportunities to achieve their full potential.

The collaboration began in 2008 with the creation of the original National Children’s Agenda, crafted by these four partner organizations and also funded by the W.K. Kellogg Foundation. The Agenda was updated in 2015 as the Native Children’s Policy Agenda: Putting First Kids 1st, with tribal strategies and policy objectives to implement its principles. The partners look forward to engaging with tribal leaders, community leaders, tribal citizens, and Native youth across Indian Country and the nation to realize the vision of First Kids 1st.

"First Kids 1st asks for all of us to make our Native children and youth our first priority. In whatever position we hold, we all have the opportunity to ensure our youth will thrive and prosper. Through love, responsibility, and focus we can take opportunities for our children and youth to the next level," shared NCAI Executive Director Jaqueline Pata.

The First Kids 1st initiative comes at a pivotal time, with Native youth making up 39 percent of the American Indian and Alaska Native population. These demographic trends bring unique opportunities to address some of the longstanding disparities seen in Indian Country and Native communities. Through multi-media communications, community engagement, data development, policy analysis, and capacity building, the First Kids 1st Campaign will offer a range of strategies, activities and tools so that communities can design and implement the solutions that best address their needs.

NICWA Executive Director Sarah Kastelic stated, 'Our First Kids 1st team looks forward to working alongside all of our community partners. No one organization can do this work alone; we need each other to address the needs of children and youth holistically. Collaboration makes our vision clearer, our efforts stronger, and our success more certain.'

With the new funding from the W.K. Kellogg Foundation, First Kids 1st will reinforce outreach efforts and ramp up capacity building trainings beginning this summer and fall. "We know that targeted, sustained, and smart investments can make all the difference in our tribal communities. This is an exciting time and we are honored to have a role in that investment in our Native children and youth," shared Stacy Bohlen, NIHB Executive Director.

Campaign partners also look forward to sharing the updated 2015 Native Children’s Policy Agenda: Putting First Kids 1st, and providing youth data and policy recommendations. “Decision makers at every level need real-time, accurate information about our children and youth. Part of our charge will be to drill down on that data, and share it broadly so that policies and programs designed for our youth bring the benefits they promise,” stated NIEA Executive Director Ahniwake Rose.

“This campaign is about caring communities creating capable and confident kids. It’s as simple as that,” said Pata. The First Kids 1st partner organizations invite all who care about Native children and youth to join the initiative and help spread the word. Please contact Carolyn Hornbuckle with NCAI at chornbuckle@ncai.org."

Lake Traverse Reservation in North Dakota. These tribes exercised the Special Domestic Violence Criminal Jurisdiction, which restored their partial power to criminally prosecute non-Indians for domestic violence offenses. The Pilot Project Report provides a brief account of the activities during the Pilot Project period from February 2014 – March 2015 and shares recommendations for next steps. The entire report is available at: http://www.ncai.org/attachments/NewsArticle_VutTUSysGPRpZQRYzWcuLeukuVNeeTAOBBwGyvkWYwPRUJOoqI_SDVCJ%20Pilot%20Project%20Report_6-7-16_Final.pdf.

The Pilot Project proved incredibly successful in allowing the participating tribes to prosecute many long-time repeat offenders who had threatened the tribal community. At the same time, however, the Pilot Project revealed a number of inherent limitations in SDVCJ, as well as unforeseen obstacles in implementation. These issues are discussed in more detail below.

1. Non-Indian domestic violence is a significant problem in tribal communities

When VAWA 2013 was pending before Congress, many policy-makers and commentators questioned whether the tribal jurisdiction provision was needed and whether a significant number of non-Indians were committing domestic violence crimes in Indian country. The experience of the three original Pilot Project tribes provides an unequivocal answer to that question. Since beginning to exercise SDVCJ, Pascua Yaqui has found that 25% of its domestic violence caseload involves non-Indians. The statistics collected by Pascua Yaqui and Tulalip about the prior police contacts of their SDVCJ offenders demonstrate that the non-Indian offenders menaced the tribal community for years and had been a drain on the tribes’ law enforcement resources. Where SDVCJ was implemented during the Pilot Period, impunity has ended for non-Indian domestic abusers.

2. Most Special Domestic Violence Criminal Jurisdiction defendants have significant ties to the tribal communities

Most SDVCJ offenders had established themselves in the tribal community. For example, Pascua Yaqui reports that at least 9 of the SDVCJ offenders were living on the reservation in tribal subsidized housing; two of the incidents involved married couples who lived on the reservation; four incidents involved children who belonged to the non-Indian offender. At least two of the SDVCJ arrests involved unenrolled Indians from either the U.S. or Canada.

3. Children are impacted by non-Indian domestic violence at high rates

All three of the Pilot Project tribes report that children are usually involved as victims or witnesses in SDVCJ cases. A majority of SDVCJ incidents involved children who were at home during the domestic violence that occurred. These children have been assaulted or have faced physical intimidation and threats, are living in fear, and are at risk for developing school related problems, medical illnesses, post-traumatic stress disorder (PTSD), and other impairments. Although children are frequently witnesses to domestic violence or victims themselves, SDVCJ currently only applies to crimes committed against romantic or intimate partners or persons covered by a qualifying protection order. The implementing tribes are unable to prosecute non-Indians for many of the crimes against children that co-occur with domestic violence. Instead, they are left to refer these cases to state or federal authorities, who may not pursue them.

Case Study: A non-Indian boyfriend, engaged in a 3-day methamphetamine binge, refused to let his Indian girlfriend and her children leave the home. The non-Indian forced both the woman and her child to sit in a chair while he threw knives at them. Because of the severity of the violence, and because SDVCJ does not
provide accountability for the crimes committed against the child, the case was referred to the U.S. Attorney for prosecution.

4. Training is critical for success

While much of the work as tribes prepare to implement SDVCJ focuses on revising tribal codes, policies, and procedures, the Pilot Project tribes all devoted considerable resources to training for tribal law enforcement officers, prosecutors, judges, and other key stakeholders. Oftentimes the need for training became evident as the tribes encountered an unexpected obstacle of one kind or another. For example, the day after SDVCJ was enacted on one reservation, a non-Indian offender was arrested and delivered to the county authorities where he was promptly released.

That incident served as a reminder that tribal and Bureau of Indian Affairs (BIA) officers needed to be fully trained about the scope of the tribe’s authority. Similarly, Pascua Yaqui’s experience with its jury trial demonstrated the importance of training law enforcement about how to properly investigate whether there is a qualifying relationship sufficient to trigger SDVCJ in a particular case.

5. Federal partners have an important role

The implementing tribes have worked closely with Bureau of Indian Affairs (BIA) and DOJ officials to address challenges that have come up as a result of the complicated and fragmented criminal justice system at work in Indian Country. It has been important, for example, to clarify that BIA detention facilities are permitted to house non-Indian SDVCJ offenders and that tribes can use their 638 contract funds to pay for costs associated with housing non-Indian SDVCJ offenders. Likewise, the Pilot Project tribes have all worked closely with their local U.S. Attorney’s Offices to make decisions about which jurisdiction is most appropriate to prosecute a particular case.

6. Peer-to-Peer learning is important

The ITWG has proven to be an incredibly productive and useful mechanism for tribes to share information and best practices among themselves, to discuss challenges, and to jointly strategize about how to overcome obstacles. With the logistical support and substantive expertise of a group of DOJ funded technical assistance providers, the tribes participating in ITWG have tackled many difficult questions and have developed a collection of resources that will make it easier for tribes who wish to implement SDVCJ in the future. The ITWG continues to serve as an important resource for the implementing tribes as they encounter new questions and challenges.

The success of the ITWG has been driven by the engagement of dedicated and knowledgeable attorneys and tribal representatives from across Indian country. This engagement has been possible because of the travel support provided by DOJ, which allowed many of the members to participate in productive in-person meetings. The engagement and expertise of the technical assistance team has provided important coordination and leadership to the ITWG, while also helping the ITWG to track issues as they arise and to connect with necessary resources.

7. Special Domestic Violence Criminal Jurisdiction is narrow

One area of major concern among the Pilot Project tribes is the narrow class of crimes covered under SDVCJ. The limitations with regard to children who are victimized by domestic abusers was discussed above. Additionally, since tribal jurisdiction is limited to domestic violence, dating violence, and protection order violations, any other attendant crimes that occur also fall outside the scope of the tribe’s jurisdiction. The Pilot Project tribes reported, for example, cases where the offender also committed a drug or alcohol offense or a property crime that the tribe was unable to charge. There is also uncertainty about a tribe’s authority to charge an offender for crimes that may occur within the context of the criminal justice process, like resisting arrest, assaulting an officer, witness tampering, juror intimidation, or obstruction of justice. Because tribal prosecutors are unable to charge the full range of criminal conduct that may occur in a domestic violence incident, they may be more dependent on victim cooperation and the offenders’ criminal history may not accurately reflect the severity of his actions.

Case Study: At 2:00am, the tribal police were called to a domestic violence incident involving a non-Indian man. Methamphetamines were found on the premises, and tribal police requested an oral search warrant from the tribal judge to perform a urine analysis on the non-Indian. While being under the influence could be relevant to a DV investigation, the tribal judge ruled against issuing the search warrant. Some state
case law has held that tribal police lack the authority to investigate crimes where they do not have jurisdiction, and the judge did not want to compromise a potential state case for drug possession.

8. There is confusion about the statutory definition of 'domestic violence'

Tribal prosecutors from the Pilot Project tribes also report uncertainty regarding the definition of “domestic violence” in the wake of the Supreme Court’s decision in United States v. Castleman. When Castleman was decided in March of 2014, it had an immediate impact on the three original Pilot Project tribes’ criminal charging decisions when evaluating misdemeanor arrests under SDVCJ authority.

The Justices suggested in dicta in Castleman that the domestic violence crime in an SDVCJ case must involve actual ‘violence,’ which is not a defined term. As a result, the original Pilot Project tribes have declined to prosecute certain offenses like harassment, interference with domestic violence reporting, or offenses otherwise not constitute “domestic violence” under tribal law, but do not include an element of ‘offensive touching’ or may not be considered a ‘violent crime. DOJ and the technical assistance team have provided guidance to the ITWG about what type of conduct likely constitutes “violence” for SDVCJ purposes, but confusion persists.

The prosecutors for the Pilot Project tribes report that SDVCJ will be more effective if it is amended to 1) clarify that Indian tribes possess the authority to prosecute a non-Indian for the types of offenses that often occur in the cycle of domestic abuse that might not qualify as “violence” in isolation; 2) reaffirm tribal jurisdiction over crimes that frequently co-occur with domestic violence; 3) reaffirm tribal jurisdiction over all crimes of violence against women or that occur within the family, including child abuse.

When Castleman was decided in March of 2014, it had an immediate impact on the three original Pilot Project tribes’ criminal charging decisions when evaluating misdemeanor arrests under SDVCJ authority.

Case Study: A woman called the police to remove her highly intoxicated partner from her home. The defendant returned an hour later. He was so intoxicated that when he swung to punch the victim, he missed and fell to the ground. The tribal prosecutor declined to prosecute because there was no actual physical contact, and they were concerned the incident did not meet the definition of domestic violence in the federal law. The defendant subsequently assaulted the victim again and was arrested.

9. Tribes need resources for SDVCJ implementation

VAWA 2013 authorized $5,000,000 for each of fiscal years 2014 through 2018 for SDVCJ implementation. Unfortunately, Congress has not appropriated these funds and no resources have been made available specifically for tribal implementation of SDVCJ. While 45 tribes have been actively participating in the ITWG, as of the date of this report, only 8 tribes have implemented the law. The primary reason tribes report for why SDVCJ has not been more broadly implemented is lack of resources. During and beyond the implementation phase, Tribes need funding and access to resources and services to support implementation.

The Department of Housing and Urban Development (HUD) sent a memo to Congress in early February supporting its request to raise the budget for Indian housing from $650 million in FY 2016 to $700 million in FY2017, noting that spending was way behind need for Indian housing, and that there remained an “overwhelming need for adequate, decent Indian housing," as “the lack of housing and infrastructure in Indian country is severe and widespread, and far exceeds the funding currently provided to tribes.”

HUD reported that over the last 12 years “the number of low-income families in the IHBG formula areas grew by 41 percent, from 224,461 families, to 317,042 families; the number of overcrowded
The requested increase, which HUD estimates "would allow IHBG recipients to build, acquire, or substantially rehabilitate 5,065 affordable units in fiscal year 2017, will be helpful, but will not be enough to meet the need, as "recipients will also operate and maintain approximately 40,000 older affordable units, which were funded by programs authorized under the United States Housing Act of 1937," and which require increasing funding to maintain, and every year more of the old, often not well built residences need to be replaced (Mark Fogarty, "Tribal Housing Needs Far Outstrip Federal Allocations," ICTMN, February 11, 2016, http://indiancountrytodaymedianetwork.com/2016/02/11/tribal-housing-needs-far-outstrip-federal-allocations-163386).


Fannie Mae purchased 10,734 mortgages made to Indians last year with an unpaid principal balance of $2.45 billion, the agency reported. That was 0.55 percent of its total volume, below Indian representation in the national population.

In 2014 it bought 11,666 mortgages to Indians with an unpaid principal balance of $2.5 billion, 0.69 percent of its total.

Both years represent a rebound from 2013, when Fannie purchased just 0.32 percent of its volume in mortgages made to Indians. Total loans bought were 10,129 with balances of $1.8 billion."

Mark Fogarty, "Bright Spot in Indian Mortgages: Indian-Owned Banks," ICTMN, January 8, 2016, http://indiancountrytodaymedianetwork.com/2016/01/08/bright-spot-indian-mortgages-indian-owned-banks-162973, reported, January 8, 2016. "But some banks owned or controlled by Indians give Natives loans in percentages well above their approximately two percent of the population. They include Bank2, Oklahoma City (Chickasaw Nation), Bay Bank, Green Bay, Wisconsin (Oneida Nation of Wisconsin) and Lumbee Guarantee Bank, Pemberton, North Carolina (started by members of the Lumbee Nation).

Bank2 is the largest Native-owned financial institution in mortgages to Indians by quite a bit. According to data for 2014 submitted to the Federal Financial Institutions Examination Council under the federally mandated Home Mortgage Disclosure Act, Bank2 made $38 million in home loans to Indians in 2014. That ranks it among the top 20 in mortgages to Indians in the country. It made more than half (220 out of 426) of its total mortgages to Indians.

Bay Bank was the second largest Native-owned bank in volume of mortgages to Indians at $8.4 million. Sixty-three of its 88 mortgages in 2014 were to Indians, or more than 70 percent.

Taking the bronze was Lumbee Guarantee, at $6.2 million in mortgages made to Indians. It made 86 out of its 192 mortgages to Indians in 2014, or 45 percent.

Some Indian-owned or controlled credit unions made mortgages to Indians in significant percentages, as well. South Metro Federal Credit Union, Prior Lake, Minnesota, which was sponsored by the Shakopee Mdewakanton Dakota on the original charter, made 15 percent of its mortgages to Indians (although it made just $1.7 million in total mortgages). Many credit unions are smaller than the $43 million asset size HMDA limit, and therefore do not report their data.

The data was collected under the Home Mortgage Disclosure Act and analyzed by LendingPatterns.com, a software developed by the McLean, Virginia-based ComplianceTech.

How about cities where Indians make up a sizable percentage of residents? Here the result is the same as with states and counties, with Natives underrepresented. Anchorage is 12.4 percent Native according to an ICTMN 2013 list of municipalities with the highest percentages of Native people. About 4.8 percent of mortgages, $88 million in total, went to Natives last year in Alaska’s biggest city.
Tulsa is about 9.2 percent Native, but just 3.6 percent of mortgage dollars went to Indians in 2014 ($56 million), HMDA data show. Also in Oklahoma, Norman is 8.1 percent Native but just 2.5 percent of mortgage funds, went to Natives. Oklahoma City is 6.3 percent Native, but only 2.3 percent of mortgages there, $69 million, were for Natives.

Billings, Montana is six percent Native, but just 1.2 percent of approved applications for $8.7 million were made to Natives. Albuquerque also has six percent Native population, but just 1.1 percent in Native apps was funded, for $23 million, according to the HMDA data."


The move is in response to the controversy over payday lending at tribes. Tribes have asserted their right as sovereign nations to be involved in this kind of lending, while critics have asserted it is predatory lending in some cases. Regulating lending to ensure it is not predatory may become common among tribes, just as they regulate gaming."

Through the first quarter of 2016, Indian nations had some 400,000 acres of land put into trust during the Obama Administration, compares to the 233,000 acres put into trust during the preceding Bush Administration. One reason for the increase is President Obama's efforts to speed the process of finalizing action on applications to put land into trust, which tribal leaders have long complained is exceedingly slow. As of the beginning of April, 2016, there were applications pending at the Department of the Interior seeking trust status for about 525,000 acres of land. At that time, Indian Tribes nation wide held some 56 million acres of land, about the size of the state on Minnesota (Philip Marcelo, "Tribes steadily gaining back their reservation land," NFIC, April, 2016).

"Honor the Earth Grants $90K to Indigenous Organizations to Protect Sacred Sites, Cultural Traditions," ICTMN, January 6, 2016, http://indiancountrytodaymedianetwork.com/2016/01/06/honor-earth-grants-90k-indigenous-organizations-protect-sacred-sites-cultural-traditions, reported, "Honor the Earth has released $90,000 in new grants to Indigenous organizations in North America and the Pacific. “This year’s grants are particularly focused on protection of sacred sites, and the continuation of strong cultural traditions in our Native communities.” Board of Directors Co-Chair Shannon Martin (Potawatami/Anishinaabe) said.

The grants range from the work to protect sacred ceremonial grounds and traditions to the repatriation of Ojibwe birchbark scrolls to the White Earth Band of Anishinaabeg.

Grantees include Apache Stronghold (San Carlos Apache Reservation), Earth Guardians (Boulder Colorado), Halau Hula Ke'alaonamaupua (Hawaii), Native American Educational Technologies (Lac Courte Orielles reservation, Wisconsin), Nibi Walks (Minneapolis), Horse Spirit Society (Pine Ridge Reservation, South Dakota), Water Unity Alliance (Mohawk Territory) Isle de Jean Charles Band of Biloxi-Chitimacha-Chocotaw (Louisiana), the White Earth Tribe, and many others.

Apache Stronghold seeks to protect Oak Flats from mining by the Resolution Copper (a subsidiary of British Rio Tinto Zinc). Oak Flats is a sacred ceremonial site, where Apache Coming of Age and other ceremonies are held. Early in 2014, Senator John McCain attached a rider on a military appropriations bill, transferring this land to Rio Tinto Zinc. Since then the Apache people have been working to secure new legislation and protection of this site.

Earth Guardians, based in Boulder Colorado, is a youth-led organization addressing climate change. The organization, led largely by Indigenous rappers Xiuhtezcatl Martinez and his little brother Itzcuaunthili, has mobilized youth to attend many conferences, secured lawsuits by youth in a number of states on climate change, and continues to encourage youth participation, in environmental issues.

Horse Spirit Society is a sponsor of the 25th annual Wounded Knee Memorial Ride, where Native and non-Native riders retrace the 200-plus mile ride of Chief Big Foot’s band, which led him and his people,
in the middle of December from Standing Rock Reservation to Wounded Knee, where they sought protection, and were subsequently massacred. The spiritual ride is considered a very important part of healing of Lakota and other people.

Other grants include to Nibi Walks, a set of spiritual walks around the Great Lakes and Superior to honor the water and continue Anishinaabe spiritual traditions. The Isle de Jean Charles band of Choctaw seek to develop new community plans for sustainable agriculture, after their forced removal due to damages from the BP Deepwater Horizon Spill of 2010, which contaminated much of their traditional homeland. And the White Earth Band of Ojibwe is presently repatriating a sacred birchbark scroll, for ceremonial and cultural purposes. The scroll had been held by the Peabody Museum at Harvard University, for over 100 years."


But numerous challenges to the still-unofficial April vote – and a drawn-out new plan to enroll new members – make the issue far from settled.

Tribal members in favor of lowering the blood quantum petitioned the BIA to administer a secretarial election to decide the issue, after the tribal council declined to put the issue to a vote last summer. The BIA conducted the vote on April 6, and it drew a robust turnout: Out of 1,500 Isleta people registered to vote, 1,329 people cast ballots. The measure passed, with 775 people voting to lower the quantum, and 554 voting against. That’s a dramatic shift from the last time the issue was put before the people: in 2010, it failed by 10 votes.

Before the vote, the Isleta Constitution required a person to have at least one-half Isleta blood to be a member of the Pueblo, although the Isleta Tribal Council could adopt a person with at least one-half Indian blood from any tribe."


132 Elem Pomo Indians, are being exiled from the 52-acre Elem Indian Colony [in Lake County, CA] under guise of “disenrollment” and “banishment” by a faction of off-Colony members. Those 132 Pamos comprise 100 percent of Colony residents, who, if jettisoned, would leave an empty Reservation. Despite disenrollment and banishment becoming widespread, especially in California, it would be unprecedented for a tribe’s entire residency to be exiled.

‘Nobody questions our ancestry. Because who we are can’t be questioned— we descend from Elem Pomo ancestors and founders,’ said Robert Geary. ‘This is instead a feeble attempt by non-resident members of the Elem Colony to exact control over tribal monetary resources without wanting to live here, and even at the risk of terminating our entire Colony.’"

The Nooksack tribal council, of Washington, February 24, 2016, passed a pair of resolutions disbarring attorneys, the first authorizing the council to bar attorneys from tribal court, and the second disbarring from tribal court and from engaging in busines on tribal land lawyer Galenda Boardman, and members of his law firm, who has been the attorney for tribal members opposing their disenrollment ("Nooksack tribal council disbars lawyer fighting disenrollment," NFIC, March 2016).

"The Navajo Are Fighting to Get Their Water Back: A third of tribe members lack clean water while cities thrive on rivers running through reservations. New deals are enabling them to take some of what’s theirs," Take Part, April 22, 2016, http://www.takepart.com/feature/2016/04/22/native-american-water-
Thirty-eight percent of people on the reservation don’t have water in their homes and must truck it in from long distances. They typically rely on watering points—simple hoses at public spots such as post offices that are common features in towns bordering the reservation—or perhaps a visit from the “water lady,” Darlene Arviso, who delivers water in a tanker to a couple hundred families in New Mexico.

"The San Juan and Little Colorado rivers, tributaries of the most contested river in the West, the Colorado, are the Navajo Nation’s primary water resources, but with the infrastructure necessary to bring that water to homes limited, many on the reservation rely on groundwater. Small wooden buildings housing wells and round tanks topped by windmills dot the land, but many are contaminated from decades of uranium, coal, and other mining in the region, as well as from naturally occurring toxins such as arsenic. Still, people draw from them to water livestock and sometimes for drinking."

"Navajo without running water limit their consumption to around 10 gallons a day per person, which doesn’t go far: A low-flow showerhead uses two gallons a minute, and washing dishes efficiently by hand drains eight gallons. Forget about flushing toilets; many Navajo make do with outhouses. Meanwhile, residents of the Southwest’s boomtowns go through 100 to 200 gallons per person a day."

"Now the Navajo have the opportunity to secure legal rights to some of their water and much-needed funds to supply water for the first time to thousands of people. In exchange, they must relinquish to the federal government, states, and private interests such as developers and investor-owned utilities their claims to water the rest of the West is using (or wants to use), easing several states’ anxiety about water security. Western tribes have completed 29 such water rights settlements with the U.S. Department of the Interior since 1978, and 17 more are in process, according to Pamela Williams, the director of the Secretary’s Indian Water Rights Office at the department.

In January the Navajo Nation Council passed the latest such deal, with Utah, which will bring the Nation’s Utah chapters water and $192 million to build pipelines, water treatment facilities, and irrigation systems. Some Navajo support the settlements, seeing them as a crucible they must pass through to gain economic growth and a better quality of life, and Navajo in New Mexico have already seen benefits from their deal with that state. Others feel they are giving up too much, and the settlements will cut off the Navajo Nation from water it will need to sustain itself in what climate change models predict will be much drier years to come."

"For the Navajo, as for many Western tribes, poverty has limited their access to water, and perversely, water is the key ingredient needed to lift them from poverty. The U.N.’s World Water Development Report for 2016 found that three of four jobs globally are either heavily or moderately dependent on water and that water shortages and lack of access to water and sanitation could limit economic growth and job creation in the coming decades. 'Water and jobs are inextricably linked on various levels, whether we look at them from an economic, environmental, or social perspective,' said the director-general of UNESCO, Irina Bokova, in a statement."

"The Navajo’s deal with Utah is typical: The tribe signs away a large portion of its claim, relinquishing it to the non-Indian users who have already been taking it. In exchange it gets money from the federal government and the state to build infrastructure and bring water to people who have been living without. The tribes end up with more wet water than they had, and states get to continue the lifestyle to which they’ve become accustomed and secure water for growth. The funds that settlements provide to tribes are “a major benefit,” says Williams. “Settlements provide certainty to tribes in terms of water rights while protecting existing non-Indian users. It’s a win-win.”"

"Not everybody thinks so..."

"The Navajo Nation has entered into water settlement negotiations with each state into which it extends. A 2010 deal with New Mexico funded a 14-year construction project that will serve many people water for the first time, while a contentious deal with Arizona fell apart in 2012. As for the Utah settlement that the Navajo Nation Council passed in January, it must still be approved—and funded—by the U.S. Congress and Utah’s state government and then signed by Navajo Nation President Russell Begaye.

Most Navajo agree that settlements offer the promise of economic development, improvement of
their quality of life, and the last chance to stop the creeping de facto loss of their water rights. Yet there is an undeniable power imbalance in the negotiations: on one side, a tribe that suffered an attempted genocide, with a 43 percent poverty rate and a 42 percent unemployment rate; on the other, states made wealthy by water, giant utilities, and developers. Some tribal activists say their leaders unquestioningly accept the non-Indian worldview as a starting point, setting the stage for unfair deals for the tribe. If the process were more open, they would have a better chance to make their voices heard, they say.

The Yanitos are outraged at the basic premise of water settlements: that non-Indian water users, who as far as they are concerned have been appropriating Indian water for 100 years, must be allowed to keep it.

Gesturing across the plain to distant cities, Ambrose says, 'Everybody has got a swimming pool out there, just about.' If the tribe had more of its water, people could grow vegetable gardens and eat healthier, perhaps reducing the 22 percent rate of diabetes on the rez. 'We can't grow nothing out here because those people over there are just jumping in the water and wasting it,' he says. His voice rises. 'What would happen if we turned that off? How would they feel?' he asks. 'We gave them their life! See?'

Curtis’ ideal solution would be to take the tribe’s entire claim on the San Juan River and lease some of it to existing users. With the money, he says, “we can build our own swimming pools and water parks for our kids, alfalfa fields for livestock….”

The Ship Rock Chapter of Navajo Nation filed a law suit in Navajo tribal court, which was proceeding in March 2016, asserting that the settlement was illegal because it was not approved by Navajo president, Russell Begaye (Bill Donovan, "Shiprock Chapter gets go-ahead on Utah water settlement suit," Navajo Times, March 10, 2016).

Sanders Park Estates and Nahata Dzil on the Navajo reservation, in April, were scheduled to begin getting cleaner and safer water, after the Arizona Corporation Commission approved a transfer of water service from Arizona Windsong Water Company to Navajo Tribal Water Utility Authority. For months, Nahata Dzil residents had been going without running water after tests on 144 of their wells found eight with high concentrations of uranium (Arlyssa Becenti, "Sanders will soon be getting cleaner, safer water," Navajo Times, April 14, 2016).

The San Juan Irrigation Canals, closed after the Gold King Mine spill into the Animas River, which flows into the San Juan, was set to reopen in April, 2016, bringing water to farms along the San Juan River (Cindy Yurth, "San Juan Irrigation Canals to Open," Navajo Times, April 21, 2016).

The Navajo Nation Council passed the Navajo Nation Veterans Act of 2016, January 26, 2016, elevating the Navajo Department of Veterans Affairs, reamed the Navajo Nation Veterans Administration, directly under the Office of President and Vice President, with a new Veterans Advisory Council to increase Navajo Veteran input. A long term aim is to raise the benefits that Navajo veterans receive to the higher rate of veterans generally, in the U.S., and to end homelessness among Navajo Vets (Christopher S. Pineao, "Navajo Nation Veterans Act of 2016 passes unanimously," Navajo Times, February 4, 2016).

A $269,000 HUD grant, announced in January 2016, will provide housing for 20 homeless and at risk Veterans on the Navajo Nation (Alysa Landry, "Grant to offer housing to elderly, disabled veterans on Navajo," Navajo Times, January 14, 2016).

The FBI reported that for 2014, New Mexico had the 4th highest crime rate per capita of any U.S. state, and in Indian Country, which has an overall high crime rate, Navajo Nation suffers the highest rates of violent and property crime of any reservation, including 316 reported rapes and 3 murders (Bill Donovan, "Alarming Crime Rates on Navajo," Navajo Times, January 28, 2016).

In the wake of a child tragedy, Navajo Nation began taking steps, in May 2016, to develop an Amber Alert System (Arlyssa Becenti, "Navajo Nation moves to create Amber Alert System," Navajo Times, May 12, 2016).
Thunder Valley CDC is a grassroots organization based on traditional Lakota philosophies, and formed after a group of sundancers on the Pine Ridge reservation recognized a need for grassroots action to address issues of poverty.

"What began as passionate visions for a healthy Lakota community grew into the development of a
non-profit organization and a master-planned community, where language, culture and the traditional “tiospaye” family structure of the Lakota would be central. Sustainability, Earth-consciousness, and food-sovereignty practices are also permanent guideposts for the development of the community.

Thunder Valley CDC has developed a workforce training program, where construction students participate in the construction of homes, and future homeowners have the option of participating in the build of the house to save on construction costs with sweat-equity.

This spring, the infrastructure work for 21 home sites will be complete, and by the end of the summer, there will be 21 single-family home sites ready for housing construction. Of the 21 homes, 15 are set aside for low income families, and the remaining six homes are for tribal members looking to buy.

“To better prepare families for homeownership, financial literacy classes are held on site at Thunder Valley CDC. Classes on homeownership education are also offered, such as the Pathways Home curriculum which is specifically designed for Native American communities. Thunder Valley CDC also partners with local organizations who offer home ownership classes (Lakota Fund, Lakota Federal Credit Union, Partnership for Housing, Wild Horse Butte CDC, Mazaska Inc.).

Next to the single-family homes, a sustainable agriculture education center will be built in the form of a small demonstration farm for the community to grow their own food and establish their own food systems. This demonstration farm will include a community garden, chickens, perennials, fruits, vegetables, and nuts.

“The tiospaye family structure of the masterplan community brings people together in ways that traditional Lakota lifestyles facilitated, through community gathering, food sovereignty practices, language and cultural learning, and shared community work.”

Another current project of Thunder Valley CDC is the Lakota Language initiative. “The values of our people are in the language,” said Dusty Nelson, a second language learner at Thunder Valley CDC.

Pre-school children from the Thunder Valley CDC Lakota Language child care center in Oglala will be transitioning into kindergarten this coming academic year. Thunder Valley CDC is partnering with Red Cloud School to transition those students successfully, so their Lakota language acquisition continues to be built upon.

The organization is also working on the development of curriculum materials to keep up with the kids going into kindergarten, and the Lakota Language Initiative is being expanded with the development of language books in the fall of 2016.

In addition to homes to buy or rent with little to no utilities cost, the finished community will include high quality food options from the community garden, greenhouses and a grocery store, powwow grounds and a cultural center, Lakota language education options, youth spaces such as a playground, skate park, and basketball courts, retail spaces for local entrepreneurs, a workforce development training center, employee owned construction company, an outdoor amphitheater for concerts or other community events, artist market and farmer’s market, daycare and fitness center, walking paths and community gathering spaces, a youth shelter, and more.

"The ultimate goal of Thunder Valley CDC is to create sustainable systems change on the Pine Ridge Reservation as a model for how change is possible across the country and internationally."

Vincent Schilling, "Wounded Knee SOLD? Tim Giago Has Plans to Buy It for $3.9 Million," ICTMN, December 19, 2016, http://indiancountrytodaymedianetwork.com/2015/12/29/wounded-knee-sold-tim-giago-buy-it-39-million-162909, reported, "Tim Giago, Lakota, renowned journalist, publisher and founder of publications such as the Lakota Times, Native Sun News and Indian Country Today, has told ICTMN he has signed an agreement to purchase the historic site of Wounded Knee from James Czywczynski for $3.9 million." Giago then set p a web site to raise money to complete the sale.

The Southern Ute Indian Tribe of Colorado tribal council, tribal courts and education department initiated Family Group Decision Making (FGDM), in January 2026, to offer assistance to families who feel they are struggling with issues with a therapy alternative. This can involve any of a wide range of issue from child and elder safety, substance abuse, child education or behavior issues, disability
problems, to family sel- referrals. Trained facilitators can be chosen by families, who assists them in developing, and if desired, reviewing, a plan of action (Damon Toledo, "Group aims to strengthen family relationships," Southern Ute Drum, January 22, 2016).


The survey of 504 people across every state and the District reveals that the minds of Native Americans have remained unchanged since a 2004 poll by the Annenberg Public Policy Center found the same result. Responses to The Post’s questions about the issue were broadly consistent regardless of age, income, education, political party or proximity to reservations.

Among the Native Americans reached over a five-month period ending in April, more than 7 in 10 said they did not feel the word “Redskin” was disrespectful to Indians. An even higher number — 8 in 10 — said they would not be offended if a non-native called them that name.

"But Suzan Harjo, the lead plaintiff in the first case challenging the team’s trademark protections, dismissed The Post’s findings. "I just reject the results,' said Harjo, 70, who belongs to the Cheyenne and Hodulgee Muscogee tribes. 'I don’t agree with them, and I don’t agree that this is a valid way of surveying public opinion in Indian Country.”"


Sheena Louise Roetman, "Florida State Student Government Says No to Headdresses," ICTMN, May 5, 2016, http://indiancountrytodaymedianetwork.com/2016/05/12/florida-state-student-government-says-no-headdresses-164462. reported, "The Student Government Association of Florida State University, one of only a few NCAA schools allowed to use Native American mascots, voted in April to discourage headdresses at all athletic games on campus."


ICTMN received a tip that a Facebook event had been set up entitled “Noble Savage Vintage at the Manhattan Vintage Clothing Show.” After reaching out to the owner of the shop for commentary, she said she had been made aware of the deeper meaning behind the phrase “noble savage,” and is working on changing it."

firsts in her combined active duty and National Guard military career. Some of these include being the first female commander of First Battalion, 147th Aviation Regiment, as well as Wisconsin’s first non-medical female colonel. Now Mathews, a Lac du Flambeau Chippewa tribal member, can add Wisconsin's first female general officer in the Army National Guard."

Economic Developments


The number of Indian-owned businesses increased from 236,691 in 2007 to 272,919 in 2012, according to the Bureau, which does a nationwide business census every five years. Sales also increased at Native firms, by $4.5 billion, from $34.5 billion to $39 billion, or an average of $142,900 per firm.

As in the 2007 and previous business censuses, the profile of the typical Indian-owned firm slants heavily to being a single proprietor or a small business. Just under 10 percent of those 272,919 Native firms, 26,179, had employees in 2012."

"Indian firms had a total payroll of $7 billion for the 2012 survey. The 208,000 employees of Native-owned firms were paid an average of $33,650 a year apiece. Each firm had an average of about eight employees.

Firms with employees had more than four times the sales of single proprietorships. Firms with workers generated $31.6 billion in sales, while those without managed just $7.2 billion in sales. That means that single owners averaged $29,200 in sales apiece.

Native Hawaiians and other Pacific Islanders owned many fewer firms in 2012 than Indians, 54,749, and took in $8.1 billion in sales. That comes out to a slightly higher average sales figure than Indian firms, at $48,000 apiece.

Native Hawaiian firms, like Indian-owned ones, showed the same profile on sole proprietorship. Just 4,706 firms had employees, while more than 50,000 had single owners.

Native Hawaiian-owned firms employed 39,000 people in 2012, with a total payroll of $4.4 billion. That means the average each employee earned was about $36,000. Individual Native Hawaiian entrepreneurs did somewhat better than Indian proprietors, averaging about $32,000 apiece in sales.

The gender split on Indian owners tilted towards men, but not by much. Men owned more than 137,000 firms, while women owned 131,000. Women-owned firms made far fewer sales, though, making only a third of the male sales total at $9.1 billion.

Native Hawaiian women owned 25,000 companies, while men owned more than 28,000. Women also made considerably less in sales, just $4.9 billion to $6 billion by male-owned firms, or about a third.

Employees of male Native Hawaiian-owned companies earned about $40,500 apiece, more than employees at male Indian-owned firms, who made an average of $35,400. Employees of female-owned Native Hawaiian companies made about $32,000, while workers at Indian-woman-owned firms earned about $30,200 apiece."
support such development continues to rise in large parts of Indian country. Moreover, through self-determination, tribal governments and entities have gained experience in building and managing businesses, producing a cadre of American Indian professionals and government employees with valuable managerial and governance skills.”

"First Nations Sets Record in 2015 with More Than $2M in Grants to Indian Communities," ICTMN, March 1, 2016, http://indiancountrytodaymedianetwork.com/2016/03/01/first-nations-sets-record-2015-more-2m-grants-indian-communities-163587, reported, "For the First Nations Development Institute (First Nations), 2015 was a banner year. During those 12 months, First Nations granted its largest annual dollar amount ever to Native American organizations and tribes. It also awarded the largest number of grants ever in a one-year period. The funding went toward projects aimed at grassroots economic development and Native community betterment, and covered areas ranging from agriculture and food systems, to Native arts-related efforts, to urban Indian centers, to Native youth and culture programs.

During 2015, First Nations awarded a record 103 grants totaling $2,174,494. The grants ranged from $90 up to $20,000, and went to Native organizations or tribes in numerous states, including Alaska and Hawaii. Previously, the annual record for First Nations in its 35-year history was 95 grants totaling $867,560 in 2012. The 2015 amount brings the cumulative total of First Nations’ grantmaking over its history to $24,316,573 and over 1,067 individual grants.

Although First Nations has been able to increase capital for Native community-developed and led projects aimed at building strong and healthy Native economies, First Nations is still only able to meet about 17 percent of the grant requests it receives, leaving a significant unmet need."


"Casino City Releases 2016 Indian Gaming Industry Report," stated, March 4, 2016, http://www.casinovendors.com/article/casino-city-releases-2016-indian-gaming-industry-report-216783/, "Casino City Press has announced the release of the 2016 Edition of Casino City's Indian Gaming Industry Report – the most comprehensive, up-to-date study of Indian gaming available – authored by Dr. Alan Meister, an economist with Nathan Associates Inc. who has done extensive research and analysis on Indian gaming issues over the past 15+ years. The Report provides nationwide and state statistics (the latter not available anywhere else) for calendar year 2014, the most current data available, including: gaming and non-gaming revenue; Class II vs. Class III gaming; number of facilities, tribes, gaming machines, and table games; and revenue sharing with federal, state, and local governments. The Report also includes comparisons across states, state-by-state market summaries, historical perspective and trends, an assessment of the recent performance of Indian gaming, comparisons to other gaming segments, an economic impact analysis measuring Indian gaming's contribution to the U.S. economy, and a future outlook.

Significant findings include the following:

- In calendar year 2014, there were 243 Native American tribes operating nearly 352,000 gaming machines and nearly 7,800 table games in 489 gaming facilities. Gaming facilities grew approximately 2% in 2014 to an all-time high of approximately $28.9 billion.
- 2014 was the fifth consecutive year of growth for Indian gaming.
- The growth rate of non-gaming revenue at Indian gaming facilities (5%) was more double that of gaming revenue.
- There was a wide disparity in performance within Indian gaming.
Gaming revenue grew in 20 states, including double-digit growth in three states, and declined in 8 states.

- The top 2 states generated approximately 39% of total gaming revenue at Indian gaming facilities; the top 5 states generated about 62%; and the top 10 states generated 85%.
- Indian gaming facilities, including non-gaming operations, directly and indirectly generated approximately $95.0 billion in output, 738,000 jobs, $32.6 billion in wages, $1.7 billion in federal, state, and local taxes, and $8.0 billion in direct revenue sharing payments to federal, state, and local governments.
- In 2014, the performance of the commercial casino segment was the polar opposite that of Indian gaming with a decline of approximately 2%.
- Indian gaming generated 43.5% of all U.S. casino gaming revenue in 2014.

Dr. Meister highlights that "Indian gaming’s growth in 2014 outpaced that in 2013, paralleling the improvement of U.S. and state economies. However, there was substantial variation in performance across states, from a high of 13% to a low of -9%.”

Casino City's Indian Gaming Industry Report is relied upon by the gaming industry, other related industries, tribal and non-tribal governments, gaming regulatory agencies, the investment community, academics, gaming consultants, and news outlets. As in previous years, this report continues to be the product of independent scholarly research. Neither Dr. Meister nor Nathan Associates nor Casino City was commissioned to prepare it.

Mark Fogarty, "California Controls 25 Percent of All Indian Gaming Revenues," ICTMN, March 25, 2016, http://indiancountrytodaymedianetwork.com/2016/03/25/california-controls-25-percent-all-indian-gaming-revenues-163918, reported, "California had a hot year in American Indian gaming in 2014, with revenues increasing 4.4 percent to $7.3 billion and the Golden State notching more than a quarter of all sector revenue.

According to Casino City’s 2016 Indian Gaming Industry Report, Oklahoma was the second largest Indian gaming state for 2014, the latest year it reported on, at $4 billion, a 14 percent share. Florida took the bronze at $2.4 billion, an eight percent share.

But it was smaller states that showed the largest percentage increases according to the yearly report written by Dr. Alan Meister. Wyoming, one of the smallest states (it was not in the top 20 for revenue), showed the largest increase, at 13.1 percent. The result was even more impressive since the state showed a 5.2 percent decline in gaming revenue in 2013.

Alabama and South Dakota also showed double digit growth, at 12.1 percent and 11.1 percent respectively. Alabama did not rank in the top 20 in overall revenue, and South Dakota was 17th.

Idaho was the biggest loser, at a negative 8.6 percent, followed by Connecticut (down 6.4 percent) and New York (off 5.2 percent).

In all, the top ten percentage growth states included only two of the top ten revenue leaders, the report noted. It said 12 states contributed positively to Indian country’s total 1.9 percent revenue gain for 2014: California, Oklahoma, Washington, Florida, Oregon, South Dakota, Iowa, Arizona, Louisiana, Minnesota, North Dakota and Kansas.

'California’s four percent gaming growth in 2014 was the fourth straight year it has made a positive contribution toward nationwide Indian gaming growth,' Dr. Meister wrote.

Indian gaming revenue remains concentrated in a few of the bigger states. The top five states had 62 percent of Indian gaming revenue in 2014, according to Casino City’s report. Washington and Arizona were the fourth and fifth biggest Indian gaming revenue states in 2014."


The Nottawaseppi Huron Band of the Potawatomi new annual record is $21.9 million in payments to the State of Michigan and the FireKeepers Local Revenue Sharing Board (FLRSB).
The payment to Michigan totals more than $16.6 million, an increase of 7.8 percent over the 2014 payment. Meanwhile the payment to the FLRSB reaches of over $5.3 million, which 5.3 percent higher than one year ago. This brings the total monies the tribe has contributed to the State of Michigan to $90 million and $32.2 million to the FLRSB, and creates a combined contribution that exceeds copy22 million since FireKeepers Casino Hotel opened in August 2009."

Seneca Nation, "Work Begins on $40 Million Expansion Project at Seneca Buffalo Creek Casino," ICTMN, January 14, 2016, http://indiancountrytodaymedianetwork.com/2016/01/14/work-begins-40-million-expansion-project-seneca-buffalo-creek-casino-163063, reported on the $40 Million Expansion Project at Seneca Buffalo Creek Casino, in Buffalo, NY, beginning in January, 2016, "Plans call for a two-story expansion of the existing casino, adding approximately 28,500 square feet of space on each of two levels. The ground floor will add more than 300 additional slot machines and additional table games, including a high limit room and expanded non-smoking area, and a performance stage for live entertainment at Stixx Sports Bar. It will also include additional retail space, and an expansion of the popular Buffalo Savors Grill. The second floor of the expansion will introduce a new Western Door concept restaurant with indoor and outdoor seating, as well as banquet and meeting space.

As important as the physical additions, the expansion will create approximately 300 new jobs at Seneca Buffalo Creek Casino, bringing the property’s total work force to over 800. In addition to the casino jobs, the project will also create an estimated 440 construction jobs."

"Gun Lake Casino’s $76 Million Expansion Will Nearly Double Size," ICTMN, April 13, 2016, http://indiancountrytodaymedianetwork.com/2016/04/13/gun-lake-casinos-76-million-expansion-will-nearly-double-size-164132, reported, "The Gun Lake Tribe is undertaking a $76 million expansion on Gun Lake Casino in Wayland, Michigan. The tribe broke ground on the additions in January 2016. When it opens summer 2017, the casino will be almost twice its current size, and include a premiere buffet restaurant, a high limit gaming room, and a new Stage 131 entertainment lounge that will double the current size to offer enough seating to attract regional entertainers."


The Prairie Island Indian Community began the $19 million project in May 2015.

"PHOTO: A Tribe's Sunrise Casino Groundbreaking, 14 Years Coming," ICTMN, April 12, 2106, http://indiancountrytodaymedianetwork.com/gallery/photo/photo-tribes-sunrise-casino-groundbreaking-14-years-coming-164112, reported, "Finally, after 14 years of reviews and approvals, the Estom Yumeka Maidu Tribe of the Enterprise Rancheria broke ground on its gaming project in Yuba County, Calif.

The tribe held a groundbreaking ceremony for its Fire Mountain Casino project on Friday, April 8, near the Toyota Amphitheater, south of the City of Marysville."

"Tribe to Break Ground on Massachusetts' First Casino on April 5," ICTMN, March 31 (updated April 1), 2016, http://indiancountrytodaymedianetwork.com/2016/03/31/tribe-break-ground-massachusetts-first-casino-april-5-163978, reported, "The Mashpee Wampanoag Tribe has scheduled a groundbreaking Read more at ceremony for its First Light Resort & Casino — Massachusetts' first resort casino — on Tuesday, April 5 in Taunton at 61R Stevens Street.

The first phase of the project is slated to open by summer 2017. Upon completion, First Light will feature 3,000 slot machines, 150 gaming tables and 40 poker tables; a buffet and fine dining restaurants; nine retail stores; 900 guest rooms and suites in three 15-story hotel towers; a 31,000-square-foot ballroom with stage; meeting rooms; a water park; a spa; and 3,980 parking spaces in a parking garage with an additional 738 surface parking areas.

The proposed hotels, a parking garage and water park will be built out through 2022, a tribal spokesman said."

"Cherokee Nation Lauds New Jobs for $23M Casino Under Construction," ICTMN, March 29, 2016,
http://indiancountrytodaymedianetwork.com/2016/03/29/cherokee-nation-lauds-new-jobs-23m-casino-underconstruction-163952, reported, "Yesterday the Cherokee Nation of Oklahoma broke ground on a $23 million casino — the tribe’s 10th gaming facility.

Scheduled to open in winter 2017, the tribe will hire 175 people to staff the gaming attraction in Grove, Oklahoma. The 39,000 square-foot complex will house 400 electronic games, table games, a private high-limit poker room, a restaurant, a full-service bar, a live music venue, a dance floor, an event space and an outdoor patio."

"South Korea Awards Mohegan Tribe Licensing for $5B Casino Resort," ICTMN, March 2, 2016, http://indiancountrytodaymedianetwork.com/2016/03/02/south-korea-awards-mohegan-tribe-licensing-5b-casino-resort-163602, reported, "The South Korean government has awarded the Mohegan Tribal Gaming Authority a licensing agreement to develop the world’s first and only destination resort with an adjacent private air terminal, reported westfaironline.com. The project to be built at South Korea’s Incheon International Airport is estimated to cost $5 billion."


Located near Glendale, Arizona, the 24-hour casino is minutes away from the University of Phoenix Stadium and the Westgate Entertainment District. The cities of Glendale, Peoria, Tolleson, Surprise and El Mirage have all endorsed the project.

Construction of the project employed more than 1,300 workers and involved approximately 80 companies, with an investment of over $200 million by the Tohono O’odham Gaming Enterprise. More than 500 new, permanent jobs have been created at the facility.

The casino offers more than 1,089 gaming devices, plus a two-venue food court. Guests interested in getting the most out of their play can sign up for a free Rewards Card at the casino Rewards Center."

The Quinault Indian Nation is already the largest provider of jobs in Grays Harbor County. The Yakama Nation is one of the top 10 employers in Yakima County. The Cowlitz Indian Tribe will become one of the top 10 employers in Clark County. That’s according to lists maintained by regional economic development agencies.

The Quinault Nation, on the Pacific Coast, will begin a $25 million expansion of its Quinault Beach Resort & Casino in March, Quinault Nation President Fawn Sharp announced Jan. 9. The expansion follows the completion of a 159-room remodel at the resort and will expand the property’s fast-food services, and add two bars and a combined gift and coffee shop.

The casino will have up to 70 percent more space to house newly added slot machines. A new 500-car, four-story parking garage will also serve the area as a tsunami shelter. The expansion project will employ more than 100 laborers during the construction as well as add to the resort’s current workforce upon completion.

The Quinault Nation currently provides more than 1,200 jobs for Quinault citizens and others. Other Quinault Nation enterprises include Quinault Pride Seafood, Quinault Land and Timber, Quinault Marina & RV Resort, and the Quinault Mercantile.

This expansion project not only allows us to employ more locals, it will also help us to bring more people to the area,” Quinault Beach Resort & Casino general manager Don Kajans said in an announcement released by the nation. ‘It’s good for the resort, good for Quinault and good for Ocean Shores. And our patrons will love the changes.’"

"In eastern Washington, the Yakama Nation Legends Casino’s hotel is expected to open in May or June, a casino representative said.
The $90 million project will include a six-story, 200-room hotel and conference center, a 5,000-square-foot spa and an expansion of the casino’s gaming floor by more than 50,000 square feet. New dining options will include a food court seating 160, and an updated buffet with 150 more seats. Gaming space expansion will include a poker room and space for 200 new slot machines.

The Legends Casino currently features more than 1,400 slot machines, 20 table games, a poker room, keno, a buffet restaurant, deli, espresso bar, and gift shop. It is located near the Yakama Nation Cultural Center, which features the Yakama Nation Museum, Heritage Inn Restaurant, Heritage Theater, and Yakama Nation Library.


In southwest Washington, the Cowlitz Tribe is building a 368,000-square-foot gaming, dining, entertainment, and meeting destination on 152 acres along Interstate 5, approximately 20 miles north of the Columbia River. The developer is Salishan-Mohegan LLC Gaming, a partnership of Cowlitz citizen David Barnett’s Salishan Company LLC and the Mohegan Tribe. Salishan-Mohegan will manage the casino-resort; the Cowlitz Tribe is the owner."

Cowlitz Casino Resort will have a 100,000-square-foot gaming floor with 2,500 slots, 60 high-limit slots, 75 gaming tables, and five high-limit tables; convention and entertainment space for up to 2,500 guests; and more than 15 restaurants, bars and retail shops; and 3,000 on-site parking spaces. According to the website, the casino resort’s design and décor will “bring forward the culture of the Northwest and pay tribute to the heritage of the Cowlitz Tribe.”

Cowlitz Casino Resort will create nearly 1,000 new jobs, 250 of them construction, according to the project website.


The planned websites, Pokertribe.com and Pokertribe.gov, will be available to players in states that have legalized online gambling, such as New Jersey and Nevada, and to the international marketplace. Players will additionally be able to access the website on some cruise ships and airline flights.

The Iowa Tribe of Oklahoma operates two brick-and-mortar casinos in Perkins and Chandler, Oklahoma."

AMERIND Risk, "AMERIND Risk Launches AMERIND Critical Infrastructure," ICTMN, May 10, 2016, http://indiancountrytodaymedianetwork.com/2016/05/10/amerind-risk-launches-amerind-critical-infrastructure-164427. reported from Honolulu, HI, "The only 100 percent Tribally-owned insurance solution provider announced yesterday that it is launching a new business line to help Tribal Nations and Native communities close the persistent and pervasive 'connectivity divide' in Indian country.

AMERIND Risk is embarking on a groundbreaking new business line, AMERIND Critical Infrastructure, to help Tribal Nations develop and deploy the most important 21st Century critical infrastructure within their communities: high-speed “broadband” internet. AMERIND Critical Infrastructure (ACI) will bring together the unique blend of the expertise of proven economic management officials, former groundbreaking federal telecom regulators with a wealth of experience in Washington, DC, and experienced Tribal project managers. ACI will provide professional management services and targeted low-cost financing for Tribal projects."

"Lakota Federal Credit Union Expands Services on Rolling Rez Bus," ICTMN, April 15, 2016, http://indiancountrytodaymedianetwork.com/2016/04/15/lakota-federal-credit-union-expands-services-rolling-rez-bus-164156, reported, "With National Financial Literacy Month in full swing, the Lakota Federal Credit Union is taking several steps to support increased financial capability on the Pine Ridge
Reservation. In partnership with First Peoples Fund and Lakota Funds, the credit union will offer its full suite of services one day a week on the mobile unit at various locations throughout the reservation.

Douglas Thompson, "Carbon Credits Help Tribes Preserve Culture, Climate and Bottom Line," ICTMN, February 16, 2016, http://indiancountrytodaymedianetwork.com/2016/02/16/carbon-credits-help-tribes-preserve-culture-climate-and-bottom-line-163439, reported, "The National Indian Carbon Coalition (NICC), a tribal non-profit, has received a three-year, $300,000 grant to improve access to carbon markets in Indian country, enabling tribes to help mitigate climate change’s effects while improving their bottom line.

'This is exciting for Indian country,’” said NICC Program Director Erick Giles, Muscogee (Creek) and member of the Big Cat clan. “Generating and selling carbon credits is a mostly untapped way for tribes to promote economic development on their reservations through resource management.”'

"NICC will use the three-year Conservation Innovation Grant, which comes through a United States Department of Agriculture (USDA) program of the same name, to fund on-the-ground conservation management activities in four geographically distinct areas. The projects, focused on the improvement of soil quality on farmlands, rangelands and native prairie, are also designed to inform the development of a policy guidance that will educate tribes, carbon credit buyers and regulators on the nuances of the generation of carbon credits in Indian country.

Sustainable agriculture and rangeland management projects will be implemented on the Comanche Nation Reservation in Southwestern Oklahoma, the Pueblo of Santa Ana in New Mexico, and on the Wind River Reservation in Wyoming. While on the recently restored Pe’ Sla sacred site in the Black Hills, a blend of wildlife restoration and cultural restoration involving an intertribal partnership of the Rosebud, Shakopee Mdewakaton, Crow Creek, Cheyenne River, and Standing Rock Sioux Communities will occur.

'We want to build a pilot program for both our Nation’s members and nearby tribes to demonstrate how good land management can lead to both the abatement of climate change and a financial return through the generation of carbon credits,’ said Milton Sovo, Comanche Nation member and the tribe's secretary of agriculture. 'Specifically, our work under this grant will include no-till cultivation, taking highly erodible areas out of crop production to restore areas around streams, and implementing rotational grazing management practices. All of this can be replicated by the dozen or so tribes in this part of Oklahoma because we share the same weather and soil types.'

However it’s about much more than the bottom line, Sovo emphasized.

'Of course it is important to continue to explore sustainable ways to generate new revenue streams for Native nations. However, this is more than just that,' added Sovo. 'This is a spiritual thing because tribes are part of the land and one of our collective goals should be to be good stewards of natural resources to ensure their availability for future generations.'

In addition to working on the ground at these four sites, NICC will be working with the American Carbon Registry, a carbon credit registry in both the voluntary and compliance markets, to develop specific guidelines for facilitating market access for offset projects on Indian lands.

"Though there appears to be great potential for financial returns to tribes via carbon markets, the cultural values are a central component.
'Millions of acres of reservation forestland, farmland and rangeland are under some form of sustainable tribal management,’ said the Tenure Foundation’s Stainbrook. 'The real idea behind this project is to connect existing tribal cultural value systems that naturally promote conservation to a tangible economic return that has not yet been fully realized in Indian Country.’”

Tribal Indemnity, "Small Business to Insure, Protect Tribes," ICTMN, February 12, 2016, http://indiancountrytodaymedianetwork.com/2016/02/12/small-business-insure-protect-tribes-163403, reported, "Insurance expert, Rob Salas launched Tribal Indemnity, LLC, to serve tribal governments, tribal enterprises and 638 programs. Tribal Indemnity provides in-house, licensed and professional, insurance program management. The business operates within an innovative model and guiding principles
work directly with and for the tribes, efficiently manage costs and portfolios, dramatically reduce cost, negotiate fair cost saving agreements, and invest into the community.

The business hosted a launch event on January 19 at its office location on Central Ave and Thomas Rd. Salas brings professional, forward thinking strategies, with an augmentation of confidence for insurance management. His extensive experience in the industry, as well as his network in Indian country, afforded him the foundation and knowledge, to start his business at a very minimal cost.

"For more information about Tribal Indemnity, LLC visit www.tribalindemnity.com or call Rob Salas at (623) 826-0969."

The Navajo Tribal Utility broke ground on a 300-acre solar farm, five miles north of Kenta, AZ, in April 2016, expected to be completed in about a year, that is planned to produce 27.5 megawatts of electricity, enough to power some 7,700 homes (Cindy Yurth, "Ground Broken on 300-acre solar farm," Navajo Times, April 28, 2016).


Missouri River Resources (MRR), a tribal-owned oil company with the motto "Sovereignty by the Barrel", produced its first barrel of oil in June 2015 on the reservation. Now the Three Affiliated Tribes's business is churning out roughly 1,000 barrels of oil daily for the nation, reported The Bismark Tribune.

Previously, the tribe had leased the majority of tribal lands to private companies to tap the bedrock of oil under its surface. By taking on leaseholds that are new or expiring, MRR is gaining more autonomy.

Through MRR, the tribe gets back 26 percent of royalties when it drills its own oil. When the drilling is done by private companies, the tribe takes just 18 percent."

The Southern Ute Tribe is looking into the possibility of undertaking shale oil mining - likely open pit with processing of the mined shale to extract the oil - but the tribe also has concerns of what the environmental impact might be, especially on the reservation, which could be considerable, and for downstream places as well, in terms of water pollution. Given the high cost of producing the oil, it may never be economically feasible, even without considering the environmental issues Damon Toledo, "Shale oil reserves a possibility," Southern Ute Drum, March 18, 2016).

"NTEC Contributed $35M to Navajo Nation in 2015," ICTMN, April 18, 2016, http://indiancountrytodaymedianetwork.com/2016/04/18/ntec-contributed-35m-navajo-nation-2015-164167, reported, "In 2015, the Navajo Transitional Energy Company (NTEC) pumped more than $35 million into the Navajo Nation, mostly 'by way of taxes and royalties,' CEO Clark Moseley recently announced at a panel session at the 2016 Navajo Nation Economic Summit at Twin Arrows Resort and Casino.

Moseley presented as a panelist at the 'Energy Resource Development' session during the four-day conference, which NTEC sponsored. NTEC is a Navajo tribally owned company that owns and manages Navajo Mine in northwestern New Mexico that supplies coal to the nearby Four Corners Power Plant."
It is believed to be the very first solar project on tribal land within Southern California Edison territory.

Navajo Nation has been suffering economically from low oil and natural gas prices, which threaten to cause a budget deficit. As a response, in April, the Council acted to withdraw $150 million from the permanent trust to invest in a five-year plan that it hopes will bring in revenue and create jobs through supporting a variety of economic and water line projects. Planned projects to receive funding, in addition to water improvements, include a shopping center in Ganado and Nahatadzil, a convenience store in Shonto, a retail store in Dennehosto, Shonto retail and hotel, Northern Agency Agriculture Project, Shiprock hotel and restaurant, Indian Wells economic development, Central Agency economic development, office buildings, and Wheatfield and Many Farms agricultural projects (Aryysa Bessanti, "Council approves $150 M from permanent trust fund to create jobs, more revenue," *Navajo Times*, April 21, 2016).


The tribe confirmed it has no intention of using the land to enter the saturated gaming market, and it purchased the property 'as part of a long-term strategy to diversify our economy and investments,' Shoshone Business Council (SBC) Chairman Darwin St. Clair said.

'We're still looking at our wish list,' St. Clair told *The Ranger,* 'hopefully a nice hotel or a convention center.'

The tribe plans to maintain the property as fee land. 'The property is in a great location and should support a mix of commercial, residential and public uses,' St. Clair said. 'Ultimately, development of this property will provide jobs, diversify the economy, and keep local dollars from going to places like Casper on Billings.'

"'Buffalo Bees': Pine Ridge to Sponsor Bee Hives, ICTMN, January 19, 2016, http://indiancountrytodaymedianetwork.com/2016/01/19/buffalo-bees-pine-ridge-sponsor-bee-hives-163113, reported, "A new bee hive project on the Pine Ridge Indian Reservation, dubbed 'Buffalo Bees', is intended to revive the tribe's local food system while educating students about ecology, agriculture, food sources, societal structure and mutual cooperation,' reported Natalie Hand for the *Lakota Country Times.*

The hives will serve as a “science class in a box,” teaching community members the importance of acting as stewards for honeybees and their natural environments.

The *Honeybee Conservancy* selected the Thunder Valley Community Development Corporation to sponsor bee hives in the community garden. Thunder Valley CDC will receive its hives in March 2016."


The tribal council recently voted to raise the minimum wage on the reservation from $9.25 an hour to $11 an hour. The increase applies to all tribal enterprise and tribal government employees, including those at Chinook Winds Casino Resort.

Oregon's current minimum wage is currently $9.25, the eighth highest in the nation. The federal minimum is $7.25."

Other Indian Nations have raised their minimum wages above the state and federal minimum wage. Since 2013, this includes: the Ho-Chunk Nation raising its minimum wage to $10, the Cherokee Nation raising its tribal minimum wage to $9.50 in February 2014, Federal, and the at $10.60 an hour in October 2013, then the highest in the United States.
Education and Culture


Dine College, on the Navajo reservation, during Spring semester of 2016, launched a one semester Navajo Cultural Arts Program, that relates traditional Dine culture (including spirituality) to arts, including transitional arts (Cindy Yurth, "Art as Spirituality," Navajo Times, April 28, 2016).

Dine College (DC) and Northern Arizona University (NAU) signed a five-year inter institutional memorandum of understanding, with the goal of increasing higher educational opportunity on the Navajo Nation, February 29, 2016. Preserving the integrity and purpose of each institution, the higher education entities intend to collaborate in speeding and smoothing the path to bachelor's degrees for Navajo students through program articulation, curriculum development and joint support. At the end of five years the program is to be reevaluated for possible renewal and adjustment.

NAU was then rated ninth in awarding bachelor's degrees to Native students. In the 2014-15 academic year NAU graduate 138 Dine students. In 2015-16, there were 721 undergraduate transfer students from DC at NAU.

"Utah School District Graduates 100 Percent of Native Seniors," ICTMN, May 27, 2016, http://indiancountrytodaymedianetwork.com/2016/05/27/utah-school-district-graduates-100-percent-native-seniors-164612, reported, "In 1997, the graduation rate for Native American students was 37 percent in the Nebo School District; this year, the district graduated 100 percent of its Native seniors, with 23 of the 26 starting college in the fall, reports the Daily Herald out of Utah.

It was in 1997 that Eileen Quintana, manager for the Nebo School District’s Title VII program in Utah County, Utah, approached the board of education and brought the graduation rates to their attention."

"the district gave her program more resources, like a classroom, computers, and supplies."

"Quintana and Brenda Beyal, a teacher in the program, attribute their program’s success to collaboration. While many Title VII programs try to survive on the $200 they get every year per student from the federal government, Nebo’s program looks for supplemental grants, and support from family and employees."

'Many of our Title VII programs throughout the state function from a desk out of a cubbyhole,' Quintana told the Herald. 'You have to have a classroom, you have to have computers… you have to have teachers and tutors… If your school administration is not going to that point of supplying you and helping you secure these fundamental necessities of education, you can’t make an impact.'"

"Aside from being collaborative, the program encourages students to incorporate their culture into assignments.""

Ganado High School, on the Navajo Reservation, has taken a hands on approach to teaching biomedical science in a human body systems class, in which students learn more fully and effectively by participating directly with the material. An example is a team project of building a human body, sculpting organs out of clay, following their own on line research on the shape size and placement of each part. The instructor facilitates the process, including telling the students when they have made and placed a part properly, and when it needs correction. This kind of experiential learning is in keeping with traditional Dine, and more broadly, Indigenous tradition (Christopher S. Pino, "Building a body: Ganado High students put hands on biomedical science," Navajo Times, April 28, 2016).

The Kickapoo Nation of Kansas K-12 school has for many years done what an increasing number of Indian nations are being able to do in preserving their cultures, teaching culture and
language at school, leading numerous students to speak the language at home, and elsewhere beyond school (Alonzo Weston, "Kickapoo Nation School working to save vanishing language," NFIC, April 2016).

The American Indian Education Association reported on their web site (niea.org, visited June 29, 2016) that with Native students 2% of the U.S. school population, 67% graduate in public schools and 53% graduate in BIE Schools, compared with the national graduation average of 81%.


'Now I can pray in my language,' reads a sign held by an indigenous woman from the Wampanoag Tribe. She is referring to the Wôpanâak language, an ancient Algonquian language that was once spoken by Indigenous Peoples inhabiting all of southeastern Massachusetts. As colonization took root displacing Indigenous Peoples and devastating their cultures, the Wôpanâak language became extinct in the nineteenth century.

A hundred and fifty years later, something unexpected and unimaginable happened. Jessie Little Doe Baird, a tribal member began to have dreams, where her ancestors wondered if she would bring back their language. Baird earned her masters degree in Algonquian Linguistics from Massachusetts Institute of Technology; she began to decipher grammatical patterns and create vocabulary lists from archival Wôpanâak documents. Baird found a version of the King James Bible in Wôpanâak language that missionaries had written for their conversion and literacy programs. She also found an incredible repository of other archival documents—wills, deeds, petitions, letters—and used these along with the Bible to create a Wôpanâak-English dictionary.

In 1993, Baird founded the Wôpanâak Language Reclamation Project (WLRP), an inter-tribal cooperative project that serves the four remaining tribes of the Wampanoag Nation to restore a dormant language and use it as a principal means of expression. For her outstanding feat of bringing back a lost language to life, Baird was selected as a MacArthur Fellow. 'We believe that by teaching the children in particular, the language will more easily come back to fluency,” said Judi Urquhart, WLRP board member. The Project now offers a multitude of classes to tribal members, including family language immersion weekends and a summer youth program. The Project has also created curriculum for Pre-K to Second Grade and has plans to launch a Montessori-based pre-school this year in collaboration with the Mashpee Wampanoag Tribe’s Childcare Program and the Montessori Academy of Cape Cod. "The language is now used for ceremonies and powwows. It is slowly incorporated into our day-to-day life,' noted Judi.

The Project has started a language class for elders as well. While in most tribal communities elders preserve Native languages by teaching the next generation, the Wampanoag Nation has younger people teaching the elders. 'The elders are very dedicated to learning their ancestral language, perhaps more so than any other group!’ Judi remarked. In November 2011, a documentary premiered on PBS, We Still Live Here—Âs Nutayuneân, that tells the remarkable story of the revitalization of the Wôpanâak language, the first time a language has been revived in the United States with no living Native speakers. In 2014, Sacred Fire Foundation gave a grant to the Wôpanâak Language Reclamation Project to support a three-week summer youth camp for language immersion.

'Reclaiming our language is one means of repairing the broken circle of cultural loss and pain. To be able to understand and speak our language means to see the world as our families did for centuries. This is but one path which keeps us connected to our people, the earth, and the philosophies and truths given to us by the creator,' noted Baird."

In order to help preserve the Lakota language, a web site was launched in early 2016 entirely in Lakota, with news features, sports and weather, at: woihanble.com (meaning "dream"). The web site carries local Indian news provided by two area weekly papers, who translate the news into Lakota (Regina Garcia
A new and updated dictionary of the Ute language has been compiled by Taimy Givon; along with Spoken Cree, Level III, by C. Douglas Ellis (http://www.ssila.org/category/newpublications/).

International Developments

Elizabeth P. Anderson and Jennifer C. Veilleux, "Cultural Costs of Tropical Dams," Science, April; 8, 2016, commented, "Recent pieces in Science rightly call for greater examination of the environmental, political, and economic trade-offs of tropical dams..." "However, riparian human population stands to lose much more than land, food, and income. Free-flowing rivers hold special significance in Indigenous cultures..."

We need better understanding of the implications of tropical dam proliferation for riparian human populations. An assessment of human and water security that includes not only economics, politics and environment but also culture would more accurately capture the costs and benefits of hydropower development and influence decisions on new tropical dams."


The report found instances of market traders in the Republic of Congo plying children from the Bayaka tribe with glue in 2013, in exchange for cleaning out latrines.

In Cameroon Baka tribespeople, illegally evicted from their forest homes, are often paid in five glasses of moonshine in exchange for half a day’s manual labor. A combination of poverty and depression caused by the theft of their land forces many to turn to heavy drinking as an escape from their troubles.

Across much of central Africa, disposessed hunter-gatherer peoples are frequently paid in addictive substances, most commonly home-brewed alcohol.

Atono, a Baka man forcibly evicted from his land said: “Now we are falling ill because of the change in our diet. Our skin doesn’t like the sun and life in the village. In the forest we are healthy and put on weight. Now no one has any muscles, everyone looks ill. We are forced to drink to forget our troubles.”

Problems of addiction and substance abuse are common among tribes who have had their land stolen from them. In Canada, alienated Innu children whose people were forced to abandon their nomadic way of life turn to sniffing gas from plastic bags. Likewise in Australia, rates of alcoholism among Aboriginal people are higher than among the wider population.

Boniface Alimankinni, an Aboriginal Tiwi Islander, said: 'We had no self-respect and nothing to give our sons except violence and alcoholism. Our children are stuck between a past they don’t understand and a future which offers them nothing.'

Drug addiction and alcoholism are not inevitable for tribal peoples. They are the result of failed policy, imposing 'progress' and 'development' on peoples who are otherwise largely self-sufficient. Industrialized societies subject tribal peoples to genocidal violence, slavery and racism so they can steal their lands, resources and labor. These crimes are often carried out in the name of progress and development.

Survival Director Stephen Corry said: 'Survival’s 'Progress can kill'' report shows that imposing 'development' on tribal peoples just doesn’t work. Even the new healthcare is never enough to counter the devastation caused by land theft. Forcing development on tribal peoples never brings a longer, happier life, but rather a shorter, bleaker existence only escaped in death. 'Progress' has destroyed many tribes and
threatens many more, so we’re calling on the United Nations to speak out against forced development on tribal lands.”


The rate of self-inflicted deaths within the tribe is 34 times the Brazilian national average, and statistically the highest among any society anywhere on earth. Suicide rates among many other indigenous peoples such as Aboriginal Australians and Native Americans in Alaska also remain exceptionally high. This can be viewed as the inevitable result of the historical and continuing theft of their land and of "development" being forced upon them.

The report, “Progress can Kill”, exposes the devastating consequences of loss of land and autonomy on tribal peoples. As well as the shockingly high suicide rates among tribes, it also reveals high rates of alcoholism, obesity, depression and other health problems.

Particularly striking statistics include the sky-rocketing rates of HIV infection in West Papua, which increased from almost no cases in 2000 to over 10,000 by 2015, and the rate of infant mortality among Aboriginal Australians – twice that in wider Australian society. In large parts of the world, poor nutrition continues to cause further problems, such as malnutrition for Guarani children in Brazil, who are forced to live on roadsides, and obesity for many Native Americans, for whom junk food is the only viable option."


International Organization Developments

Fifteenth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)
9-20 May 2016 – UN Headquarters, New York
Special Theme: “Indigenous peoples: conflict, peace and resolution” (Official Press Release Reports)


Amid rapid globalization and the scramble for natural resources, indigenous peoples had become victims of violence and even genocide on their lands, often due to their distinct identities, the Permanent Forum on Indigenous Issues heard today, as it opened its fifteenth session amid calls for their full participation in plans for peace and reconciliation that directly impacted their lives.

The session, held under the theme “Indigenous peoples: Conflict, Peace and Resolution”, will run through 20 May. Álvaro Pop, following his election as Chair of the fifteenth session, said even in peaceful societies, indigenous peoples were increasingly in situations that escalated to conflict around lands, territories and resources, or civil, political, cultural, social and economic rights.

Indigenous peoples were also experiencing militarization on their lands and, in nearly every region, being displaced by violence. 'There can be no peace to these conflicts unless indigenous peoples are equal participants in any plans for peace and resolution,” he said. The focus must be on the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples. “We will no longer sit by and allow lip service to be paid to the human rights of indigenous peoples,” he said.

In a video message, Secretary-General Ban Ki-moon agreed that indigenous peoples were increasingly being drawn into conflicts over their lands, resources and rights. Lasting peace required that they have access to cultural, social and economic justice. In response, the United Nations had developed a system-wide action plan. “It is essential we work as one to realize the full rights of indigenous peoples,” he stressed.
Wu Hongbo, Under-Secretary-General for Economic and Social Affairs, said he was honoured to formally launch the United Nations plan for achieving the Declaration on the Rights of Indigenous Peoples today. It aimed to raise awareness about and support implementation of the Declaration. All Resident Coordinators had been asked to share it with host Governments. “Now is the time for the United Nations system to work hand-in-hand with indigenous peoples and Member States,” he said.

Sven Jürgenson, Vice-President of the Economic and Social Council, added that the 2030 Agenda for Sustainable Development offered the Forum an opportunity to ensure that indigenous peoples’ concerns and suggestions were fed into discussions on the Council’s main theme, “implementation of the 2030 Agenda: moving from commitments to results”, and that of the high-level political forum on leaving no one behind. “You are the experts — and we count on you to bring that expertise into the discussion,” he said.

Offering a Government perspective, Aura Leticia Teleguario, Minister for Labour and Social Prevention of Guatemala, said among the priorities for her country was the establishment of meaningful consultations with indigenous peoples. More than 87 consultative processes had been carried out since 2005, which focused on providing institutional and legal mechanisms aimed at preventing conflict. Jody Wilson-Raybould, Minister for Justice of Canada, stressed that reconciliation required laws to be changed and policies rewritten. “We intend to do so in full partnership,” she said.

In the afternoon, the Forum held three interactive dialogues in which experts outlined recommendations for respecting indigenous rights and presented related research. In the first, Oliver Loode, Permanent Forum member from Estonia, provided an update on implementation of the subsidiary organ’s recommendations, pointing to positive results when its recommendations contained specific, time-bound criteria, and difficulty in acting upon those that were generic with unclear recipients.

In the second, Alisa Mukabenova, Permanent Forum member from the Russian Federation, said many language-related recommendations were aimed at the United Nations Educational, Scientific and Cultural Organization (UNESCO), which she hoped would take a more active, comprehensive approach to indigenous languages.

In the third, Valmaine Toki, Permanent Forum member from New Zealand, presented a study on the relationship between indigenous peoples and the Pacific Ocean, while Dalee Sambo Dorough, Permanent Forum member from Alaska, presented a study on how States exploited weak procedural rules in international organizations to devalue the United Nations Declaration and other international human rights law. Also today, the Forum elected Alvaro Pop as Chair of the session, as well as Mariam Wallet Mohamed Aboubakrine, Aysa B. Mukabenova, Dalee Sambo Dorough and Raja Devasish Roy as Vice-Chairs and Oliver Loode as Rapporteur. It also adopted its agenda for the session, as orally revised.

Chief Tadodaho Sid Hill, Chief of the Onondaga Nation, delivered the annual ceremonial welcome to participants.

The Permanent Forum on Indigenous Issues will reconvene at 10 a.m. on Tuesday, 10 May, to continue its fifteenth session.

Opening Remarks

MOGENS LYKKETOFT (Denmark), President of the General Assembly, noted that two years ago, the General Assembly had held the first World Conference on Indigenous Peoples. At that event, Member States had reaffirmed their commitment to support, respect, promote, advance and in no way diminish the rights of indigenous peoples and uphold the principles of the United Nations Declaration on the Rights of Indigenous Peoples. It included a commitment to conduct consultations on possible measures to enable the participation of indigenous peoples’ representatives and institutions in meetings of relevant bodies of the United Nations. In February, he appointed four advisers to assist him in conducting those consultations and in April had circulated the first draft compilation of views expressed during initial consultations, with the aim of reaching a final text to be adopted by the General Assembly during its seventy-first session.

Since taking office, he had sought to advance openness, transparency and inclusion in how the General Assembly conducted its work, which included the ability of indigenous peoples to engage at the United Nations on matters that affected them. Indigenous peoples had a right to contribute and could provide enriching input, despite being historically targeted and excluded, resulting in great harm to their communities, heritage and livelihoods, including their identity. The current consultation provided a historic opportunity for
Member States to improve and strengthen the participation of indigenous peoples at the Organization.

SVEN JÜRGENSON (Estonia), Vice-President of the Economic and Social Council, said indigenous peoples had taken an active role in consultations and negotiations towards the 2030 Agenda for Sustainable Development. The results of that engagement were clear in the framework which — apart from the six direct references to indigenous peoples — included priorities of equality, non-discrimination, human rights and protection of mother Earth. In that way, the Sustainable Development Goals were a step forward for indigenous peoples. This year was one of implementation, of the 2030 Agenda, as well as the Addis Ababa Action Agenda on Financing for Development and the Paris Agreement on climate change.

He encouraged indigenous peoples to engage in that important process, and States to work with them. The 2030 Agenda offered the Permanent Forum a new responsibility in ensuring that indigenous peoples’ issues, concerns and suggestions were fed into discussions on the Council’s main theme, “implementation of the 2030 Agenda: moving from commitments to results”, and that of the high-level political forum on “leaving no one behind”.

“You are the experts — and we count on you to bring that expertise into the discussion,” he said. The Forum embodied the endeavour to peacefully address difficult and contentious issues by bringing indigenous peoples, Member States and United Nations agencies together in a spirit of dialogue, cooperation and openness. It offered a safe space to meet, and through that helped to improve the relationship between indigenous peoples and Governments. The recommendations from discussions in the coming weeks would be particularly relevant for Goal 16 of the 2030 Agenda on peaceful and inclusive societies. “Indigenous peoples have the same right to enjoy peace, security and human rights as anyone else,” he concluded.

ÁLVARO POP, Chairperson of the Permanent Forum on Indigenous Issues, said that even in peaceful societies, indigenous peoples often found themselves involved in situations that escalated to conflict, primarily related to issues involving lands, territories and resources, or civil, political, cultural, social and economic rights. The rapid pace of globalization and processes to identify new venues for resource exploitation had accelerated such conflict on indigenous peoples’ land. Indigenous peoples were also increasingly experiencing armed conflicts and militarization on their lands. In nearly every region of the world, indigenous peoples were being displaced and severely impacted by violence and militarism.

In some countries, indigenous peoples had become victims of violence, massacres or even genocide due to their distinct identities, he said. Women and children were often most vulnerable and suffered the most. “There can be no peace to these conflicts unless indigenous peoples are equal participants in any plans for peace and resolution,” he emphasized. Efforts must be made to emphasize the rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples and its legally-binding status. The international community must ensure that endorsing the Declaration publicly and internationally continued at the domestic level. “We will no longer sit by and allow lip service to be paid to the human rights of indigenous peoples,” he said.

WU HONGBO, Under-Secretary-General for Economic and Social Affairs, said the World Conference on Indigenous Peoples, for which he was the senior United Nations official to coordinate follow-up, included important mandates for the Organization. “We take these mandates very seriously,” he said. One of them was to develop a system-wide action plan for ensuring a coherent approach for achieving the Declaration on the Rights of Indigenous Peoples. Over the past 10 months, the United Nations had worked through the Inter-Agency Support Group on Indigenous Issues to prepare that plan.

He was honoured to formally launch the plan today, he said, stressing: “Clearly more needs to be done to raise awareness about the Declaration and about the situation of indigenous peoples throughout the world.” The plan aimed to support the implementation of the Declaration, and as such, his Department had sent the plan to all United Nations Resident Coordinators asking them to share it with host Governments. The plan also called for promoting indigenous peoples’ rights in the implementation and review of the 2030 Agenda.

“Now is the time for the United Nations system to work hand-in-hand with indigenous peoples and Member States for the common good,” he said. There was much work to be done. Indigenous peoples continued to suffer disproportionately from poverty, discrimination, poor health care and inadequate education. Those challenges were serious, but with concerted efforts, “we can make a difference.”

AURA LETICIA TELEGUARIO, Minister for Labour and Social Prevention of Guatemala, said the
Forum served as an open door towards sharing the realities of indigenous peoples in the world. The Forum allowed for the merging of ideas around the promotion of the collective rights of peoples. Guatemala recognized that the rights of indigenous peoples in the world were fundamental to the search for comprehensive development. It was the responsibility of the State to ensure the implementation of the Declaration on the Rights of Indigenous Peoples.

In Guatemala, deep-seated changes were under way, including with regard to Government transparency and the provision of services, she said. The challenge was to continue to make progress in political participation and decision-making, to allow the shift from resistance to power. In Guatemala, public policy would focus on the most vulnerable populations, many of which were indigenous. Her country had re-established the Cabinet of Indigenous Peoples, which was a high-level institutional mechanism that would ensure that the plans and programmes of the Government had cultural relevance. Legal, administrative and budgetary changes needed to be made that would adapt institutions appropriately; taking into account cultural, linguistic and ethnic diversity in the country.

She said that among the key priority areas for Guatemala was the establishment of meaningful consultations with indigenous peoples. More than 87 consultative processes had been carried out since 2005, which focused on providing institutional and legal mechanisms aimed at preventing conflict and ensuring the safeguarding of all peoples. Efforts would continue to bring about significant changes in the years to come, including with regard to full development, in line with the objectives laid out in the 2030 Agenda.

JODY WILSON-RAYBOULD, Minister for Justice of Canada, noting that her people were from the country’s west coast, said she was here today also as the Attorney General of Canada, an appointment that spoke volumes about how far the State had come and how far it intended to go. She was among a record number of indigenous members of Parliament elected in October — a real change from times when indigenous peoples were discouraged from fully participating in society. She was proud to be part of a Government whose leader had made a solemn commitment to change with a vision for true reconciliation with indigenous peoples.

Indeed, she said, he had tasked all ministers to rebuild the nation-to-nation relationship, stating in public letters that no relationship was more important to him — and to Canada — than that with indigenous peoples. It was time to renew relationship based on recognition of rights, respect, cooperation and partnership. That was perhaps the most challenging area of public policy and the work was long-overdue.

““We must complete the unfinished business of confederation, rebuilding the nation-to-nation relationship,” she said, and finding solutions to decades-long problems.

That said, the Administration of Indian Affairs was not organized around indigenous nations, she stressed, but rather, an imposed system of governance. It was essential to move beyond that system through the available legal tools. The Government would breathe life into section 35 of the Constitution, which reaffirmed existing aboriginal and treaty rights. The challenge was to translate hard-won rights into meaningful benefits within indigenous communities. It was not easy to throw off the shackles of 140 years of the Indian Act system.

Noting that indigenous communities were in a transition of nation-building and rebuilding, she said the Government’s job was to support them. One legal question was around how to implement free, prior and informed consent, as the Declaration recognized that indigenous peoples had individual and collective rights, with their participation in decision-making at its heart. A new nation-to-nation relationship was needed. Reconciliation required laws to change and policies to be rewritten.

“We intend to do so in full partnership,” she said, underlining the need for a national action plan and more effective ways of both recognizing indigenous nations and providing support for those able to move beyond the status quo. Communities must receive necessary services, including by developing new fiscal relationships with indigenous governments. Indigenous peoples must be empowered to retake control of their lives, with the full support of all Canadians.

Discussion I

In the afternoon, the Permanent Forum on Indigenous Peoples gathered for a series of interactive discussions.

OLIVER LOODE, Permanent Forum member from Estonia, opening the first discussion, provided a
presentation on the implementation of the recommendations made during the last session of the Forum and noted that 20 out 40 recommendations had been selected for follow-up action. He noted that the Under-Secretary-General for Economic and Social Affairs had updated the Forum on progress towards guaranteeing indigenous peoples the ability to participate in the preparation and coordination of the system-wide action plan. On the recommendation for States and indigenous peoples to establish a working group to prepare a manual of good practices for the repatriation of ceremonial objects and human remains, substantial progress had been made. He highlighted that the final Declaration for the 2030 Agenda included six references to indigenous peoples and several indicators and priorities brought forward by indigenous peoples. Nevertheless, although those were positive developments, States had fallen short in addressing indigenous issues in relation to the Sustainable Development Goals.

He went on to highlight that the recommendation addressing youth self-harm and suicide had not yet been implemented, although there had been notable developments, particularly within the Third Committee (Social, Humanitarian and Cultural). Forum members remained hopeful that the World Health Organization (WHO) would prioritize the issue going forward. In that regard, he requested that WHO designate a focal point to work with the Forum. He then turned to the recommendation requesting Member States to ensure indigenous peoples’ rights to participate in decision-making, particularly within the three major multilateral negotiations in 2015, including those on the 2030 Agenda, the Paris Agreement and the Addis Action Agenda. The Forum was disappointed that its priorities were not more strongly reflected in the final outcome of those processes. The recommendation on the rights of indigenous women had enjoyed significant progress, he reported, including its consideration at the sixtieth session of the Commission on the Status of Women. He noted the direct reference to indigenous women, including their distinct and important contributions to sustainable development, contained within the Agreed Conclusions emanating from the latest Commission session.

The representative of Ukraine, in the ensuing discussion, noted that starting in the 1980’s activists had fought to help Crimean Tartars return to their rightful lands, culture and languages following many years of repression. However, the recent annexation of Crimea had resulted in many media services being shut down, including those that had been broadcasting in the indigenous languages of Crimea.

Also speaking in the discussion was a representative of the International Indian Treaty Council.

Discussion II

ALISA MUKABENOVA, Permanent Forum member from the Russian Federation, noted that currently there were about 100 recommendations on the preservation of indigenous languages up for consideration. A meeting of experts was held on linguistic diversity and the important role of families and women for the transmission of languages over time. Indigenous peoples in many countries continued to suffer under discriminatory policies stemming from colonial times. In Canada, specific studies had been conducted to examine the role of boarding schools in the systemic violation of the rights of indigenous peoples. To overcome decades of destructive policies, indigenous peoples had put forward their own initiatives to launch projects to revitalize their mother tongues.

The expert panel group, she said, had paid special attention to the potential of modern communications technologies for preserving indigenous languages. She pointed to Google, which had developed software that made it possible to write in the traditional Cherokee language, making it possible to have original Cherokee content online. There were also many examples of the important role of non-governmental organizations in galvanizing outreach activities aimed at overcoming the widely held misunderstandings about indigenous languages. The experts had recommended the establishment of a global fund to support the preservation of indigenous languages and believed a network of organizations should be set-up to work with the Forum to monitor the status of languages at risk of extinction. It was necessary to provide moral and material support to help those who were working to teach and promote language in their countries and regions. Many language-related recommendations were aimed at the United Nations Educational, Scientific and Cultural Organization (UNESCO), which the experts hoped would take a more active, comprehensive and proactive approach to indigenous languages.

During the ensuing discussion, a number of Government representatives described national efforts to preserve indigenous languages and culture and to uphold the right of indigenous groups to education. A
number of speakers said language preservation should be viewed as a critical element of the Sustainable Development Goals.

The representative of the government of Greenland said practicing the Greenlandic language, Kalaallisut, was a way of manifesting and developing cultural heritage. While past educational policies had favoured Danish over Kalaallisut, Greenlanders were now working to revitalize the language. Among other things, the teaching of Greenlandic as a first language was being modernized and made more results-oriented. The representative of UNESCO said linguistic diversity was an important part of cultural diversity. “Languages provide us a vantage point from which we can understand our past,” he said in that regard. Nevertheless, there remained many communities around the world that were unable to access information in their own languages. Citing a 2003 UNESCO recommendation concerning the promotion and use of multilingualism in cyberspace, he said information and communications technologies (ICTs) and the Internet had a key role to play in promoting a pluralistic linguistic society.

KARA-KYS ARAKCHAA, a Permanent Forum member from the Russian Federation, said in the Republic of Crimea many schools were taught in the Crimean Tatar languages, which were studied by more than 10,000 pupils. Also speaking was the representative of the Russian Federation.

Discussion III

VALMAINE TOKI, Permanent Forum member from New Zealand, presented a summary of her study on the relationship between indigenous peoples and the Pacific Ocean, taking into account issues of governance, the effects of climate change, deep sea mining, resources and sustainable development (document E/C.19/2016/3). Underscoring that the intrinsic relationship of indigenous peoples with lands and oceans was enshrined in the Declaration on the Rights of Indigenous Peoples, she said the 9.5 million indigenous inhabitants of the South Pacific relied on the ocean for sustenance. However, pollution and climate change imposed on their rights and threatened to destroy their culture. If no effective action was taken, relocation would be the only alternative.

Describing the situation of two Pacific small islands, Kiribati and Tuvalu, she said the latter was facing a 20-40 cm annual sea level rise and would become uninhabitable in the near future. Those States had been active participants in the United Nations Framework Convention on Climate Change negotiations and were members of the Alliance of Small Island States. Turning briefly to the mining sector, she gave the example of Papua New Guinea, where mining was being lauded as an economic success story. However, indigenous people had seen little of those benefits and their land was suffering. In that regard, she stressed the importance of free, prior and informed consent as well as the meaningful indigenous participation in all decisions that affected them.

DALEE SAMBO DOROUGH, Permanent Forum member from Alaska, presented a study on how States exploit weak procedural rules in international organizations to devaluate the United Nations Declaration and other international human rights law (document E/C.19/2016/4). The Declaration must be the framework to guide all State party action, she said, stressing that countries had the responsibility to uphold indigenous rights and refrain from actions that infringed on them. Procedural rules of intergovernmental organizations must be strengthened and there must be consistency between the international legal obligations of States and national contexts. While some States and international organizations had strong policies in place with regards to indigenous peoples, she said that when States negotiated new international instruments, the rights and status of indigenous peoples were frequently overlooked and their participation marginalized.

States parties could not evade their international human rights obligations, she stressed in that respect, citing a number of examples of poor practice. The policy of the United Nations Food and Agriculture Organization (FAO) on indigenous and tribal peoples, while strong, nevertheless allowed Member States to take positions that fell short of existing human rights standards. Meanwhile, the World Bank had sought consensus on a proposal to allow States to opt out of an indigenous safeguard policy. It was critical that international organizations and Member States inform themselves about indigenous peoples’ rights, she said, emphasizing that the procedures of intergovernmental organizations must be strengthened to prevent States from opting out of their obligations to protect indigenous human rights.

In the ensuring discussion, participants stressed that language was essential to indigenous peoples’
identity and the strength of their communities. All students benefitted from learning indigenous languages, notably through greater understanding of country and culture, which could lead to reconciliation. Speakers underscored the need for States to provide long-term funding for indigenous languages, with some stressing that they should also allow and facilitate private funding to do so.

Several representatives of indigenous peoples took the floor, with a representative of an indigenous community in Los Angeles noting that local education authorities had compared the lives of indigenous youth in his area to having post-traumatic stress syndrome, as they lacked resources to overcome the challenges they faced. He asked how the Forum could advance indigenous children’s rights when the guidelines it proposed sought to restrict indigenous peoples’ right to self-recognition and self-determination.

A speaker from an Amazonian community, noting that her language was spoken by fewer than 500 people, said she was working to maintain her language with the support of volunteers. The Forum should recommend that indigenous peoples lead language revitalization efforts with State support, and that countries allow them to do so. Resident Coordinators should report on efforts to protect indigenous languages that were disappearing.

An indigenous representative of the Mohawk Language Custodian Association said that while assimilation and doctrines of superiority had been condemned, the United Nations still had to press States to uphold their commitments in that regard. “Stop the dispossession of our lands,” she declared, urging a moratorium on any development that impacted traditional lands, resources and forms of governance. Free, prior and informed consent must be practiced. “Language has a spirit,” she said. “When we lose our language, we lose who we are as indigenous peoples.”

An indigenous speaker from the Fiji Islands spoke about efforts to devalue the Fijian culture, which had started with the imposition of the 2013 Constitution, for which there had been no free, prior and informed consent. The Constitution had removed “everything indigenous”, including the great council of chiefs, and outlined 17 decrees that had taken away indigenous land and sea resources. “I welcome the report on the preservation of languages, but it is not happening in Fiji,” she said.

Government representatives also took part in the discussion, with the representative of Canada, expressing her country’s full support for the Declaration and its implementation.

The representative of Australia said the nature and extent of native rights of Torres Strait Islanders referred to that community’s traditional laws and customs. Her Government was proud to provide financial support to countries to address climate change impacts. It was also working to strengthen ocean management, including through sustainable fishing operations.

The representative of the Russian Federation said assertions in the report on the use of rules in international organizations to denigrate the Declaration lacked any legal foundation. He could not agree that existing rules of procedures did not comply with international standards on indigenous rights. The authors had forgotten that meetings, seminars and conferences had been held to consider indigenous peoples’ rights.

The Forum should be more professional in preparing its conclusions and recommendations. A number of Forum members offered their views. Joseph Goko Mutangah, Forum member from Kenya, underscored the need to strengthen informal and formal institutions for teaching indigenous languages and disseminating indigenous traditions and knowledge. He suggested considering — and documenting — minority communities whose languages were disappearing every hour.

Oliver Loode, Forum member from Estonia, requested a recommendation about funding for indigenous languages by States.

Maria Eugenia Choque Quispe, Forum member from Ecuador, said traditional knowledge was being forgotten along with the loss of indigenous languages, especially knowledge of plants.

Dalee Sambo Dorough, Forum member from Alaska, responded to comments by the representative of the Russian Federation, noting that the study on how States exploit weak procedural rules had in fact been legally substantiated. She cited the Charter of the United Nations, and the “range” of General Assembly resolutions in that regard, including on equal application of the rule of law in the context of States and international organizations. In addition, indigenous peoples were not considered “parties” when an international organization’s activities were for the “Conference of Parties”, as in that for climate change negotiations.
Edward John, Forum member from Canada and co-author of the study on the procedural rules study, drew attention to commitments in International Labour Organization Convention 169, pressing the United Nations and Member States to work with indigenous peoples to uphold those rights and standards, and reflect their commitments in national action plans and system-wide action plans, as called for by the Declaration. Alexey Taykarev, Expert, Mechanism on the Rights of Indigenous Peoples, said losing a mother language could lead to mental problems, reduced quality of life, and in some cases depression and suicide. Language was a fundamental part of indigenous peoples’ cultural and material legacy. Many Member States — including those with significant indigenous populations — had not ratified the UNESCO convention on maintaining legacy and he urged consultations in that regard. He also hoped UNESCO would improve its indigenous peoples’ policy.


The collective rights of indigenous communities must be preserved and respected the Permanent Forum on Indigenous Issues heard today, as speakers took stock of progress made in the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. Representatives of Governments, intergovernmental organizations and indigenous groups all took part in the first wide-ranging general debate of the Forum’s fifteenth session. “Without fair policies and social justice, there will never be peace and true social development,” stressed one speaker representing indigenous peoples and communities.

Many participants pointed to Government and private sector actions that had resulted in the plundering and destruction of natural resources. In that context, speakers urged the Forum to monitor and ensure implementation of the Declaration and called on Governments to repeal oppressive laws and practices that encroached on the fundamental rights of indigenous communities and peoples.

Other delegations lamented the plight of indigenous human rights defenders, many of whom had been targeted and subjected to intimidation, harassment and violence.

Per Olsson Fridh, State Secretary to the Minister for Culture and Democracy of Sweden, speaking on behalf of the Nordic countries, noted that civic space was shrinking in many countries and legal restrictions had been imposed in more than 50 countries in recent years. Indigenous human rights defenders were routinely subjected to violence and attacks on them worldwide must come to an end.

The unique needs of the most vulnerable within indigenous communities were highlighted by a number of speakers, including the representative of the United Nations Population Fund (UNFPA), who said a number of the its programmes and advocacy efforts were geared specifically towards marginalized groups.

The rights of indigenous women and girls to participate in decision-making processes and policy formulation, access to sexual and reproductive health, including maternal health and family planning, and the ability to fully exercise their reproductive rights were all of utmost importance, he stressed.

Unjust educational policies had historically inflicted great harm on indigenous communities, many speakers said, underscoring that tribal self-determination and self-governance must extend to the education of indigenous children. In that regard, the delegate of the United States acknowledged that the forced removal of children from their homes and placement in boarding schools had caused intergenerational harm

Many delegates focused on the need to protect indigenous languages, with the delegate of Venezuela telling the forum that her Government established an institute to preserve and promote indigenous peoples’ languages and ensure that education policies existed based on indigenous values and cultures.

The nexus between sustainable development and indigenous peoples was also explored by many speakers, with many pointing to the importance of sustainable agricultural practices.

Traditional knowledge, innovations and practices of indigenous peoples and local communities could support social well-being and sustainable livelihoods noted the delegate of the Dominican Republic, speaking on behalf of the Community of Latin American and Caribbean States (CELAC). In that context, the Community had recognized that indigenous peoples had the right to maintain, control,
protect and develop their cultural heritage, traditional knowledge and cultural expressions.

In an announcement that drew wide applause, Carolyn Bennett, Minister for Indigenous and Northern Affairs of Canada, announced that her country was now a full supporter of the Declaration on the Rights of Indigenous Peoples without qualifications.

Canada was among the only countries that had incorporated indigenous peoples’ rights in its Constitution, under section 35, she noted, saying that with the Declaration’s adoption, her State would “breathe life” in to that section. Self-government agreements were the ultimate expression of free, prior and informed consent.

Also speaking today were representatives of Guatemala, Colombia, Norway, Namibia, Panama, Nepal, New Zealand, Nicaragua, Bolivia, Costa Rica, Estonia, Peru, El Salvador, Venezuela, China, Australia and Brazil


The Permanent Forum on Indigenous Issues will reconvene at 10 a.m. on Wednesday, 11 May, to continue its session.

Statements

PER OLSSON FRIDH, State Secretary to the Minister for Culture and Democracy of Sweden, delivered a statement on behalf of his country, Denmark, Finland, Iceland and Norway, and said that the promotion and protection of the rights of indigenous peoples would continue to be long-standing priorities. The United Nations Declaration on the Rights of Indigenous Peoples was a milestone in recognizing the status and rights of indigenous peoples and the fulfilment of its objectives would require continuous and consistent work both at the national and international level. Sweden, Norway and Finland were currently negotiating a Nordic Sámi Convention, which was aimed at reaching a common understanding of unresolved issues. It was hoped the Convention would promote the protection of the human rights of the Sámi so they could preserve and develop their language, culture, livelihood and social life. Given that the Sámi lived in all three countries, the Convention also aimed at ensuring that the its objectives could be reached with as little restriction to State boundaries as possible.

Human rights defenders engaged in the promotion of the human rights of indigenous peoples had been targeted and subjected to intimidation, harassment and violence, he continued. Civic space was shrinking in many countries and legal restrictions had been imposed in more than 50 countries in recent years. In some countries, indigenous human rights defenders were particularly subjected to violence, too often resulting in tragic deaths. Attacks on human rights defenders worldwide must come to an end. The Nordic countries strongly called on all States to abide by their human rights obligations and commitments by ensuring that indigenous human rights defenders could work without fear of being subjected to any form of reprisal, harassment, intimidation or violence. The situation faced by indigenous women and girls was particularly severe, many of whom experienced complex, multidimensional and mutually reinforcing human rights violations and abuses. In that context, Nordic countries placed special emphasis on the importance of safeguarding the rights of indigenous women and girls.

BRAULIO FERREIRA DE SOUZA DIAS, Executive Secretary of the Convention on Biological Diversity, described a number of international standards which the Conference of the Parties to the
Convention had adopted in relation to the session’s theme, “conflict, peace and resolution”. Such standards and guidelines provided for legal clarity and minimal standards and contributed to peace and the avoidance of conflicts. At their thirteenth meeting to be held in Mexico in December, States parties would consider the adoption of guidelines for the development of national measures to ensure the free, prior and informed consent of indigenous peoples and local communities for accessing their knowledge, innovations and practices, and fair and equitable sharing of benefits arising from the use and application of such knowledge. They would also consider guidelines for the repatriation of indigenous and transitional knowledge, in order to assist indigenous peoples in knowledge and cultural restoration. In preparation for that meeting, the Convention secretariat was implementing, with support from Japan and other donors, a training programme carried out in partnership with indigenous organizations in five regions.

CLÉMENT CHARTIER, Metis National Council, said substantial progress had been made from the first indigenous peoples meeting in 1977 in Geneva, to the 2014 World Conference on Indigenous Peoples, to events today. He welcomed Canada’s re-engagement in the international community after its 10-year absence from a positive role. Noting that Canada had supported the World Council on Indigenous Peoples, he said indigenous leaders would call for the country’s fiscal assistance for the creation of an organization for indigenous peoples to engage fully in the Organization of American States (OAS). Next week, negotiations would be held on an American Declaration on the Rights of Indigenous Peoples, with a view to developing standards, rights and recognition for indigenous peoples in that region. He expected Canada to join his delegation there next week.

MILDRED GUZMÁN MADERA (Dominican Republic), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said the Addis Ababa Action Agenda of the third International Conference on Financing for Development had recognized that traditional knowledge, innovations and practices of indigenous peoples and local communities could support social well-being and sustainable livelihoods. It had further recognized that indigenous peoples had the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and cultural expressions. Sustainable development could not be attained without the inclusion of groups and people in vulnerable situations, including indigenous peoples. She added that equity, social and financial inclusion and access to fair credit were central to ensuring overall access to justice, participation, well-being and dignity for indigenous peoples.

Indigenous peoples played a significant role in sustainable development, she continued, recognizing in particular the importance of sustainable agricultural practices associated with biodiversity and the exploitation of resources. In that regard, the Group had decided to strengthen the region’s productive capacity, placing emphasis on sustainable local and cultural practices of indigenous peoples and local communities with a view towards optimizing the use of and access to water for irrigation and the proper management of basins, the recovery of soil fertility and the preservation and increase of biodiversity, according to the legislation of each country. She called for steps to protect the patents on traditional and ancestral knowledge of indigenous and tribal peoples and local communities to prevent violation by third parties through registrations that ignored their ownership. The States of the region supported the empowerment and capacity-building of indigenous women and youth, including their participation in decision-making processes in matters that affected them.

HAI-YUEAN TUALIMA, Indigenous Fellow at the World Intellectual Property Organization (WIPO), said her organization had renewed the mandate of its Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore for 2016-2017. Since 2009, WIPO had undertaken intense negotiations with the aim of reaching an agreement on an international legal instrument or instruments relating to intellectual property which would ensure the balanced, effective protection of genetic resources, traditional knowledge and traditional cultural expressions. The three current draft texts reflected unique approaches to the protection of those resources and knowledge, she said, and included indigenous peoples and local communities as beneficiaries of their protection. The organization had taken robust and consistent measures, including capacity-building initiatives, to address the concerns and interests of indigenous peoples and local communities and to ensure their participation in WIPO negotiation processes. It had further undertaken and submitted a technical review, as requested by the Permanent Forum at its eleventh session, focusing on the draft texts that had been developed within WIPO negotiations.

SARAH DEKDEKEN, Cordillera Peoples Alliance, said the plight of indigenous peoples in the
Philippines had turned from bad to worse, with the National Commission on Indigenous Peoples serving as an instrument for violating their rights rather than protecting them. The Government had violated their collective rights to ancestral lands and plundered their resources through mining and energy projects. She urged the Forum to monitor and ensure implementation of the Declaration, and encourage the Philippines to respect indigenous peoples’ rights to lands and resources. Oppressive laws and policies that displaced communities, among other things, must be repealed and the Government urged to comply with its international humanitarian law obligations.

RAUL MORALES, Minister for Foreign Affairs of Guatemala, welcomed efforts to improve the effectiveness of the Forum’s deliberations, which had great importance for drawing attention to Member States about the issues facing indigenous peoples. Guatemala had made progress in implementing the Declaration, including by setting up a high-level body dedicated to strategic and coordinated action on indigenous issues. Guatemala had in place a national development plan formulated in a consultative fashion, which guided the action of the State. Its key features included increasing access to education and health care, improving nutrition, reducing infant and maternal mortality, expanding the range of school programmes with cultural relevance, and improving access to potable water and basic sanitation, all while taking into account the cultural practices of individual communities. Guatemala had also put into place a public policy addressing reparations for individuals and communities affected by infrastructure projects and had initiated a historic process of national dialogue on judicial reform. Despite some shortcomings, Guatemala had shown signs of progress and change and remained well-positioned to bridge the gaps that existed.

BOYAN RADOYKOV, United Nations Educational, Scientific and Cultural Organization (UNESCO), described work at the policy, operational and normative levels, noting that the organization was developing a policy to engage with indigenous peoples. Launched in 2011, the process had advanced through consultative workshops held with indigenous peoples in Santiago, Luanda, Chiang Mai, New York, Geneva and Paris. The policy would be finalized and submitted to the UNESCO board for possible adoption in 2017. There was a risk that most indigenous knowledge was being lost, and with it, valuable records on traditional ways of life. UNESCO was working to develop policies on indigenous cultures, and along with the Convention on Biological Diversity, was promoting links between biological and cultural diversity in the context of that convention. The World Summit on Information Society also offered an opportunity to mainstream indigenous issues into ongoing debates.

ADI ASENACA CAUCAU, Fiji Indigenous Peoples Foundation, highlighted the Fiji Government’s failure to recognize the Declaration, noting that it had instilled fear in indigenous communities by striking a bilateral agreement with Indonesia, which had allowed that country to enter Fiji to carry out work in its schools, a sign of disrespect. The Government had violated indigenous groups’ rights, and many cases had not been investigated. Health services were in decline and she cited environmental issues around copper mines in that context. In a March 2015 report, Amnesty International had found that the Government had agreed to ensure economic and social development, but that civil and political rights had not been promoted. The Government had not set a standard for the treatment for indigenous peoples, leaving them exposed to human rights abuses. Non-recognition of the Declaration had led to absence of dialogue between the Government and indigenous peoples.

CARMEN INÉS VÁSQUEZ CAMACHO, Vice-Minister for Participation and Equal Rights of Colombia, said there were about 1.4 million indigenous peoples in her country, which represented 3.4 per cent of the total population. The rule of law and democracy should be the minimum standard for setting public policy, including for minorities. Colombia’s development road map had set resource distribution strategies aimed at improving the living conditions of indigenous peoples and bolstering their cultural identities. By reducing inequality and poverty, all people would gain increased access to public services, appropriate living conditions, improved access to other regions of the country, and quality health care and education. Colombia had established a mechanism for the protection of the legal security of territories occupied by indigenous peoples. Progress had also been made in developing linguistic policies. In that context, in addition to Spanish, there were 65 native languages in Colombia that were recognized as official languages in their respective areas. There was widespread recognition of the vulnerability of indigenous women, which had prompted the country to employ leadership and empowerment strategies for women and girls.
GRETHEL AGUILAR, International Union for Conservation of Nature, said the Declaration was approved by the Union in 2008 and was incorporated into its programme framework starting in 2012. Indigenous issues were a key part of the Union’s human-rights-based approach. The most relevant provision of the Declaration applicable to the Union’s work was the provision that detailed the right to conservation and the protection of the environment, including the production capacities of ancestral lands. The Declaration was the only instrument that had established the right to the protection of the environment. The history of colonization and trends towards economic development had severely affected the well-being of indigenous peoples. A mapping exercise had been conducted in Central America, aimed at increasing the knowledge of the relationship between nature conservation and indigenous peoples.

KERRI NUKU, New Zealand Nurses Organization, said Māori had equal rights to health and acknowledged their right to good health included physical, cultural and spiritual well-being. There were ethnic disparities in life expectancy between Māori and non-Māori peoples. Having a Māori health workforce would be essential to a long-term strategy for improving outcomes. Yet, the nursing workforce did not reflect the community it served. There would be a shortage of 50,000 Māori nurses by 2035 and little work was being done to address that alarming situation. Without measuring the problem, no confidence could be placed in a Māori workforce strategy. Also, the lack of pay parity was a historical inequity, with a 2012 Human Rights Commission report showing a 25 per cent pay gap between Māori health professionals and others in health settings.

ANNE KARIN OLLI, State Secretary, Ministry of Local Government and Modernization of Norway, also speaking also on behalf of Denmark, Finland, Iceland and Sweden, underscored the need to recognize the special contributions of indigenous people in common sustainable development efforts, which would determine the success of the new global framework on climate change. They played an important role in mitigation and adaptation through their historic role as the most effective stewards of the world’s forests. She urged investing in secure tenure for indigenous peoples, which could enhance their participation in the management and use of State-owned land. In the area of education, qualified teachers and learning materials were needed to overcome the lack of instruction in mother tongue languages. She hoped to create more opportunities for Sami children and youth in that context.

LUIS MORA, United Nations Population Fund (UNFPA), said the Fund worked in more than 150 countries and territories that were home to the vast majority of the world’s people. In its programmes and advocacy efforts, UNFPA placed emphasis on the rights of indigenous women and girls to participate in decision-making processes and policy formulation, their access to sexual and reproductive health, including maternal health and family planning, and the ability to fully exercise their reproductive rights. UNFPA had supported efforts to establish an intercultural and human-rights-centred approach to sexual and reproductive health in Latin America. In many parts of the world, indigenous peoples were still invisible, either because national statistics did not disaggregate information or simply because their indigenous identity was not recognized.

RONALD WAROMI, West Papua Interest Association, recalled that, in 1963, Netherlands New Guinea — or West Papua — had joined Indonesia as Irian Jaya, the dishonest result of the “act of free choice”, after which his peoples’ fundamental human rights and freedoms had never been fully guaranteed. The political process was still being questioned by West Papua indigenous peoples who have called for independence. West Papua indigenous peoples continued to suffer discrimination, marginalization and extreme poverty. They had rejected Special Autonomy Law No. 21 in Papua Province and called for self-determination. Human rights violations against indigenous West Papuan peoples had been highlighted in a Human Rights Council Working Group report.

CAROLYN BENNETT, Minister of Indigenous and Northern Affairs of Canada, said the Declaration was the result of indigenous peoples’ long struggles for recognition, marking a monumental shift to protect their rights, culture, language and dignity worldwide. Noting that former High Commissioner for Human Rights Louise Arbour had shepherded the Declaration’s adoption at the Human Rights Council, she said the Prime Minister had stated in mandate letters to ministers that no relationship was more important than that with indigenous peoples, based on recognition of rights, respect, cooperation and partnership. She announced that Canada was now a full supporter of the Declaration without qualifications. It was among the only
countries that had incorporated indigenous peoples’ rights in its Constitution, under section 35. With the Declaration’s adoption, Canada would “breathe life” in to that section. It also viewed self-government agreements as the ultimate expression of free, prior and informed consent. The calls to action of the Truth and Reconciliation Commission had shed light on the dark history of residential schools and informed path forward for righting historical wrongs. All Canadians must now embark on that journey.

AMBER ROBERTS, speaking on behalf of the Australian Human Rights Commission, said her organization had a dedicated indigenous commissioner position with a statutory reporting role to the federal parliament, providing a critical focal point to facilitate dialogue between the Australian Government and Aboriginal and Torres Strait Islander peoples and organizations. She listed a number of recommendations, including: that the Permanent Forum ensure the full and independent participation of A-status human national human rights institutions in its sessions; that Member States establish independent national indigenous commissioner roles; and that Member States further engage in meaningful dialogue with indigenous peoples and national human rights institutions.

LAWRENCE ROBERTS, Acting Assistant Secretary, Indian Affairs, Department of the Interior of the United States, noting that he was also a citizen of the Oneida Nation, said that at the seventh White House Tribal Nations Conference, the President had discussed with tribal leaders the strengthening of the nation-to-nation relationship, among other topics. Recovering and protecting tribal land was a priority, with a goal of taking 500,000 acres of land into trust on behalf of Indian tribes. The Government had settled more than 80 tribal cases alleging the United States’ breach of trust. The policy of tribal self-determination and self-governance extended to education of indigenous children, he said, acknowledging the intergenerational harm caused by the forced removal of children from their homes and placement in boarding schools, a practice that had ended in the 1960s.

JAMIL AHMAD, Deputy Director of the New York Office of the United Nations Environment Programme (UNEP), said the organization was continuously improving its engagement with partners, including indigenous peoples, to enhance environmental sustainability and to realize the 2030 Agenda for Sustainable Development. It was also working to ensure that UNEP’s projects and activities respected the rights of indigenous peoples, reflecting their perspectives and needs. Noting that indigenous peoples were at the forefront when conflicts over access to and use of natural resources and land arose, he said UNEP had responded to crisis situations in more than 40 countries. Recent work in that area included the collaborative research project on “Mediating Natural Resource Conflicts — Guide for Mediation Practitioners” and the documentation of the impacts of industrial development on reindeer husbandry.

MARIA DEL ROSARIO SUL GONZALES, Cultural Survival, noted a number of violations of the right to free and informed consent and the abuse of land by various hydroelectric companies that had taken place in Guatemala. In response to those violations, the Government responded by persecuting activists and accusing them of being criminals and drug traffickers. The contamination and diversion of water by private companies was a continuous challenge for indigenous peoples in various parts of the country. The release of political prisoners was another ongoing issue in the country. She asked that the Forum continue to be vigilant to ensure the Government took steps to protect the well-being of indigenous peoples, as well as monitor cases in which indigenous leaders were criminalized.

ROYAL JK UI/O/OO, Deputy Minister for Marginalized Communities of Namibia, described a number of measures undertaken by his Government to protect and promote the rights of indigenous peoples. The main objective of the Division of Marginalized Communities was to integrate San, Ovatuwe and Ovatjimba communities into the economic mainstream. Those groups were referred to as marginalized communities, and not indigenous peoples, because all Namibians saw themselves as indigenous peoples of both the country and the continent. In the area of education support, he said the high illiteracy rate among marginalized communities was receiving high attention, and that the Government was working to construct permanent buildings for schools. In the area of resettlement and relocation, various farms had been procured for the resettlement of San communities in the Kunene region, where more than 800 households had been resettled. In the area of livelihood support, the Government was working to distribute food rations under the San Feeding Programme, and income generation projects had been implemented in almost all resettlement farms
and villages.

PALLAB CHAKMA, Kapeeng Foundation, said Bangladesh was home to more than 54 indigenous peoples, who comprised 2 per cent of the total population, including in the partially autonomous Chittagong Hill Tracts region and in the plains. They were among the most neglected groups in the country. Indigenous peoples routinely faced discrimination and human rights violations by State agencies, corporations, Bengali settlers and other non-indigenous actors. Thousands of acres of land had been forcibly taken in the name of commercial purposes, with military camps and tourist complexes set up either on titled or customarily held lands. The projects had been carried out without consultation or consent of the Chittagong Hill Tracts Regional Council. He urged Bangladesh to make the Chittagong Hill Tracts Land Commission functional without delay, and both the Forum and Member States to encourage that Government to implement recommendations made by the Forum at its tenth session.

Mr. GALLEGOS, Panama, associating himself with CELAC, said that his country had committed itself to guaranteeing the protection of traditional lands and property. That was a right which was elaborated within Panama’s Constitution. Panama had seven indigenous groups representing 12 per cent of the population. Large portions of indigenous lands were under official designation, representing 25 per cent of the total surface area of the State. Panama’s national development plan sought to promote intercultural dialogue and bolster democratic governance in response to demands for inclusiveness and the recognition of collective cultural rights. Inhabitants should be permitted to enjoy their own lifestyle, provide for their own well-being and have access to the joint benefits of the country. The Government had sought to reduce poverty levels and improve the economic positions of indigenous peoples by strengthening their traditional ways of life and increasing women and young peoples’ access to education, health care and infrastructure. The Government remained committed to a six-month round-table discussion with indigenous peoples, as part of the country’s move towards ratifying international labour conventions.

ROBERT MIRSEL, Vivat International Franciscans International, noted that mining activities in Indonesia, Brazil and the Philippines had not only been destructive, but also marginalized and excluded indigenous peoples from their territories. Land-grabbing had allowed for the massive expansion of palm oil plantations in Borneo and West Papua, Indonesia, both by transnational and national corporations through concessions provided by national and local governments, in violation of the right to free, prior and informed consent. The violation of the human rights of activists, environmentalists and human rights defenders was of great concern. “Without fair policies and social justice, there will never be peace and true social development,” he said.

KUNTI KUMARI SHAHI, Minister of State for Federal Affairs and Local Development of Nepal, said her country was home to over 125 ethnic groups, 59 of which were listed as indigenous nationalities. Noting that Nepal was emerging from conflict, she went on to say that, for the first time in its history, the country’s speaker of the Parliament was an indigenous woman. The new Constitution provided for the protection and promotion of cultures, languages, arts and scripts of marginalized people, and established independent commissions for such people. The country had been implementing the six mandated areas identified by the Permanent Forum, and it had established the National Foundation for Development of Indigenous Nationalities. Furthermore, the Government had introduced affirmative action for indigenous nationalities in the public services.

Ms. WILLIAMS (New Zealand), reiterating the importance of indigenous languages, said Māori culture and heritage were a critical part of her country’s national identity. The Government supported the protection of Māori cultural heritage through a range of domestic measures, including legislation, funding and monitoring. One of its national education goals was to advance Māori education initiatives, she said, noting that, while much progress had been made in that area, much remained to be done. The Government had therefore developed the Māori Education Strategy 2013-2017, which was designed to rapidly change how the education system performed so that all Māori students gained the skills, qualifications and knowledge needed to achieve and enjoy educational success. Noting that Māori had poorer health outcomes than non-Māori, she said the Māori Health Strategy guided the health and disability sectors to achieve the best possible outcomes for Māori.

ROBIN MINTHORNE, National Indian Youth Council, said research had shown that more than one in
three native women would be raped in their lifetime; 55 per cent of them would experience sexual violence in their lives. There were several reasons why such abuse was underreported. Sexual violence averaged at an annual rate as 7.2 per 1,000, while 34.1 per cent of Alaska native women would be raped in their lifetimes. It was a systemic issue. She recounted the experience of a Navajo girl abducted by another member of the Navajo Nation, a story that had shaken the state of New Mexico and Indian country, as it had spotlighted the problem of access to state-wide emergency response. Indigenous peoples had the right to self-determination, to autonomy and self-government, the right to life and to security of person. It was important to identify issues impacting indigenous women and to use the Declaration to connect states to indigenous communities.

JOHNNY HODGSON, Representative of Nation of the South Caribbean of Nicaragua, associating himself with CELAC and the Group of Friends of Indigenous Peoples, said that, for the last nine years, the Caribbean population in his country had seen significant progress in the restitution of their rights. Law 445, enacted in 2003, recognized the right to communal property and restitution of that right, while there was access to preschool, primary and secondary education, with a regional autonomous education system along the coast. There was greater access to health care, with coverage increasing for indigenous communities and those of African descent. For the Grand Interoceanic Canal project, a consultation process had been carried out to ensure the free, prior and informed consent of the Rama and Kriol people. On 10 January the Assembly of Rama and Kriol had adopted a draft document indicating consent, based on the environmental impact assessment, which had been reviewed by seven communities. On 3 May, the agreement was signed and it would be published in the official gazette.

JUDIT ARENAS LICEA, speaking on behalf of the International Development Law Organization (IDLO), said her organization promoted legal pluralism because there was no single legal system that trumped others. Underscoring the principles of equality, inclusion, sustainable development and respect for human rights, she said her organization proudly shared the values of the Declaration on the Rights of Indigenous Peoples. Noting that poverty, marginalization, loss of habitat and in some places outright extinction still threatened indigenous peoples around the world, she said that indigenous voices were rarely heard in processes and decisions that affected them directly. Her organization worked at the policy and advocacy levels to redress that challenge. The inclusion of the rule of law in the new sustainable development paradigm was a powerful way to include indigenous people in decision-making and to support legal pluralism. Her organization was working with ministries of justice in various countries, as well as with indigenous community leaders on legal issues, such as the reduction of land-related conflicts.

LEDKOV GRIGORII, speaking on behalf of Raipon, said his organization was involved in preserving the way of life of the indigenous groups of the Russian Federation. The group was currently carrying out programmes to revitalize indigenous languages. For example, 80 per cent of the words used by reindeer herders came from indigenous languages, so helping to preserve their way of life also helped to preserve language. He noted that indigenous people themselves bore the greatest responsibility to preserve their language and culture, and proposed that the Forum’s outcome document include an appeal to individual indigenous people that they work to preserve their native languages at home.

Mr. VACA, Member of Parliament of Bolivia, associating himself with CELAC, reaffirmed his country’s commitment to implement the outcome of the World Conference of Indigenous Peoples, which outlined a global agenda and path for implementing the Declaration. He welcomed the Human Rights Council resolution requesting a review of the Expert Mechanism mandate, calling on all interested parties to contribute to that process and recalling the commitment in resolution 70/232 on indigenous peoples’ participation and representation in United Nations meetings. Indigenous peoples had resisted colonization, preserving their culture and philosophy to live in balance with mother Earth. “We want to build a society and State that are more inclusive,” he said, in order to fight extreme poverty. In such efforts, Bolivia had referred to traditional knowledge, medicine and plants, which were sources of “great scientific wisdom” and could be used in food production to increase food security.

JUSTIN FILES, speaking on behalf of the Maari Ma Health Aboriginal Corporation, said education and health could drive current and future self-determination by facilitating access to decision-making in public and private sectors, leading to indigenous empowerment. The National Aboriginal and Torres Strait Islander Education Strategy, adopted in 2015, included an initial set of national priorities, such as
childhood education and care, early childhood transitions and attendance and engagement. Noting that, like many indigenous peoples, the Aboriginal and Torres Strait Islander population was facing crisis levels of suicide, he asked the members of the Forum to urge nations to implement their commitment to the principles of indigenous sovereignty and social justice by ensuring that indigenous peoples were able to exercise their rights to education and health. He further asked them to ensure that nations were engaging effectively with indigenous peoples’ organizations in line with the principles of free, prior and informed consent.

YON FERNANDEZ DE LARRINOA, Food and Agriculture Organization (FAO), said the system-wide action plan for achieving the Declaration gave United Nations agencies funds to advance agenda by building respect among indigenous representatives, States, the Forum and agencies. Coordination was more important than ever. There were several results: free prior and informed consent was now mandatory within his organization, and included a programme manual. FAO had opened a grievance office related to non-compliance with obligations, which now included free, prior and informed consent. It was launching national programmes for indigenous women on human rights, food and nutrition security, and collaboration with the indigenous women’s global leadership school. Indigenous peoples were among the hardest hit by climate change. Their knowledge was essential for mitigation and adaptation, which was why it launching forests projects.

JUAN CARLOS MENDOZA-GARCÍA (Costa Rica), associating himself with CELAC, described his country’s comprehensive legal framework, noting that it was a State party to International Labour Organization (ILO) Convention No. 169, which superseded the Constitution. Last August, a constitutional reform established the pluricultural nature of the country, defining it as democratic, free, multi-ethnic and pluri-cultural. The situation of indigenous peoples must be addressed through a rights-based focus. Education reform had culminated with a 2013 decree modifying the indigenous education subsystem, which now ensured that ancestral languages were preserved and spoken, as well as development of a context based curriculum. A national financial system for housing benefitted indigenous populations, and to fight discrimination, the Ministry of Labour and Social Security offered economic subsidies to help vulnerable segments of the population.

CHIEF DONALD HARRIS, Indigenous Network on Economics and Trade, expressed concern about an ongoing controversy in which the Government of Canada had threatened to modify or terminate the right of indigenous people to access portions of its ancestral land. The dispute had caused significant conflict between and within indigenous peoples in British Columbia. The affected indigenous groups had sought to engage the Government, but the efforts had failed to resolve the conflict. Despite claims by the Canadian Government that it would fully adopt the Declaration, the principle of free and prior informed consent had not been historically honoured. Land claim agreements had a history of extinguishing indigenous rights. He urged the Government to acknowledge the rights of the indigenous people in order to achieve peace.

SVEN JÜRGENSEN (Estonia) said the outcome document of the World Conference of Indigenous Peoples included deliverables for the United Nations and it had taken those mandates seriously, with the launch of the action plan for achieving the Declaration. The participation of indigenous representatives in relevant United Nations forums that addressed institutional issues was important and Estonia had been among those supporting the establishment of such consultations. The future of Finno-Ugric peoples was an issue Estonians followed closely, often with concern. Through the Kindred Peoples Programme, now in its fourth cycle, the Government would allocate €1.27 million for cultural and education projects. More broadly, Estonia would continue to support the United Nations Fund on Indigenous Populations, he said, noting that communication among indigenous groups would be essential for preserving languages and cultures, efforts that should be supported by all Member States.

EMINA DZEPPAROV, Mejlis of the Crimean Tatar People of Crimea, said she was a former journalist who had been forced to leave in 2014 to fight for her people. It was a fight that had once involved her grandfather in 1944, a man who had devoted his life to return Tatars to their homeland, and her father, half a century later. The annexation of Crimea by the Russian Federation in 2014 was crucial, as the indigenous Tatar population was a target for oppression due to their opposition to the taking of their
homeland. Today, Crimea was a “stolen land” and “a peninsula of fear”. Since 2014, arrests had been made on ethnic and religious grounds, and the independent media had been shut down, with the only Tatar television channel, a symbol of cultural and language recovery, forced out. In two years, 21 people had gone missing, with some found dead and tortured. Hundreds of houses had been invaded, with searches not aimed at finding something but rather, used as official instruments to terrify people. The Tatar Mejlis, which embodied the right to self-determination, had been declared an extremist organization, and on 6 May, 50 armed people invaded a Crimean Tatar settlement, where people were demanded to undergo personal identity verification. She called on indigenous peoples to provide moral support to Crimean Tatars.

GUSTAVO MEZA-CUADRA VELÁSQUEZ (Peru) said his Government recognized that the Forum was a platform to exchange views and ideas about indigenous issues, such as health, education, culture, human rights and economic and social development. Peru was home to about 55 indigenous groups, which spoke 47 different ancestral languages. Their knowledge, culture and languages were transmitted from one generation to the next. Peru was working to promote social equality and respect for indigenous peoples’ rights. In 2011, Peru had passed a law on the right to prior consultation, which made it the first country in the region to comply with ILO Convention 169. Peru had carried out 23 consultative processes on topics such as hydrocarbon, mining, as well as the forest and health sectors. The State had also engaged in activities to promote better communication with indigenous peoples, including a training programme for translators and interpreters in 35 ancestral languages. The Government also created a registry of people in isolated areas and whether initial contact had been made to provide specialized attention and facilitate the establishment of protection measures for those indigenous groups.

MIKAELA JADE, Tribal Link, said indigenous lands, waters and subterranean environments were not commodities, but rather, intrinsic parts of peoples’ identities and livelihoods. She decried the collapse of those natural resources, as well as the displacement, militarization, drought, contamination and evaporation of rivers, streams and lakes experienced by indigenous communities. Furthermore, the education in non-indigenous society was not appropriate for indigenous peoples’ culture of learning and teaching. In implementing the Declaration, she urged States to reaffirm their commitment to article 7 on the collective rights for freedom and enjoyment of human rights, and to provide annual follow up in the Forum on human rights, lands and education.

JORGE JIMÉNEZ, Director-General of Social Development, Ministry of Foreign Relations of El Salvador, associating himself with CELAC, said that, in July 2014, article 63 of the Constitution was ratified, ensuring that indigenous ethnic, cultural and spiritual identities would be maintained. A draft policy on indigenous peoples, which contained provisions for their economic, social and political development, took a multi-ethnic approach which indigenous peoples were in the process of validating. National institutions were engaging in activities to uphold indigenous peoples’ rights, including the Health Ministry, which was implementing a multicultural policy. The Institute for Agricultural Transformation had a policy for equality and non-discrimination that aimed to uphold indigenous rights. El Salvador was taking an aggressive approach to raising awareness about ancestral and traditional cultures.

DIKLAT GEORGEES, Assyrian Aid Society, noted the persistence of genocidal acts targeting indigenous peoples in Iraq and Syria, which had greatly increased since 2014, resulting in killing, displacement and involuntary mass migration. It was apparent that the objective of Islamic State in Iraq and the Levant (ISIL/Da’esh) was to systematically wipe out the cultural heritage of indigenous Assyrians by destroying artefacts thousands of years old. Criminal acts were ongoing the Nineveh Plains region of Iraq, most of which was occupied by Da’esh, and the towns and villages situated in the Iraqi Kurdistan region had become a battlefield for fighting between the Turkish army and Kurdish fighters. The Iraqi Government had approved the criminal acts committed by Da’esh against the Assyrian Christians. As that amounted to a genocide, she demanded a number of actions, including the creation of an internationally protected zone for the indigenous peoples in the Nineveh Plains; support for the indigenous peoples there to regain and safeguard their lands; plans to stop the ongoing destruction and targeting of antiquities; and a plan to provide indigenous peoples the necessities to return to their righteous lands.
ANA CAROLINA RODRÍGUEZ DE FEBRES-CORDERO (Venezuela), associating herself with CELAC, said Latin America and the Caribbean had set an excellent example in which the words and actions of indigenous peoples were being strongly defended. Venezuela owed an historic debt to indigenous peoples, which had suffered genocide and the plundering of their land and wealth by colonizers. Since the adoption of Venezuela’s Constitution in 1990, the country had made sustained progress in protecting the rights of indigenous peoples, including their worldview and history. Indigenous peoples in Venezuela had become full actors with a voice and vote throughout public life. The Constitution contained a full chapter devoted to the rights of indigenous peoples, including their social, political, economic and cultural rights. Indigenous peoples had a right to the lands that they had historically occupied. The Government had set up a language institute to preserve and promote indigenous peoples’ languages and ensure that education policies existed based on indigenous values and cultures.

Mr. LOPEZ, Congreso General Guna, highlighted a new programme his people had launched that focused on traditional knowledge. There were plans under way to increase and expand that programme next year. It was essential that individual cultures and ways of life were maintained so that future generations would have that knowledge at their disposal. The Guna had organized and fought against the Zika epidemic and developed a programme for food security, which was especially important given the ongoing impacts of climate change and the negative effects on the agriculture sector. The Guna had launched small community projects, which were eventually expanded into large-scale community-based undertakings. The Guna had also focused on restoring and maintaining traditional and ancestral knowledge, including in the area of medicine.

YAO SHAOJUN (China) said countries should seize the 2030 Agenda as an opportunity to intensify implementation of the Declaration, with a focus on indigenous people’s poverty alleviation, education, health care and housing, as well as on protecting their unique culture, languages and lifestyles. He welcomed the system-wide action plan, expressing hope that all United Nations agencies would promote and protect the rights of indigenous peoples in developed countries. China did not have indigenous peoples, but firmly supported promotion of their rights. The indigenous concept was a product of colonial history. A distinction should be made between native and indigenous peoples, while expansion of indigenous peoples’ participation at the United Nations should be in line with the Charter, in order to ensure States’ sovereignty and political unity, and to maintain the intergovernmental nature of the Organization. China would work with the group of advisers appointed by the General Assembly President and promote consultations on expanded participation at United Nations conferences.

ROSALEE GONZALES, Continental Network of Indigenous Women of the Americas, welcomed advances at the sixtieth session of the Commission on the Status of Women, which accepted empowerment of indigenous women as a theme at a forthcoming session. Territories throughout the Americas continued to be militarized and exploited for natural resources, she said, denouncing such militarization and defending peaceful demonstrations as an option to report on such violations. Criminalization of the continent’s indigenous peoples had made their leaders vulnerable to death. She asked the Forum to denounce statements that perpetuated a war against the protection and promotion of indigenous peoples’ rights. The Forum should carry out a study on genocide perpetrated against indigenous peoples, pressing the United Nations to create a fund for indigenous women and youth. Implementation of the Declaration required inclusion of all indigenous peoples located within nation State boundaries.

RACHEL O’CONNOR, Assistant Secretary, Strategy Policy and Coordination Branch, Department of Prime Minister and Cabinet of Australia, stressed the value of the important work undertaken by the National Human Rights Institution and the Aboriginal and Torres Strait Islander Social Justice Commissioner in monitoring and reporting on the enjoyment and exercise of human rights by aboriginal and Torres Strait Islander peoples. Recognizing that economic development often led to improved social and cultural outcomes, Australia was committed to creating an environment that stimulated indigenous peoples’ economic empowerment. To that end, the country’s indigenous procurement policy set out mandatory annual procurement targets for Government agencies to award contracts to indigenous businesses. In the first six months of the policy, direct and indirect contracts valued at more than $91 million were awarded to 250 indigenous businesses.

TINA NGATA, speaking on behalf of Hinerupe Marae, said that never before had the Earth been so
gravey ill. Conventional science had confirmed what many indigenous peoples had known for some time — that the severity of the condition called for bold, immediate action. Brave leadership was required, she said, stressing that the next United Nations Secretary-General must be confidently supported by indigenous peoples. She noted with concern that the nominee from New Zealand had cited the leadership of that country as a credential for the role of Secretary-General, when that same leadership had overseen multiple abuses of indigenous rights. That same candidate, in opposition to the Māori, had refused to sign the Declaration on the Rights of Indigenous Peoples, labelling it divisive, “unimplementable” and incompatible with New Zealand’s Constitution and legislative arrangements. That track record was of extreme concern, she said, recommending that the Permanent Forum impel the United Nations to specifically consider responsiveness to indigenous rights as criteria for the role of Secretary-General.

LEIA RODRIGUES (Brazil) said her country had put in place national legislation to improve the well-being of indigenous people, taking into account the specificities of their cultures. A special secretariat for health had been established and thousands of professionals were working to guarantee specialized attention to health issues, bearing in mind their traditions and customs. The Government had stepped up measures to compile and process data related to indigenous peoples to enable better public policy planning. The suicide rate among indigenous peoples in the country was much higher than that of the wider population and namely involved young men and boys. Brazil was carrying out a number of social assistance initiatives to address the phenomena and had added traditional practices to the conventional medical services that had been employed to deal with that situation. The health and education of indigenous populations was a priority, as was the protection of indigenous languages, which faced a number of complex challenges.

TAWERA TAHURI, Global Indigenous Women’s Caucus, called on the Forum to re-evaluate the decision to dissolve the global and regional caucus statements and reinstate their priority to speak. It should urge States to stop using police militarization on indigenous nations and instead, allow the full, equal and effective participation of indigenous peoples in decisions affecting their lands, self-determination and rights. Indigenous peoples had a sacred relationship with their lands and a duty to protect them. Yet, companies were entering their territories unlawfully, without free, prior and informed consent, thereby side-stepping the original peoples holding the underlying title to them. She rejected the Rio+20 definition of the “green economy”, stressing that a collaborative definition should be created with indigenous peoples and that the platforms for engagement with States on water regulation, among other things, required review.

LOTTIE CUNNINGHAM, Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua, said collective human rights violations were a constant reality along the Caribbean coast of Nicaragua. Following progress in recognizing their land rights, their human rights situation had begun to deteriorate, as Nicaragua had failed to complete land demarcation and titling, which would have recognized the peoples’ rights to territory. Last year had seen increased attacks by settlers on indigenous peoples, forcing the displacement of 3,000 people who had become refugees in neighbouring communities and in Honduras. Since 2013, 28 people had been killed, 38 wounded and 18 abducted, 3 of whom had not yet been found. She urged Nicaragua to start a land title regulatory process with priority given to lands that were in conflict and to relocate settlers. Nicaragua had not responded to requests from the Inter-American Human Rights Commission on those issues, nor had it started dialogue with affected communities. The Rama and Kriol people in the autonomous region of the Caribbean were to have signed a lifetime lease, however, consultations that should have involved free, prior and informed consent had not been carried out.

PATRICIA WATTIMENA, Asia Indigenous Peoples Pact, issued a number of recommendations to Member States, including: that they recognize and promote the historical role and contributions of indigenous peoples in protecting and conserving the environment; develop and/or revise and implement, in conjunction with indigenous peoples, their environment-related legislation to ensure the respect and promotion of the rights of indigenous peoples; review and revise discriminatory laws, policies and programmes on traditional and sustainable livelihoods and occupations; and develop targeted and specific programmes in partnership with indigenous peoples in supporting their sustainable conservation and resource management practices. She went on to highlight several critical areas that were impacting the rights of more than 270 million indigenous peoples in Asia, including the narrow approach to environmental conservation and
protection and the conversion and exploitation of indigenous peoples’ land and resources.

NESHA XUNCAX CHE, speaking on behalf of the Council of Western Mayan People of Guatemala, expressed concern regarding systematic violations of the fundamental rights of indigenous peoples as a result of the implementation of the extractive model, which included mining, hydroelectric projects, petroleum and monocultures — all without the consent and without prior consultation of the Western Mayan people. Since 2010, the group had been deeply outraged at the social destabilization that companies such as Hidro Cruz Water Development Projects had caused in collusion with the Governments of their territories, which had resulted in deaths, unlawful detentions, repression and militarization. She also expressed deep concern about the systemic violations of due process by the justice system in Guatemala in relation to political prisoners. She therefore issued a number of demands, including: the immediate release of several political prisoners; protection for human rights defenders and community leaders; respect for the decisions of the peoples; and the annulment of mining, hydroelectric and oil licenses authorized in their territories without consultation with indigenous people.

11 MAY 2016, HR/5300, Discriminatory Pressures Confronted by Indigenous Youth, Traditional Land Rights of Peoples, among Issues Highlighted as Permanent Forum Continues Session: Permanent Forum on Indigenous Issues, Fifteenth Session, 5th Meeting (AM): High suicide rates among indigenous youth related directly to the severe — and often invisible — discriminatory pressures they confronted in reconciling past colonial injustices with their search for a better future, the Permanent Forum on Indigenous Issues heard today amid strong calls for education, health care and job opportunities that honoured their traditional heritage.

Opening the meeting, Ahmad Alhendawi, Secretary-General’s Envoy on Youth, said many indigenous children and youth were unable to access their basic human rights, suffering from preventable disease, as well as a lack of medical care, education and support from local authorities when they tried to stand up for their rights.

“You have to pause here and ask why this is the case,” he said. The data spoke to a bleak reality. Suicide among Inuit youth in Canada was among the highest in the world and 11 times the national average. In Australia, suicide was the leading cause of death for Aboriginal people aged 15 to 35 years, while in New Zealand, suicide among Maori youth in 2012 was nearly three times the rate among their non-Maori counterparts.

Suicide and self-harm were not merely mental health issues, he said, but related to social and economic situations. Going forward, young indigenous people must have a voice, both in their communities and within the United Nations. He looked forward to working with the World Health Organization (WHO) and the United Nations Children’s Fund (UNICEF) on strategies to tackle self-harm and suicide, stressing that more indigenous youth were needed in the work of the Forum.

That point was echoed by several representatives of the Global Youth Caucus, who decried the trauma perpetrated against their peoples through denial of the very languages, knowledge and values that had brought traditional communities to life. “We deserve to heal,” said one speaker, stressing the need for education influenced by ancestral values and languages. Communities had to move forward in ways that allowed for ownership and pride.

In that context, another Youth Caucus speaker pressed the Forum to work with the Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNICEF to increase education about indigenous peoples’ diversity, history and rights.

Throughout the day, representatives of indigenous groups, Governments and United Nations agencies continued general debate on the six areas of the Forum’s mandate.

Many indigenous speakers drew attention to situations in which the rights of their people were being disrespected, especially around traditional land, territory and resources. Among those was the representative of the Centre for Organizational Research and Advocacy, Manipur who called on India to repeal its Armed Forces Special Powers Act and enforce a moratorium on all mega-development projects that failed to consider the free, prior and informed consent of indigenous communities in
Manipur.

Along similar lines, the speaker from the Network of Indigenous Women’s Biodiversity Latin America and the Caribbean said the Forum should press WHO to help indigenous peoples affected by the poisonous consequences of illegal mining in the Venezuelan Amazon.

Government representatives outlined ways their administrations were working to improve indigenous peoples’ lives, with the representative of the Russian Federation noting that legislation granted special legal status and priority access of indigenous peoples to natural resources. Indigenous peoples enjoyed the right to land use free of charge in areas of traditional residence.

The representative of Ecuador said that through a participatory public policy, her country had offered opportunities for employment, health, economic empowerment and the development of peoples and nationalities which had historically been excluded. It also had created national councils for equality.

Forum experts also offered their views, with Oliver Loode, Forum member from Estonia, pointing to the “disappointing tendency” of the Russian Federation to blacklist several indigenous non-governmental organizations, which were accused of being “foreign agents”. Such labelling resulted in damage to those organization’s reputation, created bureaucratic hurdles and could result in financial penalties.

Kara-Kys Arakchaa, Forum member from the Russian Federation, said that in fact, the Forum’s recommendations were being heeded. “Many of our issues might take years to address,” she said, stressing that States were not always ready to immediately tackle them. She had always drawn attention to the positive aspects in indigenous peoples’ lives, especially on issues of self-governance, lands, education, language and culture.

Also speaking today were representatives of Alianza de Mujeres Indigenas de Centroamerica y Mexico, Mokuola Honua, Inuit Circumpolar Council and the United Confederation of Taino People.

Representatives of the Philippines, Cuba and Bolivia also spoke.

Forum members from Canada, United States, Russian Federation, Algeria and Estonia made interventions, as did a member of the Expert Mechanism on the Rights of Indigenous Peoples.

Representatives of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Pan American Health Organization (PAHO) also delivered remarks.

The Permanent Forum on Indigenous Issues will reconvene at 3 p.m. on Thursday, 12 May, to continue its fifteenth session.

Interactive Dialogue

AHMAD ALHENDAWI, Secretary-General’s Envoy on Youth, said there was a strong international normative framework around the rights of indigenous children and youth, with the Convention on the Rights of the Child outlining that they should live long lives free from poverty and discrimination and feel proud of their identity. The Declaration on the Rights of Indigenous Peoples also guaranteed a set of rights and freedoms for indigenous youth, such as culturally appropriate education.

Yet, he said, many indigenous children and youth were unable to exercise and access those human rights, suffering from preventable disease, as well as a lack of medical care, education and support from local authorities when they tried to stand up for their rights. “And you have to pause here and ask why this is the case,” he said, noting that he had heard from them about their struggles.

The data spoke of a “bleak reality”, he said, with suicide among Inuit youth in Canada among the highest in the world and 11 times the national average. In Australia, suicide was the leading cause of death for young Aboriginal people aged 15 to 35 years, while in New Zealand, in 2012, suicide among Maori youth was nearly three times the rate among their non-Maori counterparts. Suicide and self-harm were not merely mental health issues, but rather, were directly related to the social and economic situation.

Going forward, he said young indigenous people must have a voice both in their communities and within the United Nations, and he looked forward to engaging with them. He also looked forward to working more with the World Health Organization (WHO) and the United Nations Children’s Fund (UNICEF) on strategies to tackle self-harm and suicide, collecting best practices on prevention and sharing information with others. More indigenous young people were needed in the work of the Permanent Forum and the Economic and Social Council Youth Forum.
With that, he pledged to work closely with the Indigenous Youth Caucus to mobilize young indigenous people who were combating climate change, building peace and fighting poverty worldwide.

A representative of the Global Indigenous Youth Caucus said that indigenous peoples, and especially the youth, had a special connection to the environment. Traditions, languages, and the relationship to the land were the fundamental basis of indigenous identity. Many indigenous peoples living in urban environments had been stripped of their connections with those critical elements of life, which was a cause of suicide among the youth. The underlying causes of suicide were complex and could only be understood through history and culture. Promoting indigenous languages, connections to the land and ancestors would allow the youth to heal and overcome the intergenerational trauma they had faced. Forced displacement due to the implementation of projects in the name of development pushed youth towards urban areas, exposing them to racism and discriminatory treatments, which had significantly affected their self-esteem and health. Proper support needed to be put into place so that indigenous youth could find hope for survival.

Another representative of the Global Indigenous Youth Caucus said that forced displacement had violated the fundamental rights of indigenous peoples. Defending traditional lands and territories had led to persecution, disappearances and the murder of the leaders. Colonization had produced a great history of trauma that had devastating effects on indigenous youth. The denial of native languages, traditional knowledge, identities and Mother Earth were all detrimental to indigenous youth. The effects of colonization had resulted in many youth engaging in self-harm and suicide to “stop the pain”. It was not accurate to say that indigenous youth wanted to possess their traditional lands for economic gain.

The Global Indigenous Youth Caucus, she said, recommended that the United Nations establish programmes and funds that would help indigenous peoples regain control of their territories, natural resources and traditional knowledge, with the full participation of youth. The United Nations should generate a mitigation mechanism to address climate change, with full indigenous participation. Further, States should generate mechanisms for entitlement and collective possession of indigenous territory and ensure the legal governance of indigenous peoples over their territory. She recalled that the rights of indigenous peoples were linked to the most fundamental of human rights, which were obligatory for States. The youth were most affected by forced displacement from territories, which often resulted in self-harm and suicide. There needed to be national strategies, coordinated with indigenous peoples to reduce deforestation. The Caucus recommended mechanisms that ensured free, prior and informed consent and concrete policies to eliminate racism, discrimination and intolerance against indigenous peoples. Mechanisms should also be adopted to regulate the content of media that perpetuated discriminatory and racist stereotypes of indigenous peoples.

Another representative of the Global Indigenous Youth Caucus stressed that indigenous youth had the right to access the learning of their ancestors. “We must be proud of our culture,” she said, and have a clear cultural identity. The history of colonization should be made transparent to young people and openly discussed so that families could heal. Education had become a tool of stigmatization — and an intergenerational trauma was slaughtering indigenous communities through drug and alcohol addiction, self-harm and suicide. “We deserve to heal,” she said, noting that education was the solution. It was crucial that education be influenced by ancestral values and languages. Indigenous youth were at a cross roads: “we must decide how to move forward”, she said, in a way that allowed for ownership and pride. The education system must reflect collective and holistic norms and values to build the foundations that indigenous youth dreamed of for generations to come.

Another representative of the Global Indigenous Youth Caucus recommended that decolonization be part of the education system, reaffirming that indigenous peoples had the right to determine what they wanted to learn and what non-indigenous people learned about them. The Forum must work with the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to increase education about the diversity, history and rights of indigenous peoples. She called on all United Nations agencies to collaborate with States to implement the Declaration’s article 15, recommending that UNESCO provide empowerment programmes on the transmission of traditional knowledge and languages.

Following the presentation by the Global Indigenous Youth Caucus, participants were invited to respond to
their recommendations.

EDWARD JOHN, Forum member from Canada, said the youth must be valued as “treasures”, as they were the foundation of the future and would be the ones to pass on knowledge, traditions and teachings to the next generation.

DALEE SAMBO DOROUGH, Forum member from Alaska, urged Member States to take up the recommendations made by the Global Indigenous Youth Caucus, particularly those related to education, and the need for financial resources to address the phenomena of self-harm and suicide.

WILTON LITTLECHILD, member of the Expert Mechanism on the Rights of Indigenous Peoples of Canada, noted that addressing the threat of self-harm and suicide could be as simple as promoting environments for children to play, such as setting up local youth recreation centres.

Mr. ALHENDAWI agreed with the all the comments made, which had validated the data reflecting young indigenous people’s realities. He urged exploring the root causes of self-harm, suicide and discrimination, and agreed that the right to play should afford children safe public spaces to enjoy land and services. The approach should be to promote healthy development. There was a need to define what constituted a decent opportunity for indigenous youth, which should include access to culturally appropriate education. Traditional livelihoods should be supported.

Mr. MONTERO, Global Indigenous Youth Caucus, said suicide and self-harm was a problem related to mental health, as well as assimilation, loss of language, forced displacement and lack of public policies. The political will of States and United Nations agencies, along with indigenous groups, would allow for solving the problems indigenous youth faced. The Caucus would continue to work with the Forum in fighting for the rights of all generations.

AISA MUKABENOVA, Forum member from the Russian Federation, advocated developing clear responses to the issue of young people’s self-harm and suicide. There was a call for WHO to craft a global programme to combat that behaviour and study its proliferation and compile best practices. She hoped to see results.

MARIAM WALLET ABOUBAKRINE, Forum member from Algeria, said that indigenous young people not only suffered from factors influencing their socioeconomic status, they were also frustrated by the militarization of their lands and territories, which had become “theatres of abuse”, which had left scars. She urged WHO put forward a global response for mental health of young indigenous peoples and more closely cooperate with the Forum and set up a focal point. “We are facing a lack of interlocutors within this organization,” she stressed.

Statements

IGOR BARINOV, Head of the Agency of Nationality Affairs of the Russian Federation, said the Government had provided protections for indigenous peoples to help them maintain their traditional ways of life, economy and industry. From 2002–2010, the aggregate number of indigenous peoples had increased by 3 per cent in the country. On human rights, Russian legislation granted special legal status and priority access of indigenous peoples to natural resources. Indigenous peoples enjoyed the right to land use free of charge in areas of traditional residence. Social concessions were granted as well, including early retirement, five years earlier than other Russian citizens. Additional social support measures were in place for indigenous peoples, including targeted assistance for housing and health. Support for traditional economic activity, culture and language was also provided. Indigenous peoples were members of both chambers of the Russian Parliament. Improving the quality of life of indigenous peoples was a top priority within the Russian Federation’s sustainable development framework.

OLIVER LOODE, Forum member from Estonia, in response, pointed out the “disappointing tendency” of the Russian Federation to blacklist several indigenous non-governmental organizations, which were accused of being “foreign agents”. He expressed concern that such labelling resulted in damage to those organizations’ reputation, created additional bureaucratic hurdles and could result in financial penalties.

BEATRICE DUNCAN, United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), said that promoting the human rights and empowerment of indigenous women formed an essential part of its mandate. UN-Women recognized the tenacity of indigenous women and their significant contributions to moulding and sustaining the future of their communities through a unique sense of identity.
Indigenous women also had leadership roles in sustainable resource management, food security and the protection of ancestral lands and language. UN-Women was concerned that indigenous women and girls continued to face significant challenges in their ability to access social services. Despite the important role that they played, their voices and participation in the political economy remained restricted. The 2030 Agenda for Sustainable Development pledged to leave no one behind, which was a promise that needed to be upheld for indigenous women and girls. Addressing historical underinvestment in expanding women and girls’ capabilities and resources and restricting their marginalization and subordination were indispensable for the achievement of their rights.

NORMA SACTIC, Alianza de Mujeres Indígenas de Centroamérica y México, welcomed consultations by the President of the General Assembly to guarantee indigenous peoples’ representation in United Nations bodies. However, in each country, compliance with indigenous peoples’ human rights had not been implemented. She recommended including indigenous women in plans and public policies that enhanced language and identity of them, to review the legal framework of countries and help decide how to eliminate discrimination. Governments should establish mechanisms that respected indigenous women’s human rights at local, national and regional levels, and develop a budget that considered their needs.

HELENA YÁÑEZ LOZA (Ecuador), associating herself with the Community of Latin American and Caribbean States (CELAC), said that through a participatory public policy her country had implemented affirmative action, like access to employment, health, economic empowerment and the development of peoples and nationalities which had historically been excluded and discriminated against. Ecuador recognized ancestral indigenous medicine and health so as to protect the country’s diversity, and the family health model was guided by social inclusion, interculturality and generational approaches. The national education system was in keeping with the rights of peoples and nationalities and incorporated the knowledge of several cultures. Ecuador also had created five national councils for equality, among which was a council for peoples and nationalities. Afro-Ecuadorian and indigenous people had joined the foreign service.

SANDRA DEL PINO, Pan American Health Organization (PAHO), said her agency was aware of the need for intercultural approaches to health services. Policies, plans and programmes on health needed to respect the differentiated needs of populations and ensure the right to non-discrimination in medical services. PAHO had provided thematic information on the rights of indigenous peoples and reiterated the need for different mechanisms and agencies working on indigenous issues to coordinate joint action with successful results. Her agency would continue to work on reducing maternal and child mortality in indigenous communities, as well as the prevalence of tuberculosis, HIV/AIDS and other infectious diseases. Mental health with a special focus on children and adolescents was a priority for PAHO. The impact of climate change was another key issue, and in that regard, PAHO highlighted the need to strengthen cooperation with other agency and community leaders to address that challenge.

AMY KALILI, Mokuola Honua, said her organization recommended that the Forum further examine, investigate and identify specific strategies for the implementation of the recommendations that would be officially adopted from the International Expert Group Meeting on Indigenous Languages. Efforts should be taken to assess what States have done to promote language efforts and identify and articulate specific measures States should take to effectively implement the recommendations being put forth from the Expert Group. The Mokuola Honua applauded the Permanent Forum for its initiatives on the critical issue of language protection and for keeping the topic in the forefront of discussion.

THERERSE R. CANTADA (Philippines) said her country promoted the full participation of indigenous peoples in the formulation, implementation and evaluation of policies and programmes that directly affected their development, noting that there were 2,708 indigenous representatives in local legislative and special bodies. Of the 4.4 million household that benefitted from a cash-transfer programme, 570,056 were indigenous households. The Government was committed to providing access to an inclusive and culture-based education to every indigenous learner through the national indigenous peoples’ education policy framework. Recognizing the right to culturally-rooted and responsive basic education, the Department of Education in 2015 provided guidance to schools as they engaged with indigenous communities.

Jiten Yumnam, Centre for Organizational Research and Advocacy, Manipur, said north-eastern India had been long afflicted by armed conflict stemming from indigenous peoples’ rejection of the forced
merger of Manipur with India in 1949. The promulgation of the Armed Forces Special Powers Act of 1958 had led to the full deployment of India’s armed forces in Manipur and derogation of non-derogable human rights. Efforts to complete the Mapithel Dam, the proposal to build a 1,500 hydroelectric project and signing of memoranda of understanding to build four mega dams in 2014 — without its peoples’ free, prior and informed consent — undermined their self-determination. He pressed the Forum to urge India to recognize his people’s right to self-determination, repeal the Special Powers Act and enforce a moratorium on all mega-development projects that failed to consider the free, prior and informed consent of indigenous communities in Manipur.

ANA SILVIA RODRÍGUEZ ABASCAL (Cuba), associating herself with CELAC, said that historically, indigenous peoples were subjected to serious violations of their rights, including genocide, discrimination and the pillaging of their resources. She recalled that the indigenous population of Cuba was exterminated over several decades after the colonization of the island. The adoption of the Declaration was a historic victory for indigenous peoples in recognition of their ancestral rights. Cuba supported the adoption of the General Assembly resolution that urged Governments and the United Nations system to develop and implement appropriate measures, plans, projects, programmes and other concrete measures to protect the well-being of indigenous peoples. Cuba supported the right of indigenous peoples to self-determination, freely choose their political status and achieve economic, social and cultural development. Protection had been made in the establishment of the human rights of indigenous peoples, although they continued to face daily violations of those rights. Denial of the right to ancestral territories was a regrettable reality in many parts of the world.

HJALMAR DAHL, Inuit Circumpolar Council, speaking on behalf of the Indigenous Arctic Caucus, said the complex range of tasks undertaken by the Forum could hinder the effective implementation of the Declaration. The Forum should be strengthened by encouraging more States to participate in its sessions, especially as they had committed to consider the Forum’s recommendations. One important goal was to enhance equality and prevent discrimination in the mandate areas. The Forum should develop, promote and protect indigenous peoples’ right to self-determination. Indigenous peoples had a right to free, prior and informed consent, which should be respected by States and others with commercial interests in indigenous territory, land and resources. The Forum could use the follow-up to the World Conference on Indigenous Peoples to strengthen its own work in its six mandate areas.

Mr. BARINOV, Russian Federation, said that his country had the right to defend itself from foreign financing that came into the country for political purposes. The Russian Federation was far from the first country to have a foreign agent law in place, he recalled. That law was initially adopted in the United States and similar laws currently existed in many other countries around the world.

Mr. LOODE said that the non-governmental organizations in question that had been shut down in the Russian Federation had not engaged in politics — they were focused exclusively on indigenous issues.

FLORINA LOPEZ, Network of Indigenous Women’s Biodiversity Latin America and the Caribbean, drew attention to chemicals used in illegal mining, urging that the Forum press WHO to take action with regard to indigenous peoples who had in their blood mercury and other substances that posed serious health risks. WHO should investigate contamination of water, fish and other resources. Focusing on illegal mining in the Venezuelan Amazon region, especially in San Juan de Manapiare, indigenous peoples had suffered attacks for having denounced such activities. “This situation is not new”, she said, noting that in 2012, 92 per cent of indigenous women tested for mercury presented higher levels than the 2 milligrams per kilogram defined as safe by WHO. The results were shown to several State bodies without response. She urged the Forum to press WHO to help indigenous peoples affected by that situation and to push States to stop illegal mining.

KARA-KYS ARAKCHAA, Forum member from the Russian Federation, urged understanding what the Forum meant to States and whether Governments were heeding its recommendations. It spoke to its effectiveness as an advisory body. Indeed, the Forum’s recommendations were being heeded. Participants had discussed the Forum’s six mandates, with some indigenous peoples discussing issues that persisted in their countries, and others discussing achievements.

She said that she had always drawn attention to the positive aspects in indigenous peoples’ lives
around the world, especially on issues of self-governance, lands, education, language and culture. There were positive measures to be noted in order for indigenous peoples to move forward. She cited a conference in Guatemala, held in April, in that context. “Many of our issues might take years to address,” she said, stressing that States were not always ready to tackle them immediately and that she had visited Crimea to see what was happening with the Tatars among other peoples.

MARIA E. CHOQUE QUISPE, Forum member from Bolivia, said that the subject of health needed to be referred to in the context of spiritual health. Indigenous peoples had yet to heal from a “great wound” caused by colonization. Indigenous peoples needed to have their dignity restored. Biological diversity was being lost due to climate change. On education, valuing the identities and cultures of indigenous peoples was critical. Traditional knowledge should be included in sustainable development objectives, although there wasn’t a specific reference to indigenous peoples in the Sustainable Development Goals. Hearing the voices of young people could serve as inspiration, as they were the present and future and would continue to be challenged.

TAI PEL LICIER, United Confederation of Taino People, said that indigenous peoples continued to remain invisible in both the pursuit of the Sustainable Development Goals and efforts to address climate change. The Taino people were prepared to defend their lands. She noted widespread environmental damage had been done to their traditional territories, some of which had resulted in long term health challenges. Biochemical companies were conducting experiments that did not meet even the most basic health standards. Private interests were compromising lands that were known to contain ancestral heritage artefacts. Education systems that mirrored boarding schools were still in place, with the goal of stripping indigenous peoples of their native cultures.


Development projects that could have wide-ranging impacts on the traditional lands and territories of indigenous peoples needed to be subject to free, prior and informed consent, the Permanent Forum on Indigenous Issues heard today.

Indigenous peoples not only had the right to access their traditional lands, but also to oppose activities that could have serious impacts on that territory, participants emphasized as the Forum continued with its debate on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

Throughout the discussion, many speakers detailed events that had resulted in devastating environmental impacts on their ancestral lands.

A representative of Southwest Native Cultures recalled that in August 2015, the United States Environmental Protection Agency investigated the Gold King Mine, near Silverton, Colorado, and in the process, accidentally spilled 4 million gallons of mine waste water and heavy metals into several waterways which millions of people relied on for drinking. The Agency had not cleaned up the disaster nor provided assistance.

The rights of indigenous peoples continued to be violated, reported a representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR). He noted that a number of new human rights initiatives and measures put in place addressing key indigenous issues had yielded mixed results. The real test of international discussions on indigenous rights must be concrete improvements on the ground, he stressed, noting that many of those who stood up to protect their rights faced legal action and in some cases death.

In that context, Edward John, Forum member from Canada, recalled the assassination of Berta Cáceres, who was killed in Honduras in March while opposing a development project. He commended the World Bank’s decision to pull out of the project that Ms. Cáceres was protesting at the time of her death and urged the financial institution to exercise policies that ensured the protection of the lives of indigenous peoples.

The World Bank was committed to both strengthening country capacity to enhance engagement
with indigenous peoples and building the capacity of indigenous organizations, highlighted a representative of the institution. The Bank’s work to address indigenous peoples’ development at the local, national, regional and international level was vital to realization of their rights, he continued.

The Global Environmental Facility had undertaken several initiatives to provide indigenous communities financing for projects aimed at protecting the environment, its representative told the Forum. In that regard, her organization was launching a new user guide that included information on the types of projects it had supported and how to access them.

Also speaking today were the representatives of Ukraine, Fiji, Russian Federation and Chile. Forum members from Canada, United States, Russian Federation and Cameroon made interventions, as did a member of the Expert Mechanism on the Rights of Indigenous Peoples.

Representatives of the International Fund for Agricultural Development (IFAD) and Economic Commission for Latin America and the Caribbean (ECLAC) also delivered remarks.

The Permanent Forum on Indigenous Issues will reconvene at 10 a.m. on Friday, 13 May, to continue its fifteenth session.

Statements

IHOR YAREMENKO (Ukraine) said violations of human rights and fundamental freedoms were unacceptable and he condemned the illegal annexation of Crimea, the denial of Crimean Tatars’ rights and systematic violations by the Russian Federation in the peninsula. He urged an end to the systematic pressure on the Tatars and repression of Ukrainians, calling on the Russian Federation to end such human rights violations in the Crimea, which was a sovereign part of Ukraine. He called on the international community to condemn actions of Russian occupation authorities. World leaders should make necessary efforts to protect Crimean Tatars from harassment by the Russian Federation and he appealed to all countries to join in the 18 May remembrance of genocide of Crimean Tatars, remembering those who were criminally deported by the Russian Federation.

Mr. FELIPE, World Bank Group, said the financial institution was committed to both strengthening country capacity to enhance engagement with indigenous peoples and building the capacity of indigenous organizations, including through the Forest Carbon Partnership Facility. Indigenous peoples were also observers to the climate investment funds. It sought to position excluded sectors of society, such as indigenous peoples, at the centre of the development agenda. A new report on “Indigenous Latin America in the Twenty-First Century” found that while over the first decade of the millennium, indigenous peoples in that region had made significant progress in reducing poverty and improving access to basic services, they did not benefit to the same extent as non-indigenous Latin Americans. The Bank’s work to address indigenous peoples’ development at the local, national, regional and international level was vital to realization of their rights.

Ms. WATANABE, Global Environmental Facility, said her organization had undertaken several initiatives in support of the United Nations Declaration on the Rights of Indigenous Peoples and over the last two years had discussed ways to increase indigenous access to Global Environmental Facility financing for projects aimed at protecting the environment. Her organization had worked to enhance indigenous peoples’ awareness of the different Global Environmental Facility funding modalities and was launching a new user guide that included information on the types of projects the organization had supported and how to access them.

AYSA MUKABENOVA, Forum member from the Russian Federation, said she shared the tragedy lived by the Tartar people. It was a pain felt by all Russian people. She recalled that a number of laws had been adopted on the rehabilitation of repressed people and several measures put into place, including a decree aimed at addressing indigenous issues that had not been previously resolved. Over the last two days, participants had been discussing broader engagement of indigenous peoples in the United Nations system and it was rare that there were disputes between indigenous peoples about which groups to recognize. The right to self-determination was among the basic principles of international law and the aggressive rhetoric that was being shared in the Forum was not beneficial.

JOAN CARLING, Forum member from the Philippines, responding to comments by the World Bank, said that no mention had been made to indigenous peoples’ rights in relation to the development
agenda. She voiced concern at the statement by World Bank President Jim Yong Kim on the need for the Bank to support mega-dams, as there was increasing commitment to support those projects that had seriously violated indigenous peoples’ rights. On the safeguard policy review, she acknowledged that the present draft referred to a requirement “for free, prior and informed consent”, which was progress from the previous policy, which outlined “free, prior and informed consultations”. However, several States were urging that wording revert to “consultations”. The Bank should consult with the Special Rapporteur and the Expert Mechanism on the Rights of Indigenous Peoples before the policy was adopted.

DEVASISH ROY, Forum member from Bangladesh, said free, prior and informed consent had been included in other Bretton Woods institutions and he urged the Bank to stay in line with the Declaration.

GERVAIS NZOA, Forum member from Cameroon, recalled a 16 January meeting with the World Bank in Yaoundé, where concerns were raised about the safeguard policies for indigenous peoples’ protection. Comments by indigenous leaders had not been considered, evidenced by the suggestion for the Bank to open an office in Cameroon, which would make it easier to follow up on projects in the area.

EDWARD JOHN, Forum member from Canada, recalled the tragic death of Berta Cáceres, who was assassinated in March while opposing a development project. It was of critical importance that indigenous lives were not put at risk in any way due to indeterminate practices and policies. He commended the World Bank’s decision to pull out of the hydro project associated with Ms. Cáceres’ death; a woman who had a family and children. He urged the World Bank to exercise policies that ensured the protection of the lives of indigenous peoples during development projects.

DALEE SAMBO DOROUGH, Forum member from the United States, noted the importance of the right of indigenous peoples to free, prior and informed consent and emphasized the tragic death of Berta Cáceres, who lost her life while opposing a development project. She noted that the World Bank had made efforts to review the safeguard policy. It was hoped that indigenous peoples could have a greater voice to uplift safeguard policies, such as the ones under consideration by the World Bank, to ensure they were responsive to the realities. Indigenous peoples should be heard in the context of the work of the United Nations as a whole, and not only in relation to the Sustainable Development Goals. The Declaration must remain the guiding framework for how intergovernmental organization responded to and hopefully promoted and protected the well-being of indigenous peoples.

PERRY BELLEGARDE, National Chief of the Assembly of First Nations, Canada, said that the State’s unqualified support for the Declaration was a critical step towards reconciliation with its indigenous peoples. Full implementation would take time and hard work, he said, but it would see a return to relationships entered into by indigenous ancestors that were founded on peace, security and prosperity for everyone in Canada. Calling for the Declaration to be implemented through a legislative framework, he recommended that national laws, regulations and policies — especially those dealing with resource development — be reformed to ensure that decisions which could have a serious impact on the environment and rights be subject to the free, prior and informed consent of indigenous peoples.

A member of the Expert Mechanism on the Rights of Indigenous Peoples said he had been involved in the World Bank’s consultations with indigenous peoples from African States. Those talks had proven difficult because some States had requested “going around” the Declaration and including in the Bank’s protection mechanisms other definitions or understandings of what was meant by the term “indigenous peoples”. They also had requested changing wording around free, prior and informed consent, to which he could not agree, and wanted the protection mechanism to include other terminology. He urged the Bank to continue its consultations with indigenous peoples before it approved a protection mechanism.

GENE BAI (Fiji) said his Government was assisting indigenous communities by relocating some from their ancestral villages to higher ground. Such work required help from development partners, as a failure to address the adverse impacts of climate change would offset efforts to help indigenous peoples achieve the 2030 Agenda for Sustainable Development. The majority of those affected by the 20 February cyclone were indigenous peoples in rural areas. Most schools damaged were attended by indigenous Fijian students. His country was committed to promoting the rights of all individuals and groups, including cultural rights, which
were embedded in the Constitution, with provisions for redress. All indigenous land was protected and could not be permanently alienated by sale, transfer grant or exchange. Fiji was committed to ensuring that free, prior and informed consent was obtained from indigenous peoples before development was carried out.

ANTTI KORKEAKIVI, Office of the United Nations High Commissioner for Human Rights (OHCHR), said that there had been a number of new human rights initiatives and measures put in place addressing key indigenous issues, including efforts to stop violence against women and demarcate indigenous lands. The results were mixed, at best. The rights of indigenous peoples continued to be violated, with those who stood up to protect their rights facing legal action and in some cases death. Efforts must be made to support local mechanisms and activists who could make a difference. National human rights institutions had resulted in concrete results, including in countries where the very idea of indigenous people had often been challenged. The international community must ensure that the Sustainable Development Goal pledge to leave no one behind resulted in enhanced commitments to indigenous peoples and their rights. The real test of international discussions on indigenous rights must be whether efforts contributed to concrete improvements on the ground. It was proven that when human rights standards were developed in partnership with the rights holders, stronger results could be achieved.

ANDREA CARMEN, speaking on behalf of the International Indian Treaty Council, underscored the relationship between the environment and indigenous peoples’ intergenerational, maternal and holistic health. Noting the severe impacts of environmental toxins on the reproductive health of indigenous women and girls, she said core obstacles to halting those urgent violations were national laws and the United Nations multilateral environmental agreements that failed to recognize or respect human rights. Most notable among those agreements was the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, which permitted States to export pesticides and other chemicals that were banned in their own countries. That practice by the United States had been termed “environmental violence” in various international declarations, she said, noting that a key component of the normative framework linking the environment and health was article 29 of the Declaration on the Rights of Indigenous Peoples. That article specified that “States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent”.

The representative of the Russian Federation expressed disappointment at attempts to distract the Forum from substantive issues with other issues that should be taken up elsewhere, including in the Security Council. Claims by the Ukrainian representative were unacceptable. The international community understood the Russian Federation’s efforts to combat terrorism. To comments about the Ombudsman of the Russian Federation, who in 2007 was in the Russian Parliament dealing with discrimination against women, she urged a focus on issues that improved conditions for indigenous peoples.

ANTONELLA CORDONE, International Fund for Agricultural Development (IFAD), underscored the agency’s commitment to indigenous peoples, which had been reaffirmed in its strategic framework for 2016-2025. Among the groups consulted for that ten-year framework was the Steering Committee of the Indigenous Peoples’ Forum at the Fund, established in 2011. In February 2015, it had held its second global meeting focused on indigenous peoples’ food systems. The framework responded to indigenous peoples’ needs and priorities through a dedicated facility and the forum at the Fund. She supported indigenous peoples’ self-driven development and enhancement of traditional values, cultures and knowledge. “Indigenous peoples are valued partners for the Fund”, she said, which had institutionalized instruments in order to enhance its development effectiveness with indigenous communities.

AUDREY MRITTICA CHISIM, Indigenous Peoples Development Organization, said it was essential to organize regular dialogue between indigenous peoples, the United Nations system and Member States. Free, prior and informed consent was the backbone of the rights of indigenous peoples, although in many countries those rights remained unrecognized. Indigenous peoples faced serious challenges to their access to natural resources and Member States needed to find ways to solve those and other issues that compromised
the well-being of indigenous peoples. Regarding the Sustainable Development Goals, indigenous peoples were eager to see how they could participate in their implementation at the country level. She recommended that the Forum seek to engage youth and women’s organization so there could be a bridge between Governments and other stakeholders.

ALBERTO PIZARRO (Chile), associating himself with the Economic Commission for Latin America and the Caribbean (ECLAC), noted that his country had instated a number of structural changes to reduce the inequality that existed within it. Tax, educational and labour reforms were some examples of the deep changes that had been encouraged. However, it was the changes to the country’s Constitution that were most significant. Indigenous peoples had an active role to play under the provisions of the Constitution and the future was hopeful. Indigenous peoples had more opportunities than ever to have an impact on national policies, as well as access to natural resources and environmental projects. Indigenous peoples needed to be fully included based not only on individual rights, but collective rights, so there would be no more invisibility. Chile had a historic debt to the indigenous peoples, who had not been fully recognized.

FABIANA DI POPOLO, Economic Commission for Latin America and the Caribbean, underscored the importance of disaggregated data for indigenous peoples. A meeting of the Committee of the Whole in Peru in April saw the establishment of a committee of Latin American countries on sustainable development. That body, under the Commission, sought to establish a regional and subregional framework for the follow-up of the 2030 Agenda. There also had been a meeting of the Statistical Committee in March. Achievements on statistical visibility had resulted from the constant pressure brought to bear by indigenous peoples and greater openness to joint work with them by statistical bodies. The Commission had updated demographic indicators for the region, which would be available later this year. The Inter-Agency Support Group on Indigenous Peoples’ Issues was elaborating a document which linked indicators of the 2030 Agenda with the Declaration and would propose additional indicators.

DANIEL OLE SAPIT, African Caucus, highlighted the adoption of the report of the Working Group of the African Commission on Human and Peoples’ Rights as a key milestone in the continent. That document had been instrumental in providing closure to the discordant voices in regard to the identity and recognition of indigenous peoples and communities in Africa. Stressing that it was time that the equal worth and dignity of indigenous peoples be assured through recognition and protection of individual and collective rights, he made three recommendations to the Permanent Forum. First, to support and strengthen indigenous education opportunities and skills; second, to strengthen indigenous peoples’ own institutions and self-governance structures; and third, to afford indigenous peoples the opportunity to continue to progress and improve decision-making concerning development on their own terms, and to remedy any shortcomings through their own forms of internal regulation and accountability.

The representative of Ukraine stressed that the autonomous territory of Crimea was occupied territory, so any actions or decrees regarding the rehabilitation of the people there had no legal basis whatsoever. He welcomed the participation of the people of Crimea in the activities of the United Nations. It was troubling that the occupying power accused Ukraine’s Government of being responsible for the blockade. His country respected gender equality and promoted the empowerment of women.

The representative of the World Bank said that regarding the death of Berta Cáceres, the financial institution deplored the high level of fear and violence in Honduras and urged the Government to address the deep-rooted land conflict there. The Bank would be happy to provide the Forum with concrete examples of its work with indigenous peoples in places all over the world. The consultative process on safeguards between the institution and indigenous peoples had been historic, spanning more than two years. The Sustainable Development Goals were viewed as a unique opportunity for the Bank to partner with indigenous peoples worldwide.

DALEE SAMBO DOROUGH, Forum member from the United States, recalling that Ukraine and the Russian Federation had had opportunities to discuss Crimea and the Tatar people, underscored the need to address the Forum only once under an agenda item. That would afford indigenous peoples an opportunity to speak.
GERVAIS NZOA, Forum member from Cameroon, said he had documents from the World Bank, which that institution’s representative could read.

UJANA TALUKDAR LARMA, Parbatya Chattagam Jana Sanhati Samiti (PCJSS), noting that economic development was linked to the principle of free, prior and informed consent, advocated a holistic approach that built on indigenous peoples’ rights. Indigenous peoples in the Chittagong Hill Tracts area continued to suffer historic injustices of discrimination and dispossession of their lands. Bangladesh had been carrying out development in the Chittagong Hill Tracts region without consulting or informing the three district councils of that area, especially on border roads and tourism complexes, which would further drain depleted forest resources. The most serious concern was the top-down approach to development in the region despite decisions by the three Hill district councils. She encouraged Bangladesh to implement the Declaration and to ratify International Labour Organization Convention No. 169 as it had pledged to do.

PEDRO ALBERTO RODRÍGUEZ AGUILAR, Consejo de Pueblo Originario Nahua Pipil Nahuizalco, drew attention to the challenges of the indigenous people of El Salvador, calling on that Government to implement recommendations by the former Special Rapporteur in his 2012 report. The country also must follow up on policies for the aged and compensate victims of a massacre in which 30,000 indigenous peoples had been called terrorists, had their rights violated and had been killed. He called on the Government to ratify International Labour Convention No. 169, implement the Declaration and respect the free, prior and informed consent of indigenous people. The President must keep his promise to elaborate work for indigenous peoples. He demanded that El Salvador create a national action plan on the rights of indigenous peoples, and not impose a plan that did not consider their views. The Forum should urge El Salvador to account for funds reportedly given to the indigenous fund, because communities had received no such support.

A representative of SemAnahuac recalled that in Tongva territory in Los Angeles, indigenous peoples were both invisible and ubiquitous. The United States census had only recently begun recording the demographic presence of indigenous peoples from Latin America. Economic, political and extra-legal pressures due to colonization meant that the official number of indigenous residents was vastly undercounted in the United States. Economic insecurity among indigenous families under threat of deportation in the country exacerbated pressure to assimilate and disappear. Particularly concerning was the rise of settler armed groups on traditional territories of indigenous peoples and the rise of vitriolic diatribes throughout the presidential race in the United States, which threatened the security of indigenous children in public schools.

TERRY A. SLOAN, Southwest Native Cultures, said ecocide was the destruction of the natural environment by activities such as nuclear war and overexploitation of resources. On 5 August 2015, the United States Environmental Protection Agency investigated the Gold King Mine, near Silverton, Colorado, and in the process, accidentally spilled 4 million gallons of mine waste water and heavy metals into Cement Creek, as well as the Animas River, the San Juan River and the Colorado River, which millions of people relied on for drinking. The Agency had not cleaned up the disaster nor provided assistance. He urged the Special Rapporteur to visit the mine, and another in New Mexico, to report on the status and study how to apply ecocide law.

13 MAY 2016, HR/5302, Representatives of Indigenous Peoples Call for Greater Participation in United Nations Bodies, as Permanent Forum Concludes Week One, Permanent Forum on Indigenous Issues, Fifteenth Session, 8th Meeting* (AM):

A new status should be created for indigenous peoples to participate more fully in the work of United Nations bodies, speakers in the Permanent Forum on Indigenous Issues said today, advocating a process that would allow them to choose their representatives in line with their unique legal and cultural norms.

Claire Charters, Adviser to the President of the General Assembly, described the process under way to address the question of enhanced participation, noting that it first and foremost recognized indigenous peoples as peoples rather than non-governmental organizations. The Assembly President was compiling views and had appointed four advisers to assist in the preparation of a final document to be presented to the Expert Mechanism on Indigenous Peoples on 11 July.
Among the positions advocated was for the granting of permanent observer status, she said. Some had suggested it apply “across the board” to ensure that indigenous peoples’ views were reflected in decisions that impacted them. To accredit participants in a unique category, others had proposed forming an “independent group” of indigenous peoples. Criteria for determining whom would be eligible for unique status raised questions about how to define “indigenous peoples” amid difficulties around self-identification and State recognition.

Nonetheless, she said, views had coalesced around the point that where indigenous peoples participated at United Nations, they had helped in the formation of policy and the legitimacy of processes. In the ensuring debate, speakers from indigenous groups, Governments and United Nations bodies described efforts to follow-up on the outcome of the 2014 World Conference of Indigenous Peoples, which contained a pledge to consider how to enable the participation of indigenous peoples’ representatives and institutions in meetings of relevant United Nations bodies.

The representative of the Sami Parliament of Norway said there was nothing in the United Nations Charter or the Assembly’s rules of procedure that prevented it from granting observer status. Decision 49/426 — stipulating that the granting of status should be confined to States and non-governmental organizations — should not constrain deliberations on indigenous peoples’ participatory rights. “The question of whether observer status is granted is contingent on whether States have the political will to do so,” she stressed.

With that in mind, some Government speakers noted that existing categories did not adequately reflect indigenous peoples’ unique features, with the United States representative noting that they should not have to participate at the United Nations as non-governmental groups, because many tribal communities self-governed and their leaders were accountable to those who had elected or appointed them. While discussions were ongoing, she encouraged indigenous peoples to contribute to discussions through the major groups mechanism.

On that point, Joan Carling, Forum member from the Philippines, said she had participated in the Sustainable Development Goal (SDG) process within the major groups mechanism. “This procedure has very limited influence on the overall result of the SDGs,” she stressed.

Guatemala’s representative said there should be better coordination among existing United Nations mandates on the issue of indigenous peoples, specifically among the Expert Mechanism, the Special Rapporteur and the Forum. A similar point was raised by the representative of Denmark, on behalf of the Nordic countries, who said proposals to change the structure of the Expert Mechanism into a special procedures working group or a monitoring body resembling treaty bodies were not convincing. She envisaged reforms that included a specific and more independent mandate.

Mexico’s representative, on behalf of the Group of Friends of Indigenous Peoples, stressed the need for cooperation with indigenous peoples to identify measures at the national level. None of the goals set out in the outcome document could be achieved without broad inclusive partnership.

The Vice-President of Guyana added that there were four indigenous ministers in the administration, the highest in history.

Taking a historical perspective, the representative of the National Salvadoran Indigenous Coordination Council said the dynamics of States functioning in international spaces had always been geared to denying the existence of indigenous peoples. Currently, however, thanks to the struggle of indigenous men and women, a process of dialogue and political convergence had been established.

Also speaking today were representatives of the Indigenous Missionary Council, Tebtebba, Foundation for Aboriginal and Islander Research Action, Asia Indigenous Peoples Pact, Federación Nativa del Río Madre de Dios y Afluentes (FENAMAD) and Tribal Link, as well as an indigenous parliamentarian from Venezuela.

The representatives of Indonesia, Bolivia, South Africa, New Zealand and Brazil also spoke.

Representatives of the International Fund for Agricultural Development (IFAD) and the International Labour Organization (ILO) also made interventions, as did the Permanent Forum member from the United States.

The Permanent Forum on Indigenous Issues will reconvene at 10 a.m. Monday, 16 May, to continue its fifteenth session.

Remarks by Adviser to General Assembly President
CLAIRE CHARTERS, Adviser to the President of General Assembly, described a process for indigenous peoples’ participation at the United Nations, stemming from the outcome document of the 2014 World Conference on Indigenous Peoples. The process recognized that indigenous peoples were not non-governmental organizations, but rather peoples who had the right to self-determination. It was appreciated that they had a unique form of participation at the United Nations. The process was advancing that it would not undermine their participation in forums such as the Forum. There were difficulties for indigenous peoples acquiring non-governmental organization status in the Economic and Social Council, which was also relevant for the Human Rights Council and the General Assembly.

She said the process under way had been mandated by the General Assembly. The Assembly President was responsible for compiling views and contributions on the question of indigenous peoples’ enhanced participation. He had appointed four advisers to assist in the compilation process, which had started in February and was officially launched in March. The first consultation had been an electronic one, in which the President received submissions on indigenous peoples’ participation. On that basis, a first draft of the compilation of views had been prepared. She urged reviewing the draft and making contributions.

The Assembly President had held the first face-to-face consultations on 11 May, she said, and was putting together a compilation of views. There would be one further such consultation on 30 June, after which the compilation would be finalized and presented to the Expert Mechanism on 11 July. The President would then form the basis for further activity in the General Assembly, with the issue addressed during the Assembly’s next session.

Among the questions addressed in the compilation was a unique status for indigenous peoples at the United Nations, she said, some advocating permanent observer status, which had implications for indigenous peoples’ participation in the General Assembly. Many had commented that indigenous peoples’ participation was required “across the board” at the United Nations. In terms of the procedure to consider indigenous peoples’ accreditation in a unique category, one idea that had gained traction was around an independent group of indigenous peoples.

Given the difficulty of defining “indigenous peoples” across the world, there were questions about eligibility criteria. There was appreciation that there must be flexibility in determining who was eligible for unique status, including around self-identification and State recognition, which some stated should not be the determining factor. More broadly, views had coalesced around the point that, where indigenous peoples had participated at the United Nations, they had helped in the formation of policy and the legitimacy of processes through which indigenous peoples had advanced their rights.

Statements
The Forum then held its general debate on item 3, follow-up to the recommendations of the Permanent Forum.

SYDNEY ALLICOCK, Vice-President of Guyana, said ending poverty, providing education, addressing climate change and promoting peaceful societies were pertinent to the way of life that indigenous peoples sought to achieve. Guyana was committed to upholding all its treaty obligations that ensured the rights of indigenous peoples. At the national level, it had made progress in addressing their needs through integrated development policies and partnerships. National responses were based on existing sustainable development policies, as outlined in the United Nations Declaration on the Rights of Indigenous Peoples. The rights of indigenous peoples were guaranteed in the Constitution and outlined in the 2006 Amerindian Act, and they were represented in Parliament and at high levels of Government. Their right as related to land was a priority, notably through the integrated hinterland development plan. Guyana sought to preserve records of indigenous culture, customs and practices. There was more work to do in terms of socioeconomic development and institutional strengthening, including in such areas as project management. Paramount was the formulation of national development plans with indigenous peoples’ participation.

DAVID ALEJANDRO RUBIO, International Fund for Agricultural Development (IFAD), said he also represented the Inter-Agency Support Group of the Permanent Forum, which brought together more than 40 United Nations and other entities to cooperate on indigenous issues. The World Conference outcome document had requested the Secretary-General to develop a system-wide action plan for achieving the
Declaration. The 2015 annual meeting of the Inter-Agency Support Group had focused on finalizing that plan and had benefitted from participation by the former Chair of the Forum, the Special Rapporteur on the Rights of Indigenous Peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples. It focused on awareness-raising of the Declaration, supporting implementation of indigenous peoples’ rights at the country level and advancing their participation in United Nations processes, among other things. The Support Group also had shared planned activities to enhance coordination in implementing the Declaration, which it expected to complete in October.

SANDRAYATI MONIAGA, National Human Rights Commission (Komisi Nasional Hak Asasi Manusia) of Indonesia, said that a national inquiry had identified issues confronted by indigenous peoples in forest zones resulting from Government policies going back to the Dutch colonial period. Her organization valued efforts to resolve those issues which led to human rights violations in West Papua and other places. She recommended that the United Nations Permanent Forum on Indigenous Issues include a category for the accreditation of national human rights institutions so that they could participate in the Forum and related activities. She also recommended that the Forum hold an interactive session on the role of those institutions in monitoring indigenous peoples’ rights and development.

DAVID CHOQUEHUANCA CÉSPEDES, Minister for Foreign Affairs of Bolivia, said that in his country indigenous peoples were not just consulted. Rather, they participated and took decisions, with representation in such bodies as the judiciary, the executive and local and regional governments. In education, indigenous peoples were recovering their ancestral knowledge, deciphering the codes handed down from their grandparents. They were also involved in the leadership of “multiversities” which focused on knowledge of the cosmos. Noting that his country had a Vice Minister of ancestral medicine and justice, he said that everyone fed off the milk of Mother Earth, which was water, and that fact made them brothers.

MARTIN OELZ, Senior Specialist on Equality and Non-Discrimination, International Labour Organization (ILO), outlined steps taken to promote social justice and decent work, including through the hosting of ILO Convention No. 169. The ILO had joined forces with Denmark, Mexico and the International Working Group on Indigenous Affairs to hold a 2014 seminar which had taken stock of the Convention on its twenty-fifth anniversary. The outcomes of that seminar contributed to developing the first strategy for action for indigenous peoples, endorsed by the Executive Board in November 2015. It was underpinned by the belief that ensuring their rights was fundamental to achieving sustainable development and included promoting Convention No. 169 and strengthening dialogue between indigenous peoples and institutions. The strategy aimed to address the data gap on social conditions. Despite the visibility of Convention No. 169, its implications were often unknown to decision-makers, especially at the local level. As such, the ILO would promote its provisions among key stakeholders.

The representative of the Indigenous Missionary Council, denouncing violence against indigenous peoples in Brazil, as seen in actions by the three powers of Government, cited constitutional amendment 215, which invalidated the demarcation of lands and questioned the exclusive use of those lands, generating conflict. The judiciary sought to unduly characterize the Constitution’s article 231 through a restrictive interpretation of lands traditionally occupied by indigenous peoples. The Executive Branch tried to paralyse demarcation procedures. There were at least 360 lands that lacked any procedure for demarcation. The political situation was unstable. In the Amazon, there had been routine home burnings, political arrests, deforestation, water contamination, the murder of leaders and spread of monocrop plantations. In the Brazilian Amazon, 105 peoples living in voluntary isolation had been threatened by major infrastructure, timber, oil and agribusiness projects, which had displaced them. A Government decree had established ethno-educational territories, without consultation, only three of which had been set up. They neither were fully functional nor upheld the right to a bilingual education that addressed different cultural realities. The Forum must urge Brazil to demarcate and protect all indigenous territories; ensure the protection of indigenous activists; and ensure free, prior and informed consent, as outlined in ILO Convention No. 169.

JUAN SANDOVAL MENDIOLEA (Mexico), speaking on behalf of the Group of Friends of
Indigenous Peoples, said the current session was an opportunity to take stock of progress since the World Conference on Indigenous Peoples. Reaffirming the Group’s commitment to respect and promote indigenous rights, he stressed the need for cooperation with indigenous peoples to identify measures to be taken at the national level. None of the goals set out in the outcome document of the World Conference could be achieved without broad, inclusive partnership. The Group welcomed the decision of the Commission on the Status of Women to consider the empowerment of indigenous women as a focus area during its sixty-first session. It was also pleased to see progress in implementing those parts of the outcome document regarding the participation of indigenous peoples in relevant United Nations meetings on themes which concerned them, he said, adding that indigenous peoples had a friend at the United Nations who would advocate for full implementation of the outcome document.

GRACE BALAWAG, Tebtebba, expressed concern about the impact of poverty reduction programmes on indigenous women in the Philippines. She said she did not question the benefits of such programmes, but indigenous women had raised concerns of their negative impact on their communities. Indigenous birth processes were meanwhile being disenfranchised as a result of implementation of the Sustainable Development Goals concerning maternal and infant mortality. While that might not sound urgent, the long-term effect could be devastating. She went on to recommend that the Forum carry out a study on cash transfer programmes implemented in response to the Goals.

JULIE GARFIELDT KOFEED (Denmark), speaking on behalf of the Nordic countries, described initiatives launched in the follow-up to the World Conference, citing an expert workshop, held in April, on review of the Expert Mechanism’s mandate. The main strength of the Mechanism was that it addressed indigenous peoples’ rights from a human rights perspective. Arguments to change that structure into a special procedures working group, or a monitoring body resembling treaty bodies, were not convincing. She supported maintaining the current structure, but envisaged reforms that included a specific and more independent mandate. The Human Rights Council should take better advantage of the Mechanism by amending resolution 6/36. The Mechanism should report annually on the status for achieving the Declaration. States should not be obliged to report on the Declaration, but rather voluntarily share information. Indigenous peoples must participate at the United Nations as peoples, and not as non-governmental organizations, she said, stressing that existing categories did not adequately reflect their unique features and she looked forward to the creation of a new category.

AILI KESKITALO, Sami Parliament of Norway, noting that she represented the Arctic Indigenous Caucus, said the Forum should urge States to adopt national measures in line with the World Conference outcome document. Arctic indigenous peoples had worked with others to promote effective follow up to the document, especially related to operational paragraphs 28 and 33. The Expert Mechanism should be mandated to voluntarily engage with States and indigenous peoples to address country-specific situations to find solutions that fostered the Declaration’s implementation. It should gather information from all sources in matters concerning the rights enshrined in the Declaration. At the United Nations, permanent observer status should be granted to indigenous governments, parliaments and other authorities, she said, noting that a new category should be created at the General Assembly level, which would allow for their independent participation through representatives chosen by them and in line with their own legal procedures. There was nothing in the United Nations Charter or the Assembly’s rules of procedure that prevented it from granting observer status. While decision 49/426 stipulated that the granting of status should be confined to States and non-governmental organizations, it should not constrain deliberations on indigenous peoples’ participatory rights at the Organization. The question of whether observer status was granted was contingent on whether States had the political will to do so.

OBED BAPELA, Deputy Minister for Cooperative Governance and Traditional Affairs of South Africa, said all Governments had an obligation to consult, at the national level, with their indigenous communities. There should be enough political will to address tensions between the Government and indigenous communities in ways that preserved the territorial integrity of sovereign States, he said, adding that the politics of succession could only undermine the core principles of the United Nations Charter. Legitimate
concerns that indigenous peoples’ plight and interests were not being well served by international processes beyond the Permanent Forum required deeper reflection. Serious thought should be given to elaborating a Convention with legally binding norms and standards to promote, protect and fulfil the rights of indigenous peoples.

ROBERT LESLIE MALEZER, Foundation for Aboriginal and Islander Research Action, recalled how difficult it could be for indigenous peoples’ right to self-determination to be recognized. That should not be the case. The system-wide action plan, while important, consisted of statements of policy, with no process for indigenous peoples to sign off on. He recommended further discussion on capacity-building for Member State officials who lacked knowledge about indigenous peoples’ interests and concerns. Thanking the Group of Friends for its work, he said that indigenous peoples very much wanted an enhanced status that went beyond the limitations of Economic and Social Council non-governmental organization status.

MARCOS YAX GUINEA, Member of Congress and Chairman of the Commission on Indigenous Peoples of the Congress of Guatemala, said the World Conference had created a platform for bolstering dialogue. Among the main challenges was guaranteeing better application of the Declaration. Guatemala had issued the law on national languages, a municipal code against discrimination, a framework law on the peace accords, and codification of discrimination as a crime. There should be better coordination among existing United Nations mandates on the issue of indigenous peoples, specifically among the Expert Mechanism, the Special Rapporteur and the Forum. Guatemala and Mexico were playing a role in the possible negotiation of a new mandate for the Expert Mechanism, the goal of which was for it to have an institutional foundation and comply with the outcome document. Measures were being reviewed to guarantee indigenous peoples’ participation at the United Nations, without being categorized as civil society or non-governmental organizations.

DALEE SAMBO DOROUGH, Forum member from the United States, expressed concern at the extent of indigenous peoples’ input into the system-wide action plan, stressing the need to revise procedural rules so as to guarantee their access to United Nations agencies and other intergovernmental forums.

PATRICIA GUATEMENA, Asia Indigenous Peoples Pact, speaking on the system-wide action plan, recommended that United Nations agencies, funds and programmes develop culturally sensitive approaches and education material, in collaboration with indigenous peoples, and provide resources for translation. They also should support the development and implementation of national action plans, which included administrative measures to implement the Declaration. Their support for capacity-building that helped indigenous peoples maintain engagement with States should be given priority. They should ensure that indigenous peoples’ rights and development were incorporated into national plans for the 2030 Agenda for Sustainable Development, as well as report regularly to the Forum on implementation of the system-wide action plan.

JORGE JIMÉNEZ, General Director for Comprehensive Development of the Ministry of Foreign Affairs of El Salvador, reiterated the political will of his Government to move forward on indigenous peoples’ rights. He noted how bolstering their rights was part of the current five-year national development plan, and that the Government was participating in an inclusive process, steered by indigenous peoples, on an indigenous peoples’ action plan. Recalling the motto “nothing above us without us,” he gave the floor to Betty Elisa Pérez.

BETTY ELISA PÉREZ, National Salvadoran Indigenous Coordination Council of El Salvador, said the dynamics of the function of States in international spaces had always been geared to denying the existence of indigenous peoples. Currently, however, thanks to the struggle of indigenous men and women, a process of dialogue and political convergence had been established between indigenous peoples and the State, enabling progress on the recognition of indigenous peoples. She highlighted how El Salvador was finalizing an implementation plan for the outcome document of the World Conference, with support from the United Nations system. Stressing the urgent need for the Government to define a single mechanism for interfacing with indigenous peoples, she called, as a women, for attention to be paid to the criminalization of the struggle to protect Mother Earth.
JULIO CUSURICHI, Federación Nativa del Río Madre de Dios y Afluentes (FENAMAD), drew attention to the violations of rights resulting from mining activities and oil concessions which affected rivers, forests and indigenous economies. Noting a lack of political will to protect indigenous peoples voluntarily living in isolation, he called on the Forum to call upon Governments, especially that of Peru, to implement legal mechanisms to protect their rights. Otherwise, he said, those people faced genocide due to extraction activities. Those who administered forests so that humanity could breathe did not get to experience any of the benefits. Rather, they were getting poorer and poorer, with not even the most basic services, he said, recommending the establishment of an international tribunal for the rights of indigenous peoples.

LINDA LUM (United States) said indigenous peoples should not have to participate at the United Nations as non-governmental groups, because many tribal communities self-governed and their leaders were accountable to those who had elected or appointed them. Hearing from tribal representatives would inform debate by injecting a wider range of views. While proposals had complex policy and legal considerations, “we must make the effort”, she said, noting that in April 2015, her Government had outlined which United Nations bodies would be candidates for the new participation procedures; criteria for determining how indigenous peoples could qualify; and information on application, evaluation and selection processes. While talks were ongoing, she encouraged indigenous peoples to contribute to discussions through the Major Groups mechanism.

Mr. RUBIO, responding to comments by the representatives from El Salvador, said IFAD’s commitment was to concrete action in each canton where there were indigenous peoples. He called on the Government to give life to documents related to indigenous peoples, noting that the Fund would facilitate space for dialogue and democratic participation, while strengthening environmental processes through ways of life and focusing on economic development.

JOAN CARLING, Forum member from the Philippines, encouraged indigenous peoples to participate in consultations on their participation at the United Nations. She had participated in the Sustainable Development Goal (SDG) process within the major groups mechanism. “This procedure has very limited influence on the overall result of the SDGs”, she said, noting that while it was another level of participation, there were limits on indigenous peoples’ effective participation. On the system-wide plan, she advocated partnership with indigenous peoples at the country level on its planning, implementation and evaluation.

An Indigenous parliamentarian from Venezuela emphasized the fundamental importance of indigenous languages, calling them a way to ensure that modernity and new ways of colonization would not lead to the disappearance of indigenous peoples. She said that, for 180 years, indigenous people in Venezuela had been ignored by racist and exclusive constitutions, but that changed with the arrival of President Hugo Chávez, who decreed that they would participate in the drafting of a new constitution that recognized the official nature of indigenous languages.

JACLYN WILLIAMS (New Zealand), recalling that her country was undertaking a range of actions consistent with the outcome document of the World Conference, said there was still more to do, particularly to increase social, cultural and health indicators for Maori. She welcomed consultations on the participation of indigenous peoples in relevant United Nations processes, saying their voice was crucial for advancing indigenous rights and issues. To achieve the objectives of the outcome document, the Government would strengthen its relationship with Maori to ensure that long-term priorities for advancing indigenous well-being were addressed.

DANIEL SALAU, Tribal Link, noting that he represented indigenous peoples from Africa, Asia, Latin American and the Caribbean and North America, expressed concern at the lack of implementation of key provisions of the outcome document pertaining to free, prior and informed consent. Across the regions, States were limiting such consent in their focus on implementing the 2030 Agenda and the Paris Agreement on climate change. They were excluding indigenous peoples in those processes by not obtaining their free, prior and informed consent in plans for forced development, contravening the Declaration, the outcome document and the Paris climate accord. The Forum should call on States to report on the full participation of indigenous peoples in the development, review and monitoring of action plans to implement the 2030 Agenda and the Paris Agreement.

ARTUR NOBRE MENDES (Brazil) said the only way to achieve social justice was to foster
indigenous peoples’ participation in forums that affected their lives. In 2015, Brazil had held the first national conference on indigenous policy, which included more than 30,000 indigenous people, who had put forward their opinions to the President. He also cited the creation of the national council of indigenous policy, under the Ministry of Justice, which had begun its work in April. Brazil was aware of its shortcomings and was working to support indigenous peoples’ rights. Since the 1988 promulgation of the Constitution, Brazil had regularized 500 indigenous lands, equivalent to the surface area of the twenty-fifth biggest country, 95 per cent of which were in the Brazilian Amazon, where the deforestation rate was less than 2 per cent. Recent decisions included four land studies, recognition of six more indigenous lands and demarcation authorizing seven new lands. Noting that the Special Rapporteur had found that draft amendment 215 could hinder recognition of indigenous lands and peoples’ protection, he underscored his Government’s commitment to ILO Convention No. 169.


The three main bodies charged with promoting indigenous peoples’ rights worldwide must better identify the strengths and limits of their respective mandates in order to work together more effectively, speakers in the Permanent Forum on Indigenous Issues said today, drawing attention to unresolved cases of human rights abuses, some of which had endured generations.

Victoria Tauli-Corpuz, Special Rapporteur on the Rights of Indigenous Peoples, said more coordination with the Expert Mechanism on the Rights of Indigenous Peoples and the Forum itself would better protect indigenous peoples’ rights. Her work focused on country visits, responding to human rights violations, promoting good practices and carrying out thematic studies.

Updating on her mandate, she said she had visited Sápmi, Honduras and Brazil and would present her findings to the Geneva-based Human Rights Council later this year. She had presented her report on Paraguay in September, which referred to one Guarani community that had finally received title to community lands it had claimed for more than 26 years.

Her report on the situation of indigenous women and girls highlighted a “complex spectrum” of human rights abuses influenced by patriarchal power structures, she said, while another report, presented to the General Assembly in 2015, explored investments in mining and other infrastructure development. Going forward, she would publish a report on the impacts of conservation on indigenous peoples’ rights.

Ms. Tauli-Corpuz was part of an interactive dialogue in which Alexey Tsykarev, Chair of the Expert Mechanism on the Rights of Indigenous Peoples; Legborsi Saro Pyagbara, Chair of the Voluntary Fund for Indigenous Peoples; and Karima Bennoune, Special Rapporteur on the Field of Cultural Rights updated on their work and fielded questions on untangling overlap in their mandates.

Ms. Bennoune said her March report to the Human Rights Council reviewed the framework for cultural rights, with a thematic focus on the intentional destruction of cultural heritage. She planned to present further thoughts on that topic to the General Assembly this fall. She would support the Forum in integrating culture into related activities, asking participants to draw her attention to cases she should consider and provide thematic information that she could use in her reports.

Mr. Tsykarev said the Expert Mechanism had adopted two reports at its eighth session in July 2015: a study on the protection and promotion of the cultural heritage of indigenous peoples, and an updated report on best practices and appropriate measures to obtain the goals of the United Nations Declaration on the Rights of Indigenous Peoples. The Human Rights Council had requested studies on the mental health of indigenous youth, the right of indigenous women to sexual and reproductive health care, and on non-communicable diseases.

Mr. Pyagbara said that this year, 56 indigenous representatives had been selected to attend the Forum and other relevant meetings. In addition, the Fund’s Board had recommended that a budget be set aside to support the participation of another 38 indigenous representatives in the Human Rights Council, the Working Group on the Universal Periodic Review and treaty bodies.
In the ensuing discussion, indigenous speakers issued impassioned pleas for recognition, promotion and protection, with a representative of Tonatierra describing his community’s painful experience losing 43 students “forcibly disappeared” by the Mexican Government in 2014. “We expect our children delivered back alive to our families in order to find peace,” he said, requesting the Special Rapporteur to visit and for the Mexican Government to allow such a trip.

A representative of Comité de Unidad Campesina said indigenous peoples were being portrayed as “enemies” by corporate lawyers. “They come and assassinate us”, he said, referring to the killing of Honduran indigenous rights activist Berta Cáceres, a leader of the Lenca people.

A representative of the American Indian Law Alliance decried the redistribution of water from one region in Mexico to another that had better economic and technological capacity. “All we want is for the laws to be respected,” he said, requesting the Special Rapporteur to visit.

Edward John, Forum member from Canada, said the experience of his country’s residential schools amounted to genocide as the children who were forced to attend became the agents of destruction of indigenous culture. He supported the establishment of a mechanism for the repatriation of ceremonial objects.

To better tackle such cases, the United States delegate said that strengthening — and formalizing — the Expert Mechanism’s relationship with the Special Rapporteur would allow the latter to be more effective.

Joseph Goko Mutangah, Forum member from Kenya, agreed that the overlap of responsibilities must be “ironed out” so that it was clear who would take the lead in carrying out specific mandates.

Without more funding, others said, there was a risk that indigenous peoples’ participation in United Nations sessions would suffer.

The Permanent Forum will reconvene at 10 a.m. Tuesday, 17 May, to continue its fifteenth session.

Interactive Dialogue

This morning, the Permanent Forum on Indigenous Issues held an interactive dialogue featuring: Alexey Tsykarev, Chair of the Expert Mechanism on the Rights of Indigenous Peoples; Legborsi Saro Pyagbara, Chair of the Voluntary Fund for Indigenous Peoples; Karima Bennoune, Special Rapporteur on the Field of Cultural Rights; and Victoria Tauli-Corpuz, Special Rapporteur on the Rights of Indigenous Peoples.

Mr. TSYKAREV, describing the Expert Mechanism’s work over the past year, said the body had held its eighth session in July 2015 with the participation of over 50 Member States and 150 indigenous representatives, civil society members, academics and other stakeholders. It had finalized and adopted two reports, including a study on the protection and promotion of the cultural heritage of indigenous peoples and an updated report on best practices and appropriate measures to obtain the goals of the United Nations Declaration on the Rights of Indigenous Peoples. Outlining some of the advice included in the former, he said that, among other items, the study had recommended that States ensure that the benefits arising from the use of indigenous lands, territories and resources such as World Heritage Sites be provided to indigenous communities in a fair and transparent way. Noting that such recommendations had been presented to the Human Rights Council, he said the body had requested that the Expert Mechanism carry out a study on the rights of indigenous peoples, which would focus on the mental health of youth, the right of indigenous women to sexual and reproductive health care and on non-communicable diseases. He also discussed the Expert Mechanisms’ upcoming ninth session, slated to take place in Geneva in July.

Mr. PYAGBARA said the United Nations Voluntary Fund for Indigenous Peoples had celebrated its thirtieth anniversary in 2015. Since its inception, the Fund had supported the participation of some 2,000 indigenous men, women, youth, elders and persons with disabilities from around the world. Noting that its scope and mandate had expanded over the years, he said that so far in 2016, 56 indigenous representatives had been selected to attend the Permanent Forum and other relevant meetings. In addition, the Fund’s Board had recommended that a budget be set aside to support the participation of another 38 representatives of indigenous communities and organizations in sessions of the Human Rights Council, the Working Group on the Universal Periodic Review and treaty bodies that would take place from July 2016 to March 2017. In 2016, the Fund had also supported participation in two extraordinary meetings related to the outcome document of the World Conference on Indigenous Peoples. He expressed concern that without predictable, sustainable and adequate funding, the Board
would face difficulties in carrying out its ever-expanding mandate. After assessing the present financial needs of the Fund and in view of the two additional expansions of its mandate, the Board recommended a target of $780,000 for the biennium 2016-2017.

Ms. BENNOUNÉ, providing an overview of her first report to the Human Rights Council, presented in March, said it reviewed the framework for cultural rights, with a thematic focus on the intentional destruction of cultural heritage. She planned to present further thoughts on that topic to the General Assembly in the fall and welcomed any input before July. Cultural rights were an integral part of human rights, which were universal, interrelated and interdependent, she said, highlighting the importance of individual cultural rights and the collective exercise of them, as stressed in the Declaration on the Rights of Indigenous Peoples. She had made clear in her report that it was critical that cultural rights be upheld in conflict contexts without discrimination. She was also concerned about the destruction of intangible cultural rights — such as the teaching of indigenous languages — as well as the preservation of natural cultural heritage.

The intentional destruction of cultural heritage was a violation of human rights, she said. Her report found that culture was inherently important, as well as in relation to its human dimension. Cultural rights were a fundamental resource to other rights, such as the freedom of expression, conscience, religion and development. At the Human Rights Council, a cross-regional statement by Cyprus was endorsed by unprecedented coalition of 145 States, welcoming plans to prioritize the topic as a human rights issue. She would work with indigenous peoples to ensure that issue included their views. Going forward, she would support the Forum in integrating culture into related activities. She asked participants to draw her attention to cases she should consider and provide thematic information for use in her reports. She would stress the importance of indigenous cultural heritage and highlight its intentional destruction as it related to indigenous peoples.

Ms. TAULI-CORPUZ, presenting her second report, said she had made three official visits to Sápmi, Honduras and Brazil, the reports of which would be presented to the Human Rights Council this year. She also had presented her country report on Paraguay to the Council in September, noting that one Guarani community had received title to the community lands it had been claiming for more than 26 years. During her trip to Honduras, indigenous peoples had expressed concern about a hydroelectric dam approved through national legislation on which they had not been consulted. Members of the Lenca communities who opposed the dam had reported cases of killings, threats and intimidation, including the assassination of Berta Cáceres in March.

Her visit to Brazil in March coincided with the heightened political crisis, she said, commending Brazil for better ensuring indigenous rights. However, she noted the absence of progress in resolving long-standing issues, noting that there had been “worrying” regressions in the protection of indigenous peoples’ rights, including proposals for constitutional amendments and laws undermining their rights to lands, the stalling of demarcation processes and mega projects on or near indigenous properties.

During her visit to Sápmi, she had heard concerns about the scope and content of the State duty to consult the Sami people and obtain their consent for natural resource projects based on their natural territories. Turning to her report on the situation of indigenous women and girls, she said indigenous women had experienced a “complex spectrum” of human rights abuses influenced by patriarchal power structures and discrimination, and based on gender, class, socioeconomic circumstances and violations to the right to self-determination. In indigenous communities with matriarchal practices, the loss of lands undermined women’s status and roles, including their livelihoods, while compensation following land seizure tended to benefit men. Another report, presented to the Assembly in 2015, explored investments in mining and other infrastructure development. Going forward, she would publish a report on conservation and its impacts on indigenous peoples’ rights.

In the ensuing discussion, a number of representatives of indigenous groups issued impassioned pleas for the recognition, promotion and protection of their rights. Several Government delegates shared steps being undertaken at the national level to promote and protect the rights of indigenous peoples.

In that vein, the representative of Mexico said that her country was working to guarantee the right of indigenous peoples to justice by providing interpreters and translators fluent in indigenous
languages. In the area of gender equality, the Government had provided guidance to some 40,000 indigenous women on sexual and reproductive health and the prevention of gender-related violence.

Some representatives also asked specific questions to the panellists. In that regard, the representative of Finland, speaking on behalf of the Nordic and Baltic States, asked what the most pressing obstacles were to achieving the full empowerment and enjoyment of rights of indigenous women. He asked Mr. Tsykarev how the mandate of the Expert Mechanism could be improved, and what the main areas of concern were in the area of indigenous peoples’ right to health.

DALEE SAMBO DOROUGH, Forum member from the United States, warned that, while violence against indigenous women was a crucial matter requiring urgent attention, some States were using the issue to deflect attention away from the root causes of violence — efforts of indigenous women to defend their rights to their land, territories and resources.

Addressing Ms. Bennoune, she drew attention to the International Law Association’s recent finding that cultural rights were part of customary international law, which triggered important responsibilities on the part of States. Noting the trend of increased violence against indigenous peoples defending their rights, she proposed the creation of a United Nations declaration on the rights of human rights defenders.

WILTON LITTLECHILD, Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples, said Canada’s Truth and Reconciliation Commission had heard many cases of the destruction of cultural heritage. However, some steps forward had been seen. In that regard, he recalled that the four Maskwacis Cree First Nations had recently adopted a declaration proclaiming their official language to be Cree.

A representative of the organization Tonatierra described his community’s painful experience losing 43 students who had been forcibly disappeared by the Mexican Government in 2014. In reality, tens of thousands of people had been disappeared, he said, asking for support and solidarity from the international community. Noting that those children were known to be alive, he stressed: “we expect our children delivered back alive to our families in order to find peace.”

The Government of Mexico was untrustworthy, he said, calling for the creation of a mechanism to monitor the implementation of recommendations made by the Interdisciplinary Group of Independent Experts and to ensure that the Government returned the lost children. Finally, he requested Ms. Tauli-Corpuz to visit Ayotzinapa and for the Mexican Government to allow such a visit.

A representative of the Youth Caucus spoke about operational paragraph 15 of the Declaration, suggesting that joint actions of the three indigenous peoples’ mechanisms include a study, a joint side event during the Forum’s sixteenth session and a dialogue on the findings of those activities. He asked others in the room, especially indigenous groups, how they had “given life” to that paragraph.

MARÍA EUGENIA CHOQUE QUIRÓS, Forum member from Bolivia, urged coordination among the three mechanisms, stressing that cultural rights included spiritual rights, a point not raised in the report. Violence against indigenous women and girls was especially important, as it reinforced their poverty and institutionalized discrimination. “These issues must be brought up more often,” she said. She urged more focus on the 43 students who had disappeared.

The representative of Costa Rica spoke about constitutional reforms that laid out a pluri-ethnic policy that aimed to build an inclusive, diverse population. Indigenous peoples continued to face challenges and the Government was working to better fulfil its obligations in that context.

A representative of the American Indian Law Alliance, noting that he represented an ancestral people from Mexico, decried the redistribution of water from one region to another that had better economic and technological capacity. “We want free, prior and informed consent,” he said, citing non-compliance with a judicial order for such. An aqueduct near the Yaki River had been cancelled without such consent. “All we want is for the laws to be respected,” he said, requesting the Special Rapporteur to visit.

JOSEPH GOKO MUTANGAH, Forum member from Kenya, said there were overlaps among the duties of the three mechanisms, which must be harmonized so it was clear who took the lead in implementing the same mandate. Cultural heritage, especially in Africa, was at risk of disappearing, in part due to
environmental degradation. Cultural heritage sites were “living libraries” that required preservation.

A representative of Comité de Unidad Campesina, focusing on repression in Latin America, said indigenous peoples were being portrayed as “enemies” by lawyers for electric and other companies. “They come and assassinate us”, he said, referring to Berta Cáceres in Honduras. In Guatemala, the State was involved in repression. He urged Guatemala to comply with resolutions issued by the Supreme Court and the Constitutional Court, which had suspended the hydroelectric and other projects.

The representative of the United States said no one person with limited resources could fully address the mandate. By strengthening — and formalizing — the Expert Mechanism’s relationship with the Special Rapporteur, he hoped that the latter would be more effective. In considering what functions should be carried out by which Office, “we need to remain realistic about what each entity can reasonably accomplish”.

The representative of the Finnish Sami Youth Organization spoke about the indifference of the Finnish State, stressing that “youth are forced to choose between being young and being Sami”, protecting themselves from hate speech, among other things. By ignoring such behaviour, Finland had increased mistrust. Noting the costs of forced assimilation on future generations, she invited the Special Rapporteur to visit.

A representative of the indigenous organization Foundation for Aboriginal and Islander Research Action (FAIRA) raised the issue of how indigenous peoples’ right to self-determination was being supported by Member States. In Australia, for example, the Government claimed to be implementing the Declaration, but it refused to use the terms “self-determination” or “free, prior and informed consent”. It also refused to support the right of indigenous people to have their own national representative body.

The representative of Australia said her country would continue to support the work of the three mechanisms, and asked the experts how their work could be best utilized by Member States.

EDWARD JOHN, Forum member from Canada, said the experience of his country’s residential schools amounted to genocide as the children that were forced to attend them became the agents of the destruction of indigenous culture. Today, States should take proactive steps to assist indigenous youth to reconnect with their cultures. He supported the establishment of a mechanism for the repatriation of ceremonial objects, or “cultural treasures”.

A representative of the indigenous organization Aty Guasu said leaders of the Guarani people in Brazil were being threatened and suffered from intimidation by police. Noting that the Guarani had been expelled from much of their territory, he issued an urgent appeal to the Brazilian authorities for a definite demarcation of his people’s land. Requesting a study by the Special Representative on the situation faced by the Guarani, he also requested the Forum to help end the ethnocide that was being committed against his people.

An indigenous representative from Botswana said the indigenous San people were suffering as a result of the Government’s policy not to recognize them as a distinct group. Calling for a “second phase of independence” in Africa which would recognize indigenous cultures and languages, he said the findings of a report of the Special Rapporteur on Botswana had yet to be implemented.

An indigenous representative from the Russian Federation said the indigenous Sakha people faced challenges from transnational corporations, which cared only about profit and which were infringing upon indigenous territory. Those companies must work within the framework of the rights of indigenous peoples, she stressed, calling on the Government of the Russian Federation to ratify the Declaration and prevent the transfer of indigenous lands to transnational companies.

A representative of the indigenous organization Regional Indian Council of Cauca (CRIC) recalled that Colombia was in the process of ending the armed conflict that had lasted more than 50 years. Urging the Government to ensure the effective participation of indigenous people, she cited systematic violations of indigenous peoples’ human rights, in particular related to the mining industry, and the emergence of paramilitarism.

Mr. TSYKAREV, in closing remarks, urged a focus on country cases, as well as enhanced
dialogue among States, businesses and indigenous peoples. “We need more financial support,” notably from the Secretariat, he said, agreeing that his office’s mandate must be reviewed along with those of the other two mechanisms.

Mr. PYAGBARA expressed solidarity with the families of the 43 missing students. The Fund needed support, especially from States, without which indigenous peoples’ participation in United Nations meetings could not be enhanced.

Ms. BENNOUNE said she was eager to receive further documentation about cases mentioned today, expressing outrage that the destruction of indigenous peoples’ cultural heritage had not adequately been considered. She emphasized the connection between peoples and their heritage.

Ms. TAULI-CORPUZ said the violation of rights to lands, territories and resources, as well as entrenched discrimination, exacerbated the situation of indigenous women. Investment agreements favoured investor rights, eclipsing human rights, which did not have enforcement mechanisms. Indigenous peoples must participate in such agreements, which currently were being negotiated in secret.

The 9th Meeting was closed.

17 MAY 2016, HR/5304, As Permanent Forum Continues, Speakers Highlight Need for Indigenous Peoples to Be Fully Involved in Resolving Conflicts over Land, Natural Resources, Permanent Forum on Indigenous Issues, Fifteenth Session, 12th & 13th Meetings* (AM):

Conflicts over land and natural resources — many of which turned bloody — continued to plague indigenous communities across the globe, stressed speakers today as the Permanent Forum on Indigenous Issues held two panel discussions focused on peace, conflict and resolution.

Participants provided examples of indigenous communities at odds with Governments or transnational companies, in particular those active in the mining, logging or oil and gas industries. Many also described the repercussions of such conflicts, which ranged from forced displacement to the assassination of indigenous leaders who protested the violation of their rights.

Yohanis Anari, Organisasi Pribumi Papua Barat (West Papua), said most States in conflict with indigenous people were so because they had resources the State wanted. For 54 years, West Papua had been a victim of deception, including within the United Nations, he said, noting that the region had been placed under the administration of Indonesia. “The people of West Papua are no less deserving of protection” than others around the world.

A representative of the International Indian Treaty Council described increasing reports of intimidation, repression and assassinations related to legitimate attempts of indigenous peoples to defend their rights. Human rights defenders were often labelled terrorists or common criminals, she said, expressing outrage over recent assassinations of human rights defenders. She called for the Forum to convene an expert group meeting on the situation of indigenous human rights defenders before the start of its next session.

Aisa Mukabenova, Forum member from the Russian Federation, agreed that many of the conflicts facing indigenous peoples today were linked to industrialization and economic development. The projects of transnational corporations often negatively impacted the lives of indigenous peoples, she said, reiterating the need to include the topic of relations with such companies on the Forum’s agenda.

Dalee Sambo Dorough, Forum member from the United States, declared: “We sit here very comfortably in New York, while at the same time blood is being shed.” It was ironic that indigenous representatives were sitting in a civil manner to discuss the death and destruction that plagued their communities. She recalled that, for those reasons, there had been real concern over the selection of the present theme for the Forum’s session.

Speakers also underscored the need for indigenous peoples to be meaningfully involved in resolving both inter- and intra-State conflicts.

In that regard, Juvenal Arrieta, Organización Nacional Indígena de Colombia, said the decades long armed conflict in his country had led to the recruitment of indigenous people as well as assassinations and rape. While the peace process between the Revolutionary Armed Forces of Colombia (FARC) and
the Government had eased those impacts, there was an urgent need to involve indigenous groups in the drafting of the overall peace agreement. That document must address the autonomy of their culture and territories, programmes for social inclusion and respect for human rights and the planet.

Alexey Tsykarev, Chair of the Expert Mechanism on the Rights of Indigenous Peoples, expressed concern over the lack of participation of indigenous peoples in peace agreements. Stressing the need for free, prior and informed consent, he said the demarcation and protection of indigenous lands should be given priority in the context of conflict resolution. Without the participation of indigenous peoples, violence and encroachment on indigenous territories could increase.

The afternoon panel focused on indigenous women in peace and conflict. Speaking during that session, Rosalina Tuyuc Velásquez, National Association of Guatemalan Widows — CONAVIGUA, said that as Guatemala commemorated the twentieth anniversary of peace, Mayan widows had demanded truth, justice and compensation so that “never again will the horrors of war occur”. Mayan women had brought a suit over the genocide, rape and abuse suffered at the hands of the military, and had achieved condemnation of a former military chief and other senior officials, she said.

The Permanent Forum will reconvene on Wednesday, 18 May, at 3 p.m. to consider its future work.

Panel Discussion

This morning, the Permanent Forum on Indigenous Issues held a panel discussion on its annual theme, namely, “Indigenous Peoples: conflict, peace and resolution”. It featured: Akli Sheika Bessadah, Imouhagh International Youth (Tuareg); Juvenal Arrieta, Organización Nacional Indígena de Colombia; Niengulo Krome, Naga People’s Movement for Human Rights (India); and Yohanis Anari, Organisasi Pribumi Papua Barat (West Papua). It was co-moderated by Raja Devasish Roy, Forum member from Bangladesh, and Phillip Taula (New Zealand).

Mr. BESSADAH said the Tuareg were a nomadic group that had been persecuted for thousands of years. Over the centuries, their homeland had been parcelled out to become various countries, and the Tuareg had been left with no place to call their cultural home. More recently, in Libya, hundreds of Tuareg had been tortured and killed following the fall of Moammar Qadhafi, and some 23,000 Tuareg had been denied the right to nationality. Governments were also not meeting the genuine needs of the Tuareg people in Niger, Mali and other neighbouring States, he said, adding that hundreds of Tuareg were dying in the region due to the activities of French nuclear companies. The African Commission on Human and Peoples’ Rights had work to do in advancing the rights of the Tuareg. For its part, the Permanent Forum must compel Governments to respect indigenous rights, and the United Nations must put pressure on Member States in the Saharan region to end discrimination against them. Stressing that the right to nationality must be respected in Libya without delay, he noted that the indigenous peoples of the region could play an important role in bringing about peace if only Governments would comply with the Declaration on the Rights of Indigenous Peoples.

Mr. ARRIETA said Colombia was a country of contradictions, as it was one of the most stable democracies of the region but was also working to end a more than 50-year-old armed conflict. There were a number of ways that the conflict had affected indigenous peoples in the country, including recruitment, anti-personnel mines, assassination of indigenous leaders and rape. The peace process between the Revolutionary Armed Forces of Colombia (FARC) and the Government — which he described as a “spark of light in the tunnel of despair and war” — had eased the negative effects of the conflict. Moreover, the Havana Agreement had focused, among other things, on land and the growing of illegal drugs; as those issues directly affected the lives of indigenous peoples, their free, prior and informed consent was required. The newly established Ethnic Peace Commission, an Afro-indigenous organization, was working to set up a technical team to ensure that indigenous peoples were consulted about issues that affected them. However, he expected that the overall peace agreement to be reached between the FARC and the Government would also involve indigenous peoples, and that it would address the autonomy of their culture and territories, programmes for social inclusion and respect for human rights and the planet. In addition, once the agreement was signed, the Government should establish an ethnic commission and a verification monitoring mission to ensure that its provisions were implemented. Stigmatization and the imprisonment of indigenous peoples must end.
Mr. KROME described the history of the Nagas in north-east India, whose land was invaded in 1832. The political conflict among indigenous Nagas was among Asia’s longest-running conflicts. Attempts to resolve it only created more conflict. In 2015, a framework agreement was signed and the Prime Minister of India had announced a final settlement was at hand. That had not yet happened. More broadly, India was infested with social and political violence where indigenous peoples lived, and every peoples movement in the country was watching how the Naga issue was resolved. If it was done so in an honourable way, other movements might come forward for peaceful resolution. If not, the situation would likely deteriorate. The rights of indigenous peoples to self-determination must be respected, as must that against forced military activities in indigenous territories. International borders had divided indigenous peoples, denying them their right to maintain their political, cultural, economic and social purposes. He urged States to implement that right.

Mr. ANARI said most States in conflict with an indigenous people were so because they had resources the State wanted. West Papua had minerals. For 54 years, West Papua had been a victim of deception, including within the United Nations. The Economic and Social Council could end that practice by placing the issue of West Papua on the agenda of the Trusteeship Council. “The people of West Papua are no less deserving of protection” than others around the world. In 1950, General Assembly resolution 448 referenced an obligation to respect West Papua’s economic and other rights. Yet, West Papua was placed under the administration of Indonesia, which in 1961 invaded the area, prompting the United States to ask the Netherlands to sign the Trusteeship agreement. In 1962, the new Secretary-General made a public endorsement, citing the benefits of an agreement between the Netherlands and Indonesia. However, a draft Assembly resolution presented a day earlier had requested the United Nations to administrate West Papua. Benin had tried to explain that the people of West Papua had not been consulted, while Togo had deplored the lack of time given to consider the issue. Article 103 of the United Nations Charter did not permit any Charter obligation to be mitigated, he recalled, urging that resolution 1752 (XVII) be placed on the agenda of the Trusteeship Council.

As the floor was opened for an interactive dialogue, representatives of both States and indigenous organizations described common causes of conflict, including disputes over land and natural resources.

Several Government representatives, including the delegate from Brazil, described national approaches to preventing and resolving conflicts. In that regard, he said, Brazil’s National Indian Foundation had conducted a successful operation alongside indigenous peoples to combat illegal gold mining.

The representative of the Russian Federation, sharing his country’s experiences in preventing territorial disputes, said the relationship between indigenous peoples and private entities such as oil and gas companies was governed by laws requiring free, prior and informed consent as well as compensation for natural resource use. Mechanisms for resolving economic disputes had also been developed.

The representative of Colombia said the ongoing peace process in her country provided a historic opportunity to ensure the participation of indigenous peoples, as well as the protection and promotion of their human rights. In April, some 200 indigenous groups had taken part in the Havana talks through established mechanisms. She underscored the need for the peace agreement to utilize a “differentiated approach” taking into account the cultural diversity of the country’s indigenous peoples.

Many indigenous representatives cited examples of discrimination, stigmatization and cultural destruction as well as assassinations and extrajudicial killings, noting that the latter were often closely related to disputes with Governments or multinational corporations.

A representative of the International Indian Treaty Council described increasing reports of intimidation, repression and assassinations related to attempts of indigenous peoples to defend their rights. Human rights defenders were often labelled terrorists or common criminals. She commented that it appeared that the Declaration’s framework for just, transparent and rights-based processes for conflict resolution and redress had not yet been widely implemented. Expressing outrage over attacks on human rights defenders, including the death of Berta Cáceres in Honduras, she recommended that the Forum convene an expert group meeting on the situation before the start of its sixteenth session.

A representative of the Sami Council declared: “It is time to correct the colonial past”. In Sweden, she said, the Sami Parliament had demanded the establishment of an independent truth commission to
look into gross violations of human rights and other past injustices against the Sami people, including forced sterilizations. In Finland, there had been a steep rise in instances of hate speech against the Sami while in Norway there was an urgent need to openly discuss the country’s history of residential schools. Several United Nations experts and members of the Permanent Forum responded to those comments.

AISA MUKABENOVA, Forum member from the Russian Federation, said many of the conflicts described today were linked to industrialization and economic development. The projects of transnational corporations often negatively impacted the lives of indigenous peoples, she said, reiterating the need to include the topic of relations with such companies on the Forum’s agenda. She called for the body to also focus on the militarization of indigenous lands, as it led to forced displacement.

JOAN CARLING, Forum member from the Philippines, reminded participants that indigenous institutions had their own means of maintaining peace and security and resolving conflicts in their territories. The intervention of outside forces was therefore a violation of their rights. In fact, the conflicts described by some delegates were related to the lack of respect for the rights of indigenous peoples to their lands and resources. Any resolution of those conflicts must be anchored in what is just and equitable, not just what was considered legal.

ALEXEY TSYKAREV, Chair of the Expert Mechanism on the Rights of Indigenous Peoples, expressed concern over the lack of participation of indigenous peoples in peace agreements. Stressing the need for free, prior and informed consent, he said the demarcation and protection of indigenous lands should be given priority in conflict resolution processes. Without the participation of indigenous peoples, violence and encroachment on indigenous territories could increase.

MEGAN DAVIS, Forum member from Australia, said indigenous peoples in her country did not view the reconciliation process as a true reconciliation process. Australia had failed to “close the gap” with regard to indigenous peoples due to its inability to understand that key point. While the Government’s apology was significant, there was a kind of “cherry picking” on its part with regard to the right to reparation and compensation. Australian indigenous peoples did not want recognition — they wanted rights, she said.

DALEE SAMBO DOROUGH, Forum member from the United States, recalled that there had been concern over the selection of the present theme for the Forum’s session. It was ironic that indigenous representatives were sitting in a civil manner to discuss the death and destruction that plagued their communities, she said, stressing the need for Member States to take that into account. “We sit here very comfortably in New York, while at the same time blood is being shed,” she stressed.

VICTORIA TAULI-CORPUZ, Special Rapporteur on the Rights of Indigenous Peoples, said that, in many cases, indigenous peoples had not been part of peace negotiation processes. That had been the case in the Philippines and in Colombia. She proposed that the Forum issue recommendations to ensure the involvement of indigenous peoples in conflict resolution as well as in post-conflict development.

Mr. ROY said development aid was not valuable if it did not address the issues raised by indigenous peoples themselves. The review of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples was an opportunity to include some kind of mediation. Also speaking were the representatives of South Africa, Australia, Guatemala, the International Labour Organization (ILO) and the Centre for Research and Advocacy. Taking part were representatives of indigenous organizations from Guatemala, Indonesia, Democratic Republic of the Congo, Bangladesh, Viet Nam and the Russian Federation.

Panel II

In the afternoon, the Forum held a panel discussion on “Indigenous Peoples: conflict, peace and resolution”, moderated by María Choque Quispe, Forum member from Bolivia. It featured presentations by Rosalina Tuyuc Velásquez, National Association of Guatemalan Widows – CONAVIGUA; Dawn Lavell-Harvard, President of the Native Women’s Association of Canada; and Anita Isaacs, Haverford College.

Ms. QUISPE explained that the panel would have a particular focus on indigenous women in peace and conflict.

Ms. TUYUC VELÁSQUEZ sought the energy from the more 200,000 victims of the armed
conflict in Guatemala, noting that, as the country commemorated the twentieth anniversary of peace, “we cannot be entirely satisfied because there has not been full compliance”. At the same time, the progress made had been borne from social pressure and the use of rights bestowed by national and international law. Mayan widows had demanded truth, justice and compensation so that, “through our voices, may it be that, never again, will the horrors of war occur”. Widows in Guatemala were not only the face of inequality and genocide. They were also the protagonists of peace, having fought against militarization and demanded just reparation that honoured the dignity of the dead. Mayan women had brought a suit over the genocide, rape and abuse suffered at the hands of the military, and had achieved condemnation of a former military chief and other senior officials. While that sentence was later annulled, “this sentence for us means just trial”, she said, noting that in 2015, women from the Sepur Zarco community, seeking justice for sexual slavery suffered at the hands of military, had also achieved legal condemnation. Mayan women continued to look for compensation, demilitarization and achieving a life of dignity.

Ms. LAVELL-HARVARD said the birth of a child in each of the indigenous communities was a revolutionary act against those who would rather that their lives were extinguished. She welcomed that Canada had unconditionally adopted the Declaration, which would impact indigenous women’s ability to exercise their basic rights. “It is our basic human right to lead and participate in decisions that affect our lives,” she said. What mattered most was health of their families and restoration of their roles in governance structures and as leaders of their peoples. “We have a lot to reclaim,” she said: the traditional gender balance in families and governance structures, as well as their roles as knowledge keepers, and in some cases, human beings. The Indian Act sought to destroy those roles. Forced assimilation was a deeply gendered project, with patriarchal systems silencing indigenous women around the world. It was not enough to say that those women had the same opportunities for space as men. They must have their own spaces for voice and leadership. Gender equity in communities must be restored.

Ms. ISAACS said she spoke as an outsider, neither indigenous nor a genocide survivor. Rather, she was someone who had observed indigenous women’s efforts to pursue justice and reparations over the past two decades. There were differences between reconciliation in post-genocidal societies and in post-authoritarian or dictatorial societies. The scale of repression inflicted on the perceived enemies of the State was different when State adversaries were identified in ethnic rather than ideological terms. The term conciliation was a more appropriate statement of objectives. “Genocide is not a singular event,” she said, as its perpetration was embedded in a colonial history of racism that had economic, psychological and social causes and effects. Conciliation underscored the need for wholesale transformation. There was not a simple mending of a torn social and political fabric, but rather, the stitching of a new social fabric that aimed to be tear-resistant. A core objective was to prevent a future need for reconciliation. Those were context-specific processes, which might require waging an internal conciliatory battle to accept women as social activists. Conciliation asked non-indigenous civil society to change its mentality, attitudes and behaviour. Privileged elites often spoke of reconciliation as forgiving and forgetting. Conciliation could never be about forgetting, and forgiving was a matter of choice, rather than pledges to reform. Conciliation meant harnessing political memory in the service of a painful process of imagining a new egalitarian and durable nation.

Ms. VALJI, Deputy Chief of the Peace and Security Section of United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), discussed the global study on the implementation of resolution 1325 (2000), noting that sexual violence was now on the Security Council’s agenda. There also was evidence that women’s participation in peace processes was critical to their success. As the United Nations took stock of progress over 15 years, one thing was clear: Too little attention had been paid to women’s multiple identities, missing the way that conflict had impacted the perspectives they brought to conflict resolution. Indigenous women’s experiences of multiple discriminations had shown they had been disproportionately affected by conflict, and therefore brought fresh perspectives to conflict resolution, often viewing discrimination as a root cause of conflict. In the ensuing discussion, speakers made emotional calls for indigenous women to participate in decisions affecting their lives, emphasizing that they had been excluded from efforts to resolve conflicts,
branded “secessionists” and “terrorists”, and in some cases, killed for advocating their basic rights.

The representative of Manipur Women's Survivors Network said the indigenous north-east of India was home to 272 communities and 17 peace talks. Of those, not a single one involved women. “We talk about indigenous peoples’ rights but indigenous women have been excluded from all peace talks and decision-making,” she said, urging India to stop dehumanizing them. “I have been threatened by the State. I have been threatened by the non-State,” she said, urging demilitarization of indigenous lands and the removal of the Armed Forces Special Powers Act.

The representative of the World Amazigh Congress said everything her people did was repressed. In the Mozabite region, conflict raged between Arab and Amazir communities, with Algerian police supporting the Arab community. People fighting for self-determination in Kabylia were assaulted daily, including herself, with the police sealing off her home. “We are leading an unequal battle against the State,” she said, stressing that even at the United Nations, “we are not heard”.

The representative of Maasai Women for Education and Economic Development said when clans in the Maasai community fought over resources, they buried a stone to symbolize burial of the difference. It was important for the United Nations to revive such practices. “The truth is our national reconciliation mechanisms are not working for indigenous peoples,” she said, urging support for the exchange of best practices and changing the perception of women in conflict settings from victims to peacebuilders, decision-makers and change agents.

A representative of the Sami Parliament of Norway called for a reconciliation process in order to achieve mutual understanding on addressing the legacy of forced assimilation. He urged States to establish truth and reconciliation processes.

A representative of the Grupo Plural por la Igualdad de Género en Guerrero said it was important to look at who started conflicts, profited from them and continued to promote them.

A representative from Chinland said only 8 of 21 armed indigenous groups had signed the ceasefire with the Myanmar Government, leaving hundreds of thousands of indigenous people internally displaced and in need of aid. Space for civil society to participate in the peace talks was limited. Only 1.5 per cent of indigenous women had participated in different levels of the peace process. She called on the military to end its assaults in indigenous areas and to invite the remaining ethnic armed groups to engage in the peace process. It should also remove article 445 from the 2008 Constitution.

Several Government representatives took issue with some of the depictions of situations on their territories, and instead discussed national measures to safeguard indigenous rights.

The representative of Indonesia said West Papua enjoyed greater autonomy than other provinces. Papuans had cast votes to choose their governors, mayors and most of the House of Representatives. Some misleading statements had been made concerning Papua and West Papua. Integration into Indonesia through the 1969 act had been legal. Some groups had used the Forum to advance extraneous agendas.

The representative of Viet Nam objected to the participation of a certain group in the Forum, as it had carried out politically motivated acts to separate the country’s territory. He rejected all its claims.

The representative of Algeria said the concept of indigenous peoples recalled an era when colonial powers had created two categories of people: colonialists who had put their hands on national resources, and Algerian people, who had been deprived of their rights and riches. He called on the people of Mali to address the drugs and terrorism problems, noting in a second intervention that “We export stability.”

Providing an Organization perspective, a representative of the United Nations Institute for Training and Research (UNITAR) discussed a mechanism to enhance indigenous peoples’ participation in conflict resolution. The programme focused on training in conflict analysis, negotiation and transformation. It reviewed rights-based and problem-solving processes. Women had constituted 40 per cent of the participants. A total of 483 indigenous representatives had deepened their skills in the programme.

Several Forum experts offered context for regional situations.

KARA-KYS ARAKCHAA, Forum member from the Russian Federation, said participants had cited
the violation of indigenous peoples land rights as a cause for conflict. Positive examples of interaction among indigenous peoples, Governments and businesses also had been described.

JOSEPH GOKO MUTANGAH, Forum member from Kenya, said inter- and intra-tribal conflicts, in most cases, were due to resources, religion and ethnic background. What was important was that conflicts could lead to inter-tribal war, as had been seen in Kenya. Often, causes stemmed from misunderstanding and overexploitation of resources.

MARIAM WALLET ABOUBAKRINE, Forum member from Mali, questioned whether to welcome the agreement between her country and the rebels. It was important not to forget that Algeria had participated in three other agreements that had failed. She asked whether the current accord would be another.

Also speaking in the debate were representatives of Denmark, South Africa and Guatemala. Representatives of the following organizations also spoke: National Assembly for Autonomy in Mexico, Comisionada Indígena de Colombia, Inuit Circumpolar Council, National Forum of Indigenous Women of Nepal, Hawaii Institute for Human Rights and the Asociación de Pueblos Indígenas de Venezuela.

* The 11th Meeting was closed.


Changes in Working Methods Urged, as Some Raise Issues of Self-determination

After 15 years, the Permanent Forum on Indigenous Issues had matured into a unique platform for the exchange of knowledge, but must now find ways to ensure the implementation of its recommendations or risk losing its hard-won credibility, speakers said today while suggesting changes to consider in developing future work programmes.

During a half-day meeting, speakers representing indigenous groups, Governments and the United Nations system explored the potential for sessions to include new formats in which indigenous peoples and States could discuss critical issues. Several advanced ideas for the Forum itself to better act upon recommendations it received each year, and in turn, to ensure that its own guidance to States and other partners was implemented.

“Without change, States and indigenous peoples will continue to talk across each other,” the speaker for New Zealand’s Ben Wakefield Trust noted, suggesting that the Permanent Forum hold regional meetings, facilitated by expert members, to foster direct dialogue.

The representative of the Alifuru Council urged the Permanent Forum to send a questionnaire to indigenous peoples, Member States, United Nations bodies and non-governmental organizations, asking how its working methods for the sixteenth session could be improved.

Denmark’s representative declared: “Recommendations have little or no value if they do not become a reality on the ground and, in fact, change the lives of indigenous peoples,” a task in which States, indigenous peoples and United Nations must be engaged. Speaking on behalf of the Nordic countries, she said that compiling the recommendations and a record of their implementation status would create a “point of departure” for discussions on a future strategic focus.

The Russian Federation’s representative, noting recent changes in working methods, asked how effective closed meetings had been and whether the practice would continue, warning that they could threaten the Forum’s credibility. Expressing regret over attempts to politicize debate, she voiced hope that the Chair would redirect discussions appropriately.

Other speakers pointed out that hopes for a better future often came down to whether and how well States implemented the right to self-determination. The representative of the Aboriginal Rights Coalition called for a three-year study on State implementation of self-determination, and a two-year study on contemporary dispossession of indigenous peoples, focusing on how the United Nations could facilitate adjudication between States and indigenous peoples.

Amid other calls for a three-year strategic plan, the Director of Governance and Peacebuilding of the Bureau for Policy and Programme Support of the United Nations Development Programme
UNDP) said that engaging with indigenous peoples would comprise a core part of the Programme’s implementation support for the 2030 Agenda. UNDP would also continue to implement a wide variety of environmental programmes for the benefit of indigenous peoples, he added, citing more than 192 projects implemented with indigenous organizations through the Global Environment Facility (GEF) during the 2014-2015 period.

A Forum member from the Philippines said that the Permanent Forum had had ample possibilities to participate in different meetings in which the Sustainable Development Goals were being framed. “We are rights holders and it is important that we are treated as equal partners,” she emphasized, adding that she looked forward to stronger collaboration with Member States and other partners in implementing the 2030 Agenda for Sustainable Development.

Also speaking today were representatives of Guyana, Chile, Guatemala and Australia, as well as the European Union.

An indigenous parliamentarian from Indonesia joined speakers representing the following organizations in addressing the Permanent Forum: National Congress of Australia’s First Peoples; Congress of Aboriginal Peoples; Asia Indigenous Peoples Pact; Indian Law Resource Center; Disability Caucus; International Native Tradition Interchange; and Tebtebba.


Permanent Forum Members from Australia, Ecuador and Cameroon also spoke.

The Permanent Forum will reconvene at 10 a.m. on Thursday, 19 May, to continue its fifteenth session.

Statements

Ms. GARFIELDT-KOFOED (Denmark), speaking on behalf of the Nordic countries, said recommendations had little or no value unless they became realities on the ground and changed the lives of indigenous peoples. It was, therefore, the Forum’s responsibility to ensure appropriate follow-up to its recommendations and their implementation. She proposed that its sixteenth session set aside space for ensuring that concrete action was taken on past recommendations, in particular through a compilation of such proposals and the status of their implementation. Emphasizing the need to preserve, at all costs, the Forum’s orientation towards dialogue, she proposed a three-year strategic work programme to focus discussions, suggesting a strategic focus on one or two main themes, as well as one or two follow-up themes as one way forward.

RAFAEL DE BUSTAMANTE, European Union, said the bloc’s policies on indigenous issues dated back to the 1990s, and it was currently in the process of reviewing them with a view to ensuring their coherence with the Declaration on the Rights of Indigenous Peoples. Indigenous issues focused prominently in the European Union Action Plan on Human Rights and Democracy 2015-2019, adopted in 2015, which called for stepping up efforts to protect human rights defenders, with a particular focus on those working on labour rights, land-related human rights issues and indigenous peoples in the context of land-grabbing and climate change. Citing the plan’s section on ensuring a comprehensive European Union approach to conflict and crisis, he emphasized the need to ensure full and effective participation by indigenous peoples at various levels in developing policies affecting them. The European Union’s new policy document would be published by the end of 2016, he said, expressing his high expectation that it would bring added visibility to the bloc’s engagement in indigenous issues.

MEGAN DAVIS, Forum Chair and member from Australia, said the rotation rule was informed by the fact that one person had held the position of Chair for six years and arose from people’s desire to see one of their own hold the position. She recalled that at the outset of the session, she had presented a report on the progress of recommendations made the previous year, and emphasized the importance of acknowledging where reforms had been carried out.

CATHRYN EATOCK, Aboriginal Rights Coalition, recommended a three-year study on State implementation of self-determination, and a two-year study on contemporary dispossession of indigenous
people, focusing on how the United Nations could facilitate mediation and adjudication between States and indigenous peoples. **Australia had retreated from commitments to self-determination through such policies as the 2007 Northern Territory Intervention, which had sent 600 soldiers into remote Aboriginal communities, removed their management and access to social security payments, and broken up previous communal land titles. The Indigenous Advance Strategy had reduced funding from 2.4 billion Australian dollars in 2014 to 860 million Australian dollars in 2015, awarding 55 per cent of grants to non-indigenous organizations**, she noted.

SYDNEY ALLICOCK, Vice-President and Minister for Indigenous Peoples Affairs of Guyana, noted that indigenous peoples had been among the nine major groups involved in the consultations leading up to the adoption of the 2030 Agenda. As a result, the Agenda contained numerous elements that could help address the development concerns of indigenous peoples. The Permanent Forum had the responsibility to monitor and highlight critical gaps that must be mainstreamed across the 2030 Agenda to ensure full realization of the rights of indigenous peoples, he said, adding that there must be a continuous push for guaranteed access to education at all levels. More qualified teachers were also needed, and indigenous languages should be incorporated into school curricula. Emphasizing the importance of prioritizing housing and urban development and addressing the challenges of climate change, he said one benefit of such efforts would be an increase in the job opportunities available to young people. Access to reliable energy was critical to ensuring that information and communications technology penetrated hinterland, poor and remote indigenous communities, he said, stressing also the need to improve the provision of health-care services, personnel and facilities for indigenous peoples, in particular women and girls.

IRENA ZUBCEVIC, Officer-in-Charge, Intergovernmental Branch, Division of Sustainable Development, Department of Economic and Social Affairs, briefly reviewed the history of the 2030 Agenda, noting that in adopting it, Member States had taken a decision to place the world on a sustainable path and to leave no one behind. The Agenda’s universality was of critical importance for indigenous peoples, since they were mentioned in it, among other groups, as part of the “most vulnerable” category, and were specifically referred to in Sustainable Development Goal 2 on ending hunger and Goal 4 on ensuring quality and equitable education. The Permanent Forum could engage with the follow-up process at various levels, including the national and regional levels. The High-level Political Forum on Sustainable Development was tasked with thematic review of the Sustainable Development Goals, she noted, stressing the importance of indigenous participation in that process, while citing a letter from the Economic and Social Council seeking the Permanent Forum’s inputs into the High-level Political Forum’s discussions.

ERMA SURYANI RANIK, Indigenous Parliamentarian, said she was from Indonesia, where 30 to 50 million out of a total 254 million people were indigenous. She said she had visited indigenous leaders in Papua, who did much to defend their rights. **Indonesia had previously not used the term “indigenous peoples”, but today the Constitution’s recognition of indigenous peoples was based on the principle guiding the unitary republic. Related to rights was the issue of forest and land fires, most of which occurred around palm oil plantations, she said, expressing hope that a bill on the protection of indigenous peoples, a legacy from the previous Government, would be completed by 2019. Noting that the current Criminal Code was a legacy of the Dutch, she said that a new bill, to be completed in 2017, stated that a judge had the right to apply customary law in each local area, meaning that its use in each district would be accommodated in the criminal justice system.**

JACKIE HUGGINS, National Congress of Australia’s First Peoples, said her country’s programmes did not meet international human rights standards, and despite the United Nations having recommended constitutional reviews to ensure non-discrimination, the Australian Constitution remained unchanged, allowing Parliament to make laws that discriminated against Torres Strait Islanders. The National Congress had called on Australia to restore local governments and decision-making structures, but “these changes have not happened”, she said, pointing out that Aborigines and Torres Strait Islanders were imprisoned at more than 25 times the rate for non-indigenous Australians.

JUAN EDUARDO FAUNDEZ MOLINA (Chile) said his country was working for structural and cultural change in order to meet the needs of indigenous communities. **Noting that the world was up against a major environmental crisis, he said that most indigenous communities had an implicit**
ecological dimension. Protecting the rights of indigenous peoples benefited all the planet’s peoples, and “every right that is conquered for indigenous peoples means moving in a direction that puts what is human at the centre of sustainable development”. That was no easy task, and accomplishing it would mean changing the order of priorities inherent in the current economic model. The situation of indigenous peoples was unique and distinct in each country, and international bodies must take that into account to a greater degree, he said, calling upon United Nations Expert Mechanisms to strengthen their efforts in carrying out studies relating to indigenous issues. The classification and extension of good policies on indigenous practices was also important, and Chile was on the brink of building a “new social contract” between its nine groups of indigenous peoples and the rest of society, which would make it possible to enshrine indigenous peoples’ rights in the national legal order.

HANS BRATTSKAR, United Nations Collaborative Initiative on Reducing Emissions from Deforestation and Forest Degradation (UN-REDD), described an ambitious programme launched by the Government of Norway and other partners in 2015 to ensure that indigenous voices would be heard at the Paris Conference on climate change. While indigenous peoples played a critical role in climate change mitigation and adaptation, not least as stewards of the world’s tropical forests, their voices often went unheard in decision-making processes, despite their clear contributions, he said. The Indigenous Peoples Caucus had presented a clear set of priorities before the Paris Conference, he said, adding that two global dialogues had also been held in advance of that meeting to ensure the incorporation of those messages into national positions. As a result of such efforts, indigenous rights and priorities were formally embedded throughout the Paris Agreement, he said, noting that indigenous peoples had contributed in an unprecedented way to global and national climate policy. They had also created lasting platforms for advocacy and the sharing of knowledge, he said, emphasizing that their participation in the Paris Conference had contributed to a more inclusive and credible climate agreement.

KINGI SNELGAR, Ben Wakefield Trust, said that when indigenous peoples raised issues, there was often no response from States. “Without change, States and indigenous peoples will continue to talk across each other.” The Forum should hold regional meetings, facilitated by expert members, to foster direct dialogue on issues relating to the Declaration, he suggested. Noting that New Zealand did not recognize his people’s constitution, which had been legalized by his ancestors, he said the country had also not domesticated the Declaration. It had determined that Maori self-government was unworkable, basing that determination on the doctrine of State sovereignty. Emphasizing that sovereignty should not be an absolute barrier to discussing self-government, he urged the Forum to better promote dialogue, consider a study on the doctrine of State sovereignty, and give standing to indigenous peoples’ participation at the United Nations as indigenous nations.

Discussion

DWIGHT DOREY, Congress of Aboriginal Peoples, said Canada’s federal, provincial and territorial governments must use the Declaration and consult all indigenous peoples in reviewing and reforming laws and policies. They must also acknowledge that indigenous peoples must be provided the necessary financial and human resources to fully participate in open and fair consultations. The 1999 Daniels v. Canada case, which outlined Canada’s obligation to consult with Metis and non-status “Indians” with respect to their rights, interests and needs, meant that Canada could no longer continue to play a “political game” with provinces over jurisdiction and could thus initiate a framework for reconciliation. His organization had submitted a political accord and “road map for renewal and reconciliation” to the Prime Minister.

GHAZALI OHORELLA, Alifuru Council, said the Forum should send a questionnaire to indigenous peoples, States, United Nations agencies and non-governmental organizations, asking how it could improve its working methods for the sixteenth session. He went on to emphasize that a rights-based approach was essential to addressing climate change, which exacerbated the political and economic marginalization of indigenous peoples. In response to comments made yesterday by the representative of Indonesia, he said that General Assembly resolution 2625 (1970) outlined that the principle of territorial integrity applied only to States that were in compliance with the principle of equal rights and self-determination. He reminded
Indonesia that all States were obliged to respect the right to self-determination.

MARIA E. CHOQUE QUISPE, Forum member from Ecuador, said that indigenous peoples in the Latin America and Caribbean region had long debated the concept of sustainable development. For them, development had frequently meant “bad development” that led to hunger, poverty, land-grabbing and dispossession of indigenous lands. Indigenous communities had been fighting against such activities on a daily basis, she said. Emphasizing the indigenous concept of “living well”, she said it hinged upon authenticity, dignity and self-determination. Living well also meant a close relationship with Mother Earth, a viewpoint that must be taken into account in the new sustainable development agenda. Indeed, sustainable development could provide an alternative to the “bad development” of the past, she said, stressing the need to recognize land as more than an economic resource. Efforts to combat climate change must also incorporate indigenous knowledge and ways of thinking, she added.

Ms. DAVIS thanked participants for their concrete recommendations, particularly those on the importance of increasing communication on the Permanent Forum’s workings.

Ms. SUKACHEVA (Russian Federation), noting recent changes in the modalities of the Permanent Forum’s work, asked how effective closed meetings had been and whether the practice would continue in the future. All stakeholders should be included in the Forum’s discussions, she said, warning that closed meetings could threaten its credibility. She expressed regret over attempts by some stakeholders to politicize the Forum’s work, and expressed her hope that the Chair would use his authority to redirect discussions to the appropriate topics. She added that the Forum must adhere to regulations on the length of statements by participants, which had frequently been violated throughout the current session. Regarding themes for future study, she proposed a study on the effectiveness of efforts to facilitate the participation of indigenous peoples.

GRETA SCHETTLER, Vice-President, WEConnect International, and member of the Secretary-General’s High-level Panel on Women’s Economic Empowerment, said that, on basis of global consultations, the Panel would publish two reports that would explore ways in which to better engage indigenous peoples in its activities. The first, to be launched in September, would examine the importance of women’s economic empowerment in sustainable development, including potential actions going forward. She said WEConnect was led by companies interested in incorporating women-owned businesses into their supply chains, explaining that inclusiveness and diversity would result in sustainable economic growth.

The Vice-Chair of the Voluntary Fund for Indigenous Peoples said the High-level Panel on Women’s Economic Empowerment offered an opportunity to raise the profile of women learning in such fields as gastronomy, tourism, design and combating violence by combining their economic empowerment with their political empowerment. Its report must respond to the challenges facing indigenous women as they learned, by providing appropriate financial and credit schemes, she said, emphasizing that indigenous women must be included in the Panel’s regional meeting, to be held in Costa Rica in June. She suggested that the Forum’s 2017 session include the empowerment of indigenous women as an agenda item, and the follow-up to the High-level Panel’s report. It should also consider the use of science, technology and innovation in implementing the Sustainable Development Goals.

ATAMA KATAMA, Asia Indigenous Peoples Pact and PACOS Trust, said that despite significant progress, the Sustainable Development Goals still lacked inclusive language, specific goals and action areas to “leave no one behind”. It was critical to ensure full and effective participation by indigenous peoples in national development planning processes, including identifying and prioritizing the targets and indicators of the Goals. At the United Nations level, indigenous peoples lacked meaningful participation in the High-level Political Forum, the central platform for follow-up and review of the 2030 Agenda, he noted, calling on the Permanent Forum to urge the Economic and Social Council to ensure their full and effective participation. Attaining the Sustainable Development Goals meant securing the collective rights of indigenous peoples to their lands, territories and resources, he said, calling on Member States, as well as United Nations agencies, funds and programmes, to pay particular attention to data collection and disaggregation, for the allocation of sufficient funds, and for initiatives to build capacity.

Ms. POP CAL, Ombudsperson for Indigenous Women of Guatemala, said her office had been
created in an effort to eradicate violence against indigenous women and to foster a multicultural environment. It currently ran 14 strategic regional centres providing legal and psychological assistance to indigenous women, she said, adding that the Government had adopted various other mechanisms for improving the quality of life for Guatemala’s more than 2 million indigenous women. Describing a number of those social programmes, such as the “Zero Hunger Pact”, she said such efforts had reduced chronic malnutrition and seasonal hunger among indigenous peoples. The Ombudperson’s office also worked to provide basic health and nutrition services, education on nutrition, care for those vulnerable to food insecurity and malnutrition, sanitation in schools and housing. Among other proposals, she suggested that the draft resolution on the Permanent Forum’s present session include a recommendation urging the United Nations system to ensure that Governments initiate programmes and policies promoting ethnic and linguistic diversity in their national plans.

PATRICK KEULEERS, Director of Governance and Peacebuilding, Bureau for Policy and Programme Support, United Nations Development Programme (UNDP), said that engaging with indigenous peoples would comprise a core part of the Programme’s implementation support for the 2030 Agenda. Particular attention would be paid to Goal 16 on peaceful, just and inclusive societies, Goal 5 on gender equality and Goal 10 on reducing inequalities. Equally important would be providing support for building capacity in indigenous organizations so they could track progress, he said, adding that UNDP would work closely with them at the country level to ensure that “localization of the Goals reaches even the most remote communities”. At the global level, the Programme saw the 2030 Agenda as a unique opportunity to realize the full rights of indigenous peoples and to support consultations between communities and Governments in order to resolve conflicts fairly. It would continue to implement a wide variety of environmental programmes of benefit to indigenous peoples, he said, pointing to the more than 192 projects implemented jointly with indigenous organizations through the Global Environment Facility (GEF) during the 2014-2015 period.

GERVAIS NZOA, Forum member from Cameroon, requested that the UNDP representative provide details on the work presented during the fourteenth session.

KARLA GENERAL, Indian Law Resource Center of the United States, said that despite important steps taken by the Forum to address violence against indigenous women, the Declaration and the Outcome Document of the World Conference on Indigenous Peoples demanded that the United Nations system intensify its efforts. The Forum should urge the Secretary-General to issue a report containing recommendations on preventing and eliminating violence against indigenous women and girls, with a view to enhancing existing special procedures of the Human Rights Council. It should also request that the Secretary-General convene a high-level panel on intensifying efforts, in collaboration with indigenous peoples, to prevent and eliminate such violence, during the 2017 high-level event to mark the tenth anniversary of the Declaration’s adoption, she said.

PRATIMA GURUNG, Disability Caucus, said she was the voice for 54 million indigenous people disabilities, noting that the prevalence of disability was higher among indigenous peoples due to poverty, among other factors requiring urgent attention. “We are often left out,” she said. Indigenous people with disabilities must be included in all consultations, she said, challenging States and other actors to put the Convention on the Rights of Persons with Disabilities and the related Declaration on the Rights of Persons with Disabilities into practice, especially articles 21 and 22. The Forum should integrate indigenous peoples with disabilities as an emerging issue and include them in the implementation of the 2030 Agenda for Sustainable Development. She urged their full participation in the High-level Political Forum and in the major groups, adding that a study on the social economic status of indigenous peoples with disabilities should also be carried out.

RACHEL O’CONNOR (Australia), responding to several issues raised by indigenous representatives, said the Western Australia government was undertaking reforms to improve the way in which services and programmes were delivered to remote communities, and did not intend to force people off their lands. In response to comments on self-determination, she said the Government recognized that indigenous groups should be consulted about processes affecting them, and supported the work of indigenous communities in strengthening their decision-making structures. Australia was committed to holding a referendum on
recognizing Aboriginals in the Constitution, and acknowledged the importance of meaningful recognition. Welcoming the close links between the Declaration and the 2030 Agenda, with particular regard to the mission to leave no one behind, she expressed support for the Permanent Forum’s participation in the relevant follow-up process.

ROCIO VELANDIA, International Native Tradition Interchange, said 15 years after the Forum’s establishment, indigenous people’s participation was limited within it and excluded from closed meetings during the session, where “experts” and a selected few were allowed to participate. Indigenous delegates must participate within the United Nations system, she said, and not be represented by so-called experts appointed by the United Nations. She urged a new form of participation be granted in a spirit of innovation and commitment by Governments to strengthen indigenous people’s legitimate involvement within the Organization.

AINA IIYAMBO, United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), said the Commission on the Status of Women had a standardized agenda, which took up an annual theme and a review theme. It also could consider trends, emerging issues and new approaches affecting women’s situation. Both themes were determined through a multi-year work programme. In determining the Commission’s item on emerging issues, trends and new approaches to situations affecting women, it considered global and regional developments. As was known to the Forum, the Commission, at its last session, adopted its next multi-year work programme. Furthermore, it considered the General Assembly’s recommendation to consider the outcome of the high-level plenary meeting of the Assembly known as the World Conference on Indigenous Peoples. That issue would be the focus of the Commission’s next session in 2017.

DICTAAN BANG-OA, Tebtebba, declared: “we are witnessing our destruction” due to a marked increase in consumerism, which would cost the lives of many indigenous peoples if nothing was done. She, therefore, made a series of recommendations, including that the Sustainable Development Goals be among the issues considered by the follow-up to the outcome document from the World Conference on Indigenous Peoples and the holding of a special session marking the tenth anniversary of the adoption of the Declaration. Conflict was not just about arms and peace, but about its absence, she said, stressing that the manipulation of indigenous peoples’ right to free, prior and informed consent must stop. She recommended that the theme for the Forum’s next session be on the protection of indigenous human rights defenders and access to justice.

JOAN CARLING, Forum member from the Philippines, said there was still a lack of awareness among indigenous representatives on the Sustainable Development Goals, and that their participation in the Goals’ negotiation process had been limited. Expressing hope that mechanisms would be established at the national level to involve indigenous peoples in the crafting of national action plans, she said the effective participation of indigenous peoples in the work of the United Nations system was critical to achieving the Sustainable Development Goals, in order to ensure that their concerns were not side-lined once again. It was crucial to recognize that indigenous peoples were not just vulnerable or marginalized groups, but rights-holders with valuable contributions to make to sustainable development. In that respect, she noted that some 80 per cent of global biodiversity was located in indigenous territories, and that indigenous communities had long been active in the fight against climate change, but that such contributions were rarely recognized. “We are not just subject of the [Sustainable Development Goals],” she stressed, calling for a change of approach that would allow indigenous peoples to be treated as partners.


Calls for action to preserve indigenous languages took centre stage today as the Permanent Forum on Indigenous Issues entered the penultimate day of its fifteenth session, also taking up such critical issues as health, education, human rights, economic and social development, environment and culture.

A number of speakers decried the loss of indigenous languages as a result of the cultural
destruction which had been perpetrated against them for generations. Others noted that the right to receive an education in one’s mother tongue — as enshrined in the Declaration on the Rights of Indigenous Peoples — was the only way to keep indigenous languages alive.

In that regard, a representative of the Indigenous Language Caucus said that approximately 500 languages were projected to be lost by 2030. To prevent that, the United Nations Educational, Scientific and Cultural Organization (UNESCO) should fulfill its mandate to protect cultural diversity, while United Nations treaty bodies and human rights mechanisms should evaluate language protection as a human right. Additionally, she proposed the establishment of a special fund to support and revitalize indigenous languages, to be financed by States and other institutions.

The speaker for the Botswana Khwedom Council decried the fact that, in his country, education was still not available to indigenous peoples in their own languages, in contradiction to the Declaration. The Government, he said, wrongly believed that mother tongue education would undermine nation-building. He recommended that the Forum ask the Government about that concern, and for Botswana to begin negotiations with indigenous people on recognition of indigenous culture.

In a similar vein, a representative of the organization Cultural Survival introduced the newly formed caucus on “alternative communication”, which he said utilized traditional media and the Internet to foster cultural communication. He asked the Forum to recognize the caucus and expressed hope that the body could ensure that communicators for indigenous issues were given the space and time to issue appropriate recommendations to the Forum.

A student at the Kamakakūokalani Center for Hawaiian Studies described a number of challenges that hindered Native Hawaiians from accessing education in their own language and cultural perspective. Among several related recommendations, he proposed that the Forum work with UNESCO on the expansion of schools that utilized indigenous language immersion and culture-based curricula.

A Forum member from Kenya took note of the many recommendations made today on the subject of indigenous languages. The preservation of such languages required freedom of expression through the local media, he said, calling on States that placed restrictions on media outlets to reverse those policies.

Among other issues spotlighted throughout the day-long session was the right of indigenous peoples to land and natural resources. In that regard, a representative of the American Indian Movement West expressed concern that water was being consumed at an alarming rate, used in unsustainable ways and contaminated. Stressing the need for free, prior and informed consent of indigenous peoples before any project affecting their land, territories or other resources, she added that States must provide effective mechanisms for fair and just redress for adverse impacts from such projects.

The speaker from American Indian Law Alliance declared: “Our indigenous sisters and brothers, while in peaceful protest, are being detained, criminalized, persecuted and killed daily in efforts to protect their homelands from extractive industries and Member States.” As a result of the never-ending quest for consumption of natural resources, indigenous communities were left devastated.

Also speaking today were representatives of Botswana, Bolivia, Bangladesh, South Africa, Paraguay, Ecuador, Guyana, Nepal, Thailand and Bangladesh.


Also making interventions was a representative of the United Nations Office for Disaster Risk Reduction.

Forum members from Kenya, Canada, Bolivia, United States, Bangladesh and New Zealand also
participated, as did a member of the Expert Mechanism on the Rights of Indigenous Peoples.

The Permanent Forum on Indigenous Issues will reconvene at 10 a.m. Friday, 20 May, to conclude its fifteenth session.

**Statements**

SLUMBER TSOGWANE, Minister for Local Government and Rural Development of Botswana, noting that all his country’s tribes and ethnic groups were indigenous, said other sections of the population — especially remote area communities — were generally socially and economically marginalized and deserved special attention. Botswana continued to make steady progress in addressing their needs, in particular through the Affirmative Action Framework for Remote Area Communities of 2014. In addition, the national policy on culture outlined issues of cultural preservation and development, and the Government was in the process of developing an indigenous knowledge systems policy as a framework to protect cultural practices and enhance the contribution of communities to their own socioeconomic development. Describing other relevant policies, he said the Government had established a consultative structure to address the interests of remote area communities.

A representative from the highlands of Bolivia, said drug trafficking had been growing in indigenous territories and cities. In addition, pollution from mining caused forced displacement, while acts of femicide betrayed public policies and legislation for women. Educational systems did not value indigenous culture, but rather taught foreign cultures to indigenous children. Peoples of Titicaca would be the first to suffer from the toxic effects of nuclear development; ancestral territories would be affected as well. The Forum should consider a body or strategy that would look onsite whether International Labour Organization (ILO) Convention 169 was being implemented for indigenous peoples, she said, adding that the Special Rapporteur on the rights of indigenous peoples should visit to view the terrible situation.

MARGARET BEAR, Federation of Saskatchewan Indian Nations, said they were in possession of a treaty with the crown of Great Britain that Canada must honour. That country’s announcement that it would support the Declaration on the Rights of Indigenous Peoples without reservation made clear that it intended to redefine the Declaration in order to bring it into compliance with its constitution. She cautioned that such an approach would downgrade the Declaration and her peoples’ treaty would remain in a breached state. Warning that “genocide” would continue unabated, she said such acts had long been “routine” in the absence of global observance or punishment, adding that they had been constructed to rob indigenous peoples of their culture, land and children. To end genocide, she said, the Federation of Saskatchewan Indian Nations proposed, among other recommendations, that the Permanent Forum decide to identify “genocide and its effects on ingenious peoples” as a theme for a future session; that it convene an expert seminar on that topic before that session; that it invite the United Nations Special Adviser on Genocide to the session as a presenter; that the Permanent Forum authorize a study on genocide and its effects on indigenous peoples; that it develop an ongoing education programme on genocide; that the United Nations issue a declaration on genocide of indigenous peoples; that the Doctrine of Discovery be renounced immediately; and that the Permanent Forum include the 2016 North American Indigenous Peoples Caucus report as an official part of its proceedings.

NABA BIKRAM KISHORE TRIPURA, Secretary, Ministry of Chittagong Hill Tract Affairs of Bangladesh, said his country considered all its citizens to be indigenous. However, it was the Government’s policy to protect, preserve and promote the culture and tradition of small ethnic communities making up roughly 2 per cent of the population. As an outcome of the implementation of the Chittagong Hill Tracts Peace Accord, institutions had been created to ensure the rights of that area’s tribal peoples, he said. Measures had also been taken to implement remaining provisions of the Peace Accord, expedite the resolution of land disputes, reduce conflicts over land resources, strengthen decentralization and devolution, and continue dialogue and consultation.

NEIL MCFARLANE, United Nations Office for Disaster Risk Reduction, said that wherever data on indigenous people were collected, Governments were better equipped to track progress towards reducing disaster risk and understanding how it affected indigenous communities. The Sendai Framework for Disaster Risk Reduction 2015-2030 called upon Governments to engage with indigenous peoples, recognizing that their knowledge offered important contributions for development and implementation of plans. Efforts were
enriched by an understanding of how indigenous peoples viewed disaster resilience, the role of ecosystems, and the role of elders and young people in preventing and recovering from disasters. The 2015 International Day on Disaster Risk Reduction focused on indigenous peoples, he noted.

Mr. JUUSO, Finnish Sami Parliament, noting that the status and rights of the Sami as indigenous people in his State were protected by national legislation and international law, nonetheless expressed concern that their distinct culture was in danger. He expressed hope that Finland would become a pioneer for the human rights of his people. The authority of the elected Sami Parliament had been controversial, as had their rights to self-determination and lands. He invited United Nations human rights officials to read the Parliament’s report on the current situation of the Sami people in Finland. That document highlighted their concerns, including about recommendations by the High Commissioner for Human Rights for Finland to consult with the Sami on legislation concerning them, which the State had not taken into account. He also encouraged Finland to implement the Declaration.

NANCY BORDEAUX, American Indian Movement West, said that without clean water, there was no life. The world faced a water crisis unlike anything seen before, as water was consumed at an alarming rate, used in unsustainable ways and contaminated. The Declaration provided for consultation and good-faith cooperation in seeking the free and informed consent of indigenous peoples before the approval of any project affecting their land, territories or other resources, particularly in connection with the development, use or exploitation of mineral, water or other resources, she emphasized. States must provide effective mechanisms for fair and just redress for adverse environmental, economic, social, cultural or spiritual impacts, she added, stressing the need for States, as well as indigenous peoples, to support indigenous-led water initiatives such as the upcoming “Mni Wakan: Decade of Water Summit”, to be held in Minnesota, United States, in April 2017.

CHARLES NWAILA (South Africa) said that his country’s inclusive reconstruction and development agenda and its constitution provided for the fulfilment of the human rights of all South Africans without any distinction whatsoever. The Bill of Rights stipulated that everyone had a right to receive an education in the language of their choice. Pro-poor policies had helped an estimated 9 million learners benefit from a no-fee school policy, and millions of additional students had benefited from free nutrition and school transport programmes. The Bill of Rights further stipulated that everyone had a right to health care, including reproductive health care, nutritional care and emergency medical treatment. It also stipulated that everyone had a right to an environment that was not harmful to their well-being. “This does not mean that our country is perfect,” he said, but in a few decades it had made significant progress in reversing centuries of discrimination.

Ms. MONTUFAR CONTRERAS, Global Caucus for Indigenous Peoples with Disabilities, urged Member States to implement the six mandated areas of the Permanent Forum with a special focus on indigenous people with disabilities. They must be consulted at the highest level in the creation of policies and legislation, she said. Recalling that a study on the challenges faced by indigenous people with disabilities had been presented during the Permanent Forum’s twelfth session, she said many of its recommendations were yet to be implemented. The Outcome Document of the World Conference on Indigenous Issues included a commitment to help indigenous people with disabilities realize all their inalienable rights, she noted, urging decision-makers to “walk in our wheels” and discover the skills and abilities of indigenous people with disabilities, who could make valuable contributions in a number of areas.

KEIKABILE MOGODU, Botswana Khwedom Council, said indigenous peoples in the State bemoaned the position taken by the Government concerning the language in which education was provided. While access to education was ensured, it was not available to indigenous people in their own language, in contradiction to the Declaration. The Government, he said, wrongly believed that mother tongue education would undermine nation-building. He recommended the Forum ask the Government about that concern, and for Botswana to begin negotiations with indigenous people on recognition of indigenous culture.

OLGA FERREIRA DE LÓPEZ, Congresswoman from Paraguay, described the various actions her Government was taking to implement the Declaration in the areas of health, education, gender equality, poverty reduction and the participation of indigenous women in the political process. Noting her country’s open invitation to all Human Rights Council special procedures, she said that Parliament was considering legislation to ensure that the State respected consultations with indigenous peoples with regard to territory and
the environment. It was also working with the Secretariat of the Forum and the others in the United Nations system on developing a national plan for indigenous peoples.

RUKKA SOMBOLINGGI, Aliansi Masyarakat Adat Nusantara (AMAN), described recent progress in the promotion of indigenous rights in Indonesia. In 2014, the country’s President had featured indigenous peoples in his agenda for the first time. Describing the country’s commitment to set up a presidential task force on indigenous peoples to begin reconciliation between indigenous peoples and the State, taking into account past misconduct, she nevertheless said that pledge had yet to be implemented. Calling on the Government to implement those commitments, and to release indigenous leaders who remained in prison, she said the reality of indigenous peoples in her country was one of criminalization and removal in the name of development. In that regard, she called on Member States to ensure the end of killings, arrests and harassments of indigenous peoples around the world. Indigenous land was still being given over to companies and the rights of those peoples in Indonesia continued to be violated. She called on the Forum and other relevant United Nations agencies to work closely with national human rights institutions in the future.

VICTORIA SAAVEDRA, Universidad Autónoma de Guerrero, said the commitment of States to improving indigenous education was critical. Guerrero State in Mexico had many indigenous residents and a high rate of illiteracy, he said, describing local plans to integrate indigenous peoples in his university’s work. For example, the institution had recently opened a University Indigenous House. Guerrero was the leading producer of several illegal drugs — a situation which had led to high rates of crime — and it suffered from high rates of suicide among indigenous young people. Those youth also suffered from systematic killings and forced displacement. He recommended that a delegation from the Forum visit Guerrero to witness those challenges first-hand, and that the State establish an institution of indigenous languages.

DIEGO ALONSO TITUAÑA MATANGO (Ecuador) welcomed the Commission on the Status of Women’s decision to consider the empowerment of indigenous women at its next session. Supporting progress on the participation of indigenous peoples in relevant United Nations meetings, he underlined proposals for a binding instrument to sanction transnational corporations that violated human rights and harmed nature. Ecuador would support a mention of indigenous peoples in the New Urban Agenda that would be adopted at the upcoming United Nations Conference on Housing and Sustainable Urban Development (Habitat III) in Quito, as well as the General Assembly’s decision to hold a high-level meeting to mark the tenth anniversary of the Declaration that would take stock of achievements, identify challenges going forward and clarify whether to proclaim a third international decade.

BETTY LYONS, President of the American Indian Law Alliance, affirmed that indigenous peoples faced marginalization in negotiations of multilateral environmental treaties, and that procedural injustices translated into substantive injustices. Indigenous people had a sacred relationship with the gifts of Mother Earth and a mandate to protect them. However, she said, “Our indigenous sisters and brothers, while in peaceful protest, are being detained, criminalized, persecuted and killed daily in efforts to protect their homelands from extractive industries and Member States.” As a result of the never-ending quest for consumption of natural resources, indigenous communities were left with devastation. That destruction was a violation of the United Nations Charter and multiple treaties. As water degradation was particularly harmful, she recommended that a study on sacred waters in North and South America be conducted, and that all relevant agreements be respected. She also affirmed the need for prior and free consent from indigenous communities before extractive operations were conducted in their territories.

ANSELMO XUNIC, Cultural Survival, introduced the newly formed caucus on “alternative communication”, stressing the need to ensure cultural pluralism and harmony with Mother Nature. That caucus utilized traditional media and the Internet in order to foster cultural communication with the broad support of many stakeholders. “We must teach how to address our struggles in line with human nature”, he said, adding that indigenous peoples must learn about the United Nations system. He asked the Forum to recognize the caucus of alternative communication, and expressed hope that the body could ensure that communicators for indigenous issues were given the space and time to issue appropriate recommendations to the Forum.
Ms. ALVAREZ (Bolivia) recalled that her Government had organized two preparatory meetings before the 2014 World Conference on Indigenous Peoples, which had resulted in outcome documents. At the Conference, leaders had reaffirmed their commitment to upholding the rights of indigenous peoples. Her State had recently adopted a plan calling for collective action, recognizing International Labour Organization Convention 169 and the Declaration. Bolivia was the only country in the world that had the Declaration set into its law, she said, noting that it had set up indigenous universities that were free to attend. It also had bilingual teachers and had deployed various measures related to health and traditional medicine. Furthermore, the State had adopted a law to combat violence against women and had set up social housing in indigenous communities. The Government guaranteed and fostered the full realization of the human rights of indigenous peoples, including the right to free expression.

LINDA MANAKA INFANTE, Indigenous Language Caucus, said that approximately 500 languages were projected to be lost by 2030. To prevent that, she made five recommendations, including that the Development Operations Coordination Office require resident coordinators, country teams and support groups to include action plans for protecting and reviving threatened languages. In addition, UNESCO should fulfil its mandate to protect cultural diversity, and treaty bodies and human rights mechanisms must view language protection as a human right. Furthermore, a special fund to support and revitalize indigenous languages should be financed by States and churches and other religious institutions, as they were largely responsible for the loss of languages and culture. Finally, Governments must support indigenous peoples’ reporting on their own determined indicators towards progress of the 2030 Agenda for Sustainable Development. The Agenda’s pledge to leave no one behind could only be realized if those recommendations were adopted.

EVARISTE WAYARIDRI, Federation of NGOs in Kanaky, recalling that his country remained on the list of Non-Self-Governing and Trust Territories, said living conditions for Kanak had worsened in many ways, particularly for youth. While a referendum on self-determination would take place in 2018, non-Caledonians would be authorized to participate, he said, noting how the construction of two new nickel plants had resulted in massive migratory flows that made Kanaks a minority in their own country. Among his recommendations, he asked that the Special Rapporteur visit Kanaky ahead of France’s universal periodic review in 2018. He also recommended that the Forum consider the impact of such trade agreements as the Trans-Pacific Partnership and remind the United Nations of its decolonization duties.

SYDNEY ALLICOCK, Vice-President of Guyana, said much had been achieved with regard to the implementation of the Declaration and the outcome of the 2014 World Conference. His Government had outlined a 10-point plan aimed at realizing improvements in the lives of hinterland residents, most of whom were indigenous. That proposal ensured that every child would receive an education and it focused on reducing poverty and bolstering economic independence for indigenous people. It sought energy security through the use of renewable energy, including solar and wind power, and put in place programmes to help accelerate employment training and the creation of new jobs. There was also a focus on agriculture processing and other economic ventures that would strengthen employment. “Land is life,” he said, recognizing that claims and controversies existed with regard to land titling and demarcation. The Government was working to set up a body to address those disputes, he said, describing the provision of additional public services in the country’s hinterland.

JOEL FREDRICKS, Chairman of the National Toshaos Council, highlighted several key issues faced by indigenous peoples in Guyana. The Amerindian Act required strengthening to assure indigenous peoples full rights and protection of their traditional lands and resources, particularly with respect to mining, addressing climate change and the environment. Indigenous peoples needed to be provided education in their own languages, he said, adding that indigenous peoples needed more support in the area of economic and social development. While a month was dedicated each year to the celebration of indigenous culture and heritage, there was a need for stronger support for the promotion and preservation of indigenous languages. His organization supported the Government’s commitment to the Declaration and looked forward to its full integration at the policy and legislative levels, and called for the ratification of ILO Convention 169.
HAUOLIHIWAHIWA MONIZ, a student at the Kamakakūokalani Center for Hawaiian Studies, said that the college strongly endorsed fusing traditional knowledge into modern-day curricula, as recommended by the Permanent Forum study on the topic. There were still many challenges that hindered native Hawaiians from accessing education in their own language and cultural perspective. The Center therefore requested the Special Rapporteur on the rights of indigenous peoples to review the situation first-hand. In addition, States should be urged to provide support for research towards revitalizing traditional modes of learning, and the Forum should work with the United Nations Educational, Scientific and Cultural Organization (UNESCO) on expansion of schools that utilized indigenous language immersion and culture-based curriculums. Furthermore, the Forum should urge States to provide comprehensive funding for indigenous peoples to attend higher education, and should re-inscribe Hawaii on the list of non-self-governing territories.

AILA BIRET SELFORS, Saami Council, noting the closure of a school that gave education in the South Sami language, recommended that a decade of indigenous languages be proclaimed at both the international and national levels. Emphasizing that “a lack of statistics is a way to marginalize indigenous peoples”, she recommended that Member States improve the collection and sharing of data highlighting the progress made on indigenous peoples’ priorities. Furthermore, Member States should also implement the Declaration, including indigenous peoples’ property rights over land and natural resources as well as their right to free, prior and informed consent.

BADI BOFF BRASCO, Groupe d’Action pour la Promotion Socio-Culturelle et l’Alphabétisation, said that his international non-governmental organization held special consultative status at the United Nations, and dealt with issues related to the Congolese diaspora, in particular through advocacy and lobbying around the world. The organization worked to ensure the emergence of appropriate, democratic and visionary leadership, as well as the promotion and protection of human rights. Among other things, it advocated for maternal health services and for the care of indigenous children with disabilities. It worked with the Batwa and other indigenous groups in the areas of social and economic development and health care in South Kivu and Goma. The organization’s attendance at the Forum would allow it to share the challenges facing the indigenous peoples of the Democratic Republic of Congo, including intimidation, arrests and the denial of their right to their traditional land and natural resources. The country’s authorities were complicit in those activities, he said.

JOSEPH GOKO MUTANGAH, Forum member from Kenya, said indigenous peoples faced many challenges related to the depletion of natural resources and disappearance of water sources. It was time to address those challenges. Many recommendations had also been put forward regarding indigenous languages and knowledge, but their preservation required freedom of expression through the local media. He therefore called on States that placed restrictions on media outlets to promptly reverse those policies.

SAMARJIT SINGHA, Greater Sylhet Indigenous Peoples Forum, said it was crucial that States promote multilingual education in indigenous languages, stressing that indigenous children faced multiple barriers to participating in public education. Among those were language and bullying, which had led them to drop out of school at a higher rate than the majority population. He drew attention to Bangladesh’s promotion of a mother tongue multilingual education programme, which provided learning materials in six indigenous languages, and he looked forward to its expansion into other languages, including that of the Manipuri community.

MAMANI NAVARRO, El Consejo Nacional de Ayllus y Markas del Qullasuyu (CONAMAQ), said progress in defending collective rights had been made in Bolivia. Traditional medicines, such as the coca leaf, were accorded value. Progress was being made while the struggle of forefathers was not forgotten. He maintained that certain individuals could not be allowed to speak unilaterally on behalf of all the indigenous people of Bolivia; they could only speak on their own behalf.

WILTON LITTLECHILD, Expert Mechanism on the Rights of Indigenous Peoples, said the first World Indigenous Games in Brazil was an event that covered all of the Forum’s mandated areas by promoting health, education, development and human rights. He asked the Forum to thank the organizers and to support the second such Games, which were planned for Canada.

YASSO KANTI BHATTACHAN, National Indigenous Women Forum, said Nepal had made efforts
to improve economic and social development by excluding indigenous peoples and contravening the Declaration and the related ILO Convention. She urged the Forum and relevant United Nations agencies to press Nepal to reform the new Constitution by respecting collective rights, developing common and country-specific indicators, collecting disaggregated data and monitoring the country’s progress in the six mandated areas. She also urged Nepal, the United Nations and international aid agencies to align policies, plans and strategies with the Declaration.

SURAPORN SURIYAMONTON, Indigenous Peoples Foundation for Education and Environment and the Indigenous Education Network in Thailand, presented reports that examined enjoyment of human rights by indigenous people in the State, as well as their access to quality education. Both reports, she said, could be found on the website of Office of the United Nations High Commissioner for Human Rights (OHCHR). The most serious issue addressed by the first report was loss of land rights, along with the dire threats faced by rights defenders. The second document showed that progress had been made in education policy while implementation had lagged. That report recommended the mainstreaming of mother-tongue-based multilingual education in conjunction with indigenous education that garnered the effective participation of communities. She called for more concerted promotion of the Declaration by United Nations organizations in Thailand.

Mr. OHORELLA, Pacific Caucus, said the global campaign for the tenth anniversary of the Declaration in 2017 would advance that instrument and realize the dreams of his ancestors. While the Alta process aimed to serve the 2014 World Conference on Indigenous Peoples, its outcome document could help advance advocacy for indigenous rights well beyond the event. He supported holding a follow-up meeting in 2018 to report on progress made in the implementation of the indigenous action plan.

Mr. NIAHOSAH, Habitat Pro, stated that a funding gap had impacted her organization’s advocacy work. Noting that its efforts were especially relevant to indigenous youth in urban settings who were being alienated from their culture and lands, she said: “We cannot stop our work just because we lack State funding”. Education was the solution. It was critical to ensure that indigenous youth had a safe environment for cultural practices and expressions, especially through indigenous-led education, such as the first World Indigenous School in Los Angeles. The United Nations should engage indigenous groups to share their experiences and conduct a study on the implementation of national education policies to increase participation and access.

TUSHKA HUMOC XELUP, National Association for the Advancement of Indigenous Peoples, stated that indigenous peoples must be recognized by colonizing societies as members of the human family. That process of recognition must start with the leadership of such societies. Describing his organization’s accomplishments and plans for the coming year, he said that last week the group had registered 16 delegates. However, he added: “The ears of justice ignored their presence”. In 2015, when they had first attended the Permanent Forum, they had not been allowed to make a statement. The direct descendants of the first-contact indigenous people of America were not allowed to be recognized as who they were, but instead were forced to accept “paper genocide”, misclassification and forced United States citizenship. They were assimilated as African-Americans and other false identities. The United States must respect the right to identify as an American Aborigine. When that country ended its fraud, discrimination, misidentification and apartheid against its own indigenous people, then indigenous peoples around the world would begin to benefit more broadly from implementation of Declaration provisions on conflict resolution and peace.

PARBATTI THAPA MAGAR, Himalayan Indigenous Women of Nepal, said that indigenous peoples in her country were marginalized, disadvantaged and sometimes discriminated against. They were never part of the mainstream of national life. The Constitution that followed the abolishment of the monarchy stated that every Nepalese community should have the right to promote its language, culture and heritage, but while that sounded promising, it remained to be seen how that would be translated into reality. Indigenous women faced such challenges as unemployment, early marriage, lack of education and pressure to have several babies in hopes of bearing a son. Health care was difficult to access and many women could not tend to their own well-being due to a lack of education and limited resources.

EDWARD JOHN, Forum member from Canada, referred to the recent statement by that country’s Minister of Indigenous and Northern Affairs, who said the State would fully support the
Declaration without qualification. However, he said, she “raised a bit of confusion” when she added that Canada intended to adopt the Declaration in accordance with the country’s Constitution. Domestic law should not trump international human rights standards. Canada should withdraw its reservations to the outcome document at the next General Assembly session, implement a national action plan for achieving the Declaration and set up a high-level Cabinet committee on indigenous issues. “There is room for optimism,” he said, adding that commitments, once made, had to be honoured.

GREGORY THUAN DIT DIEUDONNE, Dylacha, said he represented the Evenki people in the Republic of Buryatia in far eastern Siberia in the Russian Federation. Their land was rich in natural gas, oil and minerals, including nephrite or jade. Private corporations, supported by the Government, “wildly exploited” those resources. Dylacha’s efforts to allow the Evenks to utilize their resources had seen so much economic success that it had established an art gallery and museum. Corporations, supported by Russian authorities, had noticed, and now Dylacha no longer existed because of measures taken by Russian authorities. Evenki leaders, fearing for their lives, had fled. He was disheartened to hear representatives of the Russian Federation boast about their success. “I have the impression I don’t live in the same world as them,” he said. “It is false. It is a lie.” There had been destruction of a clan, arbitrary application of federal legislation and annihilation of economic activities. He called for a study of such practices under article 26 of the Declaration relating to the use of natural resources.

ILLA MAINALI (Nepal) said her country was committed to the cause of indigenous peoples though articles that promoted affirmative action as outlined in the Constitution, which had been written by the constituent assembly adopted through broad approval. She also countered the claims of one non-governmental organization, calling them baseless.

TAWERA TAHURI, speaking on WAI 2478 bill on Marise Lant, described a case alleging that New Zealand authorities had breached the Treaty of Waitangi while engaged in its review and reform of the Te Ture Whenua Māori Act 1993. On 29 January 2016, authorities advised a tribunal that it had released a new version of the bill. The tribunal had found that without Maori support for the changes, there would be a breach of treaty. It recommended national consultations, but this had not occurred, she stated. There had only been informational meetings. The tribunal’s report, released in March, had found that the bill contravened the treaty as most Maori cited concerns about the process. The overwhelming message was for the authorities to slow down the pace of reform and ensure that the majority understood the proposals and gave their free, prior and informed consent to them.

ATAMA KATAMA, Indigenous Education Network for Change, said that, in the midst of neoliberal globalization, youth bore the brunt of State and corporate plunder of the land through the extraction of natural resources, the establishment of eco parks and top-down development. The displacement of indigenous peoples resulted in a gap between youth and the older generation, he said, adding that young people had not been spared from the impact of militarization. In several countries, young activists were subjected to arbitrary arrest, detention and extrajudicial execution. In the Philippines, the State had attacked efforts to set up an education centre, and in Indonesia, youth living in hamlets lacked access to education. Indigenous women and girls meanwhile faced sexual abuse perpetrated by military agents. He made a number of recommendations that included a role for indigenous youth in peacebuilding initiatives and post-conflict development policies and programmes.

CHONVIPAT CHANGTRAKUL (Thailand) said the ministries of culture and education had taken measures to preserve ethnic culture, notably the establishment of folklore and museums, as well as linguistic study. She had taken note of the concerns raised today.

Mr. BASTIDA MUÑOZ, Foro Internacional Indígena del Abya Yala, said 45 per cent of global biodiversity was in Latin America, where indigenous communities comprised a significant portion of the population in Paraguay, Guatemala, Bolivia and Peru. Property rights had been threatened. The traditional knowledge that communities had developed throughout history played an important role in preserving biodiversity and maintaining “ecosystemic” harmony. Thousands of medicines had been derived from products grown by indigenous peoples, yet laboratories had not shared the proceeds. Collective protection — beyond the Nagoya Protocol — through a sui generis system, such as biocultural protocols, could be an alternative to the plundering of tangible and intangible elements.
MELISSA WASSANA, National Indian Youth Council, said indigenous people had a right to full enjoyment of all human rights. Each of the 567 Native American tribes in the United States had their own unique life and culture, she said, adding that the Declaration should be legally binding. She went on to note the high drop-out and suicide rate among indigenous peoples in the United States, and underscored the importance of education.

Ms. LIMA, National Council of Ayllus and Markas of Qullasuyu, said three universities in Bolivia taught in the Aymara language, conveying ancestral knowledge to indigenous youth. She went on to emphasize the role of communication, saying Bolivia would host a regional forum on the topic in 2017. By law, she added, indigenous people in Bolivia participated in United Nations events on issues which affected them.

LORI JOHNSTON, Yamasi People, urged the Forum to address sustainable economic practices by increasing indigenous peoples’ participation in their implementation. Many indigenous peoples did not have prostitution, prison, slavery or rape before colonists arrived. But they did have thriving economies. The 2030 Agenda promoted the colonial institutions of rape, prostitution, prison and slavery, on which the dominant world currencies depended. They were not sustainable economic foundations. Financing should prioritize support for indigenous economic models, through traditional trade that excluded prostitution, rape, prison and slavery. The Forum should study indigenous economies that enabled stable societies. Work should address aspects of indigenous economies that would benefit the wider world and indigenous peoples, who would otherwise be extinguished.

AKIYO INOKOK, Shimin Gaikou Centre, called on the national and local governments of Japan to ensure the full participation of the Ainu people in formulating legislation to improve their living standards and advance their education. The Committee on the Elimination of Racial Discrimination and the Human Rights Committee both had recommended that Japan recognize the Ryukyuan people as indigenous. They both pointed to the participation of Ryukyuan non-governmental organizations at the United Nations for more than 20 years. Noting that the Ryukyu Kingdom was an independent State before annexation by Japan in 1879, he requested Japan to establish an independent expert committee to verify how it had become part of Japan and whether its peoples were indigenous. A similar committee to verify the history of the Ainu people should also be established, he added.

Ms. KENARAHDRY, International Native Tradition Interchange, suggested the appointment of an ambassador for the world’s indigenous peoples. They had long been treated like children, he said, when in fact they deserved to be treated like the most powerful kingdom. He added that traditional education models could not fight the onslaught of colonialism and genocide, and that much of the world’s wealth had been taken from indigenous lands.

DALEE SAMBO DOROUGH, Forum member from the United States, said that she saw a trend emerging in the discussion that suggested a growing disconnect between the international commitments made by States which adopted the Declaration and their national actions, which failed to uphold those commitments. Although not legally binding, the Declaration contained several provisions which fell into the category of customary international law, including the right to self-determination, autonomy and self-government, land rights and reparations. Regarding human rights defenders, she said that indigenous peoples defending land rights were too often shot. That was unacceptable, she said, adding that the trend was going towards greater violations of human rights, not an uplifting of those rights.

DEVASHISH ROY, Forum member from Bangladesh, commenting on statements by States that did not consider that they had indigenous peoples, said that all States were obliged to adopt national action plans to address the rights and welfare of indigenous peoples following the World Conference. The United Nations could not be expected to adopt other declarations on the matter. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities insufficiently addressed indigenous peoples’ situations, and they had not been involved in processes dealing with minorities. Speaking, in addition, on the statement made by the representative of Bangladesh on the Chittagong Hill Tracts, he affirmed that the country’s engagement on the issue had grown more constructive.

PARBATI THAPA MAGAR, speaking on behalf of the Indigenous Persons with Disabilities Global Network and the Nepal Indigenous Disabled Association, asked that the Department of Economic and Social
Affairs prepare briefing notes on the rights of indigenous persons with disabilities. The Forum should reintroduce a study on indigenous children with disabilities, focusing on both developed and developing countries. Furthermore, it should urge the Council to consider including representation of indigenous persons with disabilities as a criterion in determining the election of Forum members.

MARIA EUGENIA CHOQUE QUIPSE, Forum member from Bolivia, discussed the creation of a plurinational State in her country, calling it a work in progress. It was a process of decolonization, she said, but it was hard to break away from the colonial mind set.

VALMAINE TOKI, Forum member from New Zealand, recalled that the body was making a number of changes to ensure that its work was more effective. However, her indigenous sister from Guam — who had travelled to the Forum at great expense — had not had a chance to speak. The Forum was meant to be for indigenous peoples, and States were observers, she said; while the attendance of States was important, they could be given reduced speaking time in order to allow all indigenous speakers to participate. United Nations agencies had a responsibility to implement the Declaration in their work, and for indigenous peoples to be mere observers in those discussions was unacceptable. Indeed, as independent, sovereign people, indigenous peoples must have equal status to States.

Ms. DAVIS, Pahtamawikan, said choices about the planet had historically been made using a “win-lose” mentality and destructive and “death-producing” approaches. The planet was in peril, and each person of every race and nation was “of the earth”. Health care and gender equality were fundamental rights of American Indians and all people; however, indigenous peoples were considered conquered peoples with no voice. They had endured genocide, the exploitation of their land and resources and victimization through acculturization. Pointing to other structures that oppressed indigenous peoples, including foreign aid, social services, prisons, the military and indigenous reservations, she went on to say that private industry had become rich on the blood of indigenous people.


Secretary-General, Chair Hail Participation of Indigenous Peoples in Key Negotiations, Dialogues with Member States

Closing its fifteenth session today, the Permanent Forum on Indigenous Issues sent a series of far-reaching recommendations — on issues ranging from the preservation of indigenous languages to the prevention of suicide among indigenous youth — to the Economic and Social Council.

The Forum sent three draft decisions (contained in document E/C.19/2016/L.8) on its future work, to the Council, the first of which would have it decide to organize a three-day international expert group meeting under the theme “Implementation of the United Nations Declaration on the Rights of Indigenous Peoples: the role of the Permanent Forum on Indigenous Issues and other indigenous-specific mechanisms”.

In his closing remarks, United Nations Secretary-General Ban Ki-moon recalled his visits to indigenous communities and how they had helped him gain a deeper understanding of indigenous struggles and contributions to humanity. “My message to you is clear: I am with you,” he said, citing important strides made. The United Nations Declaration on the Rights of Indigenous People and the World Conference held in 2014 were both the result of close partnerships between indigenous peoples and Member States, he noted. Indigenous people were firmly on the United Nations agenda, thanks in large measure to their annual participation in the Permanent Forum, he added.

Indigenous peoples had been fully engaged in the negotiations on the 2030 Agenda for Sustainable Development and the Paris Agreement on climate change, he continued, emphasizing that it was now time for them to participate in and contribute to their implementation. Member States, on the other hand, must be held accountable for implementing the 2030 Agenda with full respect for the rights and standards guaranteed for indigenous peoples. However, more work remained to be done, he stressed, noting the challenges posed by conflicts over the lands of indigenous peoples, and the need to include their voices in peace processes.
Member States, indigenous peoples and the United Nations must work together to address challenges, he said, adding that the Organization, for its part, would continue to integrate the rights of indigenous peoples into international human rights and development agendas, while continuing to promote their rights at all levels. Álvaro Esteban Pop, Forum Member from Guatemala and Chair of the Permanent Forum, said that, while dialogue had not been easy over the last two weeks, it was absolutely necessary to be able to continue working together. “Every day we learn more,” he added. Many indigenous speakers had described the serious situation of their respective people, in particular their struggle to access land and resources, the violence and abuse suffered by indigenous women and girls, and their lack of access to health and education. Indigenous women had made their “voices of protest heard”, he noted. Also, the high rate of suicide among indigenous youth, which related to colonial injustices of the past, was simply unacceptable. While it was essential to ensure broad partnership among indigenous peoples, Governments and the United Nations, the Organization could serve as an indispensable bridge of communication between Member States and indigenous peoples. He went on to state that discussions on preventing conflicts had included the voices of indigenous people and their push to gain access to justice and harmony. “The indigenous peoples are confident they are here for that purpose,” he added, emphasizing that the majority of conflicts were violent and affected the living standard of indigenous peoples. Conflict usually began because of disputes over resources — minerals, oil, gas and water. Conflict had caused the forcible displacement of indigenous peoples and the assassination of their leaders, he noted. “The message of this Forum is that the world needs a new ethical system,” he emphasized. Noting the previous absence of lack of participation by indigenous people in negotiating peace agreements, he said that for the first time, Forum the members had held separate dialogues with Member States and United Nations entities, which had been “direct and frank”, and “with the purpose to improve our work”. He urged those members to take what they had learned to their communities and homes, and to continue promoting indigenous rights worldwide.

By the terms of draft decision II, the Council would decide to hold the Forum’s sixteenth session from 24 April to 5 May 2017 at United Nations Headquarters. By draft decision III, it would take note of the report of the Permanent Forum at its fifteenth session, and approve a provisional agenda for its next session, with a focus on indigenous human rights defenders and indigenous youth.

Overall, the Forum approved seven draft reports without a vote — as presented and orally revised by Rapporteur Oliver Loode, Forum member from Estonia — which together would be combined into the final report of the fifteenth session. Its first report (document E/C.19/2016/L.2) detailed the procedural aspects of its fifteenth session, including its dates, venue, proceedings and attendance.

By its report on the international expert group meeting on the theme of indigenous languages (document E/C.19/2016/L.3), the Forum — noting that more than half of the world’s indigenous languages would become extinct by 2100 — recommended that States recognize the language rights of indigenous peoples and develop policies to promote and protect indigenous languages, including by supporting full immersion methods. It further recommended that States and the United Nations system provide support, including funding, for the efforts of indigenous peoples’ institutions to preserve and revitalize their languages, and that the General Assembly proclaim an International Year of Indigenous Languages by 2020.

According to the report on implementation of the Forum’s six mandated areas (document E/C.19.2016/L.4), the Forum welcomed Canada’s recent endorsement, without qualification, of the Declaration on the Rights of Indigenous Peoples, and looked forward to its immediate implementation in that country, with the full and effective participation of indigenous peoples. Regarding a proposal to place an observatory on Hawaii’s sacred mountain Mauna Kea, it recommended that the free, prior and informed consent of native Hawaiians be recognized.

Further by that report, the Forum called upon Member States to implement the recommendations of the international expert working group meeting on indigenous youth held in 2013, and urged the consideration of a distinct United Nations voluntary fund for indigenous youth, or the earmarking of existing and future funds for that purpose. It further urged States to take the measures necessary for the prevention of self-harm and suicide among indigenous children and young people, recommending that States adopt measures to address the specific problems of police brutality, systemic
police violence and discrimination against indigenous women.

In its report on the theme of the just-concluded session, “Indigenous peoples: conflict, peace and resolution” (document E/C.19/2016/L.5), the Forum recommended that States take effective measures to eliminate violence against indigenous peoples, including by studying the root causes of conflict and human rights abuses, developing indicators and methodologies for risk assessment and early warning mechanisms. It also urged States to take measures for post-conflict settlement, protection and security, and for the construction of lasting peace, promoting the full and effective inclusion of indigenous peoples, including women, in any initiative for peace and reconciliation.

More specifically, the Forum urged the Inter-American Commission on Human Rights to investigate the assassination of Berta Cáceres in Honduras. Condemning the unresolved disappearance of 43 trainee teachers in Guerrero, Mexico, it called upon the Government of that country to resolve that disappearance. It further invited Burundi, Central African Republic, Democratic Republic of the Congo, Libya, Mali, Nigeria and Rwanda to submit reports on the situation of indigenous peoples affected by conflict in those countries to the Forum at its sixteenth session.

By its report on follow-up to its recommendations (document E/C.19/2016/L.6), the Forum noted that indigenous peoples — including the Canada’s Ktunxa Nation, Australia’s Aboriginal people and Guatemala’s Mayan people — continued to face destruction of their religious, spiritual and cultural sites, and urged States to take effective measures to ensure the protection of such sites. It recommended that States ensure that indigenous peoples were not forced to defend those rights against proposed development projects or through litigation in court, and that they actively resolved disputes directly with indigenous peoples.

The Forum’s report on dialogue with Member States, United Nations funds, programmes and specialized agencies and on its own future work (document E/C.19/2016/L.7) recommended that all Member States prepare reports on implementation of the Declaration for its sixteenth session. It also issued a number of recommendations to the Inter-Agency Support Group on Indigenous Peoples’ Issues, including a proposal to institutionalize dialogue between the expert members of the Forum and the principals of United Nations funds, programmes and specialized agencies. It also recommended that States and United Nations agencies widely disseminate the Sustainable Development Goals to indigenous peoples, using culturally appropriate educational tools, and in indigenous languages.

Closing remarks to UN Permanent Forum on Indigenous Issues, Secretary-General Ban Ki-moon, UN Headquarters, 20 May 2016

It is an honour to join all of you for the closing of the Fifteenth Session of the Permanent Forum on Indigenous issues.

Through the years, I have had the pleasure of participating in many sessions of the Permanent Forum. I have also had the privilege of visiting several indigenous peoples’ communities around the world. In the process, I have gained a deeper understanding of your historical struggles, your contributions to Mother Earth and humanity, your sustainable ways of living, your cultural expressions as well as the endangered situation of your languages.

I have also heard your calls for recognition and respect for your identities and rights as indigenous peoples.

My message to you is clear: I am with you.

Thank you. Muchas gracias.

We have made important strides together at the United Nations.

In September 2007, we adopted the United Nations Declaration on the Rights of Indigenous Peoples. In 2014, we convened the World Conference on Indigenous Peoples. Both of these milestones were the result of close partnerships between indigenous peoples and Member States.

As a follow-up to the 2014 World Conference, we now have a system-wide action plan on indigenous peoples.

Indigenous peoples are firmly on the United Nations’ Agenda, thanks in large measure to your efforts. Indigenous peoples were fully engaged in negotiations for the 2030 Agenda for Sustainable
Development and the Paris Agreement on Climate Change.

Now, it is crucial that indigenous peoples everywhere participate in and contribute to implementation and follow-up. States must be held accountable for implementing the 2030 Agenda, with full respect for the rights and minimum standards guaranteed for indigenous peoples in the United Nations Declaration on the Rights of Indigenous Peoples.

Excellencies,
Ladies and gentlemen,

While much has been achieved, much remains to be done. For example, conflicts on the lands and territories of indigenous peoples, and the lack of inclusion of indigenous peoples’ voices in peace processes, remain a challenge.

I call on all Member States, on indigenous peoples and the entire UN system to work together to address these and other serious concerns.

As you know, the President of the General Assembly has launched consultations on enabling the participation of indigenous peoples' representatives and institutions in meetings of relevant UN bodies. I urge you to remain engaged and actively participate in this important consultation process.

Finally, since this is my final opportunity to address this Forum as Secretary-General, allow me to express my heartfelt thanks to all of you for your dedication, your inspiration, your openness and your generosity.

You can always count on me – and the United Nations.

We will continue to integrate the rights of indigenous peoples into international human rights and development agendas.

We will promote the integration of indigenous peoples’ rights in policies and programmes at all levels.

With your help, we will ensure that the vision of the UN Declaration becomes a reality.

Thank you. Muchas gracias. Merci beaucoup.

See the follow up to the UNPFII session in Dialoguing, below, "The Process Concerning the Ways to Enable Participation of Indigenous Peoples' Representatives and Institutions in Relevant UN Bodies on Issues Affecting them: Addendum to the 3rd draft Compilation of 27 May: Discussion paper for the consultation meeting on 30 June."

Additional information, including documents relating to the forum, side events, and other meetings taking place during the forum can be found at: documents relating to the forum, side events, and other meetings taking place during the forum can be found at: https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/unpfii-fifteenth-session.html.


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Other International Meetings and Organizations

In a follow up to the high-level plenary meeting known as the World Conference of Indigenous Peoples (WCIP) in 2014, Indigenous leaders around the world, in May 2016, were responding to two questions posed by United Nations General Assembly President Mogens Lykketoft of Denmark. The questions involve two primary topics: creating an avenue for meaningful participation and representation of Indigenous governments in the U.N., and how to implement a mechanism to monitor the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The electronic consultation process, initiated in March, was to continue until the end of May. The goal of the question and answers process is to provide input into the UN General Assembly drafting a text allowing indigenous government representation at the U.N., enabling the participation of Indigenous Peoples’ representatives and
governments in relevant United Nations bodies on issues affecting them, to be considered at the 71st meeting of the General Assembly in September. The responses by Indigenous leaders are to be reviewed by four advisors, two representing Member States and two representing Indigenous Peoples.

Drafts of the text are to be circulated from late April until July, and were discussed at this year’s annual meeting of the U.N. Permanent Forum on Indigenous Issues, May 9 – 20 in New York.

The questions circulated by the President of the UNGA and his advisors included requests for recommendations to ensure meaningful and effective representation, including suggestions for determining eligibility and accreditation for Indigenous Peoples’ representatives. Some of the submissions to the U.N.’s electronic consultation process from indigenous groups in the U.S. can be Accessed at: https://www.google.com/url?sa=p&q=https://www.google.com/accounts/ServiceLogin?service%3Dwise%26passive%3Dtrue%26go%3Dtrue%26continue%3Dhttps://drive.google.com/file/d/0B7RehDctVh-aZzMxUnlwS09pczA/view?usp%253Dsharing%252526pref%252526pli%252526active%3Dtrue%26go%3Dtrue%26continue%3Dhttps://drive.google.com/file/d/0B7RehDctVh-aenlpQlgyV0JtVUE/view?usp%253Dsharing%252526pref%252526pli%252526active

Among the suggestions for inclusion of indigenous governing institutions have been granting them a special observer status or the creation of an entirely new status, capable of recognizing the political and legal nature of Indigenous Peoples, extending beyond their consultative function as NGO’s. Some have proposed that indigenous representatives should have the right to introduce legal instruments (such as treaties and other protocols) concerning issues that affect them. Another suggested that indigenous nation delegations might speak or intervene at any level concerning any topic deemed relevant to the interests or rights of each nation consistent with the right of free, prior and informed consent.

Including indigenous representatives into the U.N. system would expand the way the U.N. currently functions relative to Indigenous Peoples. The main bodies that currently take up indigenous concerns, the UNPFII and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), have no authority beyond their consultative and advisory functions. Neither they nor indigenous non-governmental organizations have representational power. This is why Indigenous Peoples had no official voice at the WCIP in 2014.

UNDRIP Monitoring

The WCIP Outcome Document recommended, among other things, that the mandate of EMRIP be modified and expanded to function as a monitoring body for the implementation of UNDRIP. UNDRIP was passed by the U.N. General Assembly to protect Indigenous Peoples’ rights, including the right of self-determination and free, prior, and informed consent to issues that involve their lands and resources. Almost a decade after the passage of UNDRIP no such monitoring function yet exists.

The U.S. State Department held a telephonic consultation with Native leaders, on March 11, 2016, seeking their recommendations in preparation for a United Nations Expert Workshop to review EMRIP’s mandate on April 4 – 5. The consultation was the latest in a series of meetings that have taken place between Native nations and the State Department in the past few of years.

The new relationship between Indian nations and the Department of State is a matter of debate among some observers who may see it as insignificant at best, or at worst another attempt of the federal government to undermine the concept of Indigenous self-determination. Others see it as an unprecedented level of engagement between American Indians and the federal government in the international arena. Either way, the involvement of the State Department is part of the U.S.’s government-to-government Indian policy (Dina Gilio-Whitaker, "Will It Be Enough? UN Proposed Changes Could Give Indigenous Peoples a Voice," ICTMN, May 10, 2016, http://indiancountrytodaymedianetwork.com/2016/05/10/will-it-be-enough-un-proposed-changes-could-give-indigenous-peoples-voice-164413).

including the United States, Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam.

Cultural Survival staff caught up with the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, to discuss the trade deal's implications for Indigenous Peoples in these countries, based on her recent research and report on this topic (see Research Notes below).

Vicky Tauli-Corpuz explains that the TPP agreement is about liberalizing the trade and investment regime in order to allow for more fluidity when trading among countries. However, she shared her concern that in this agreement investor's rights may be more protected than the rights of the Indigenous Peoples; The investment clause would trump social and environmental rights, including human rights.

Ms. Tauli-Corpuz also used the example of Bolivia, where the government had listened and acted upon Indigenous protests against a Canadian mine on their lands, by attempting to cancel the concession. Bolivia was then sued by the Canadian corporation that owned the mine. The mining corporation won and the Bolivian government was left to pay millions of dollars to the company for lost profits. She noted that most developing countries lose in arbitration with corporations because they simply do not have the lawyers to support them. Corpuz warned, these are the types of situations that occur when investors are prioritized over the local and Indigenous citizens.

The TPP was negotiated in secret, and its text was only released via Wikileaks until it was already negotiated by trade ministers of the respective countries. According to Tauli Corpuz, this secrecy is a violation of Indigenous Peoples right to Free, Prior, Informed Consent on policies that may affect them.

She urges for deeper transparency in trade deals like the TPP, so that Indigenous Peoples can be aware of the content of these trade agreements so that they can participate and decide whether or not to consent. In order to achieve this there must be a call to action to create a more participatory negotiation process rather than the exclusive and secretive one that has occurred. If the TPP is passed within each country's legislature, it would deregulate social standards that are put in place and can take states themselves to court for attempting to protect social conducts such as protecting the rights of Indigenous Peoples.

The Special Rapporteur also recommends that extra attention be made to Exceptions section of the trade agreement. For example, specifically naming FPIC and Indigenous Peoples rights in the stipulations of how the the trade agreement would play out within each country. It is the responsibility of each country to identify and present exceptions so that they can be held accountable during arbitration panels. For example, New Zealand did manage to include an exception in TPP article 29.6 that references the rights of the Maori people, however activists have argued that the wording of the exception allows too many loopholes to provide legitimate protection.

On February 4th, 2016, the TPP was signed by trade ministers of 11 countries, in a formal ceremony in New Zealand. But the deal must still be approved within the legislatures of each country for it to be put in place: The TPP will not come into effect until a requisite number of original signatories ratify the agreement.

Maori leaders in New Zealand held massive protests against the signing ceremony, saying that they do not give their consent to the deal and that the it violates the Treaty of Waitangi and the 1835 Declaration of Independence of New Zealand. Kingi Taurua, a prominent Nga Puhi elder at Waitangi’s Te Tii Marae, has sent a formal notice of veto of the Trans-Pacific Partnership agreement to the embassies and trade departments of its proposed partner countries. They argued that the New Zealand government does not have “due authority” to sign the TPP without the agreement of Maori elders, “which [agreement] has not been given”.

In the United States, the next step is the drafting and consideration of a bill in Congress to implement the agreement, which will also serve as U.S. ratification of the international trade deal. Some anticipate this vote to take place after the 2016 elections in November."

March 4, 2016, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) released “General recommendation No. 34 on the rights of rural women.”

CEDAW is a United Nations expert body established to supervise the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in countries that have ratified the Convention. CEDAW monitors the implementation of national measures to fulfill this obligation through reviews of each country every four years. It makes subsequent recommendations on issues that continue to affect women.

This most recent recommendation recognizes, for the first time under a binding treaty, rural women’s right to Free Prior Informed Consent before development projects are carried out on their lands. States are now required to ensure that rural development projects are implemented only after participatory gender and environmental impact assessments have been conducted with full participation of rural women, and after obtaining their free, prior and informed consent.

The recommendations address many aspects of rural women’s right to access lands, covering new standards on women’s land rights in the context of marriage and family, communal land ownership, land grabbing, and evictions.

'Land ownership can be a transformative force,' explained Mayra Gomez, Co-Executive Director of the Global Initiative for Economic Social and Cultural Rights and panelist at the UN Convention on the Status of Women, in New York this March. 'When women are able to enjoy their rights to land a lot of things in their lives change for the better, as well as for their families and communities. Secure rights to land is related to being able to provide food for yourself and your family, to have food and nutrition security. It's also been shown to help women mitigate the consequences of HIV, to lower the risk of experiencing domestic violence. Land provides economic security to women, giving them more choices as to whether they want to stay or leave an abusive relationship, providing them a safety net and helps them to exercise autonomy in different areas of their lives.'

Rural women are in a unique situation that causes them to disproportionately experience poverty and exclusion, [and] face systemic discrimination in accessing land and natural resources. They are also more likely to face barriers to holding leadership positions, experience more gender-based violence, and encounter difficulties accessing the justice system, notes CEDAW.

The General Recommendation acknowledges that rural women are not a homogenous group, but rather come from diverse and intersecting experiences. The recommendation specifically mentions issues facing Indigenous women in particular. Indigenous women experience discrimination not only due to their location, often in rural communities, but also their ethnicity, language and traditions, and gender. Indigenous women and girls are also at higher risk for trafficking and prostitution. The economic hardships of rural life, alongside lack of information about trafficking and how traffickers operate, can make Indigenous rural women especially vulnerable, particularly in conflict affected regions.

Indigenous women currently face many challenges regarding the implementation of their rights to land. Governments and companies often fail to consult Indigenous Peoples about development on their lands, in violation of their right to free, prior, and informed consent. CEDAW notes that for Indigenous rural women in particular, access to land, water, and other natural resources is sometimes dependent on marital status or a male guarantor. Their access to social services such as transportation, education, and healthcare is also limited.

Recommendation 34 provides guidance to states and lays out obligations on what they need to do to make sure that women are able to enjoy their rights to land and are protected from violations, whether those violations are committed by the state itself or third party actors like large corporations. The recommendations put forth should be used by governments to inform policies, and also by community groups to advocate for their rights.


Stephanie Borcea, "United Nations Experts Demand More Be Done to Protect and Revitalize Indigenous Languages," Cultural Survival, February 10, 2016, https://www.culturalsurvival.org/news/united-nations-experts-demand-more-be-done-protect-and-revitalize-indigenous-languages, reported, "On January 19-21, 2016 the United Nations Permanent Forum on Indigenous Issues held an Expert Group Meeting on Indigenous Languages at the UN Headquarters in New York. This meeting was a call to action for the preservation and revitalization of Indigenous languages. It is estimated that of the 6,000 to 7,000 oral languages in the world, one language dies every two weeks or less. Most of the languages experiencing this extinction are Indigenous ones. The experts at the meeting discussed methods of revitalizing Indigenous languages by examining successful initiatives as well as proposing new strategies.

According to a UN press release, among the strategies discussed, utilizing information and communications technology was suggested to be a powerful means of accessing the younger generation in order to keep languages alive. Initiatives that are already in place include the creation of web search and Gmail in the Cherokee language, configured by Craig Cornelius of Google Inc. together with the Cherokee Nation, WhatsApp messaging and online karaoke songs in Itelmen, a Russian Indigenous language, and the usage of television broadcasts and social media as an educational medium to reach children by Amy Kalili in Hawaii. The nexus of elders and youth was highlighted as being essential to the livelihood of Indigenous language as elders are often the last fluent speakers of the community and this knowledge is passed along to the younger generation to preserve and maintain.

Indigenous academic, Clint Bracknell, explains that each language carries with it a whole worldview; he calls them "untranslatables" or knowledge from the ancestors and other culturally distinct aspects that can only be communicated in the mother language. Bracknell suggests that having active domains of language use can help people continue to exercise their language skills in any given language. However, Bracknell also urges the production of more UN documents putting pressure on governments to apply and monitor initiatives at a local level. For instance, shortly after the Australian government began to require that Aboriginal languages be taught in local schools, school principals proceeded to lay-off employees that taught Aboriginal language.

The Indigenous delegates at the January meeting called upon Member States to proclaim an International Day and a United Nations decade for Indigenous languages in order to raise awareness to the urgency of the matter. Member States specifically called upon the United Nations Educational, Scientific and Cultural Organization (UNESCO) to "prioritize the preservation and revitalization of Indigenous languages and initiate practical programmes to that end." It was also recommended to create a global fund to support Indigenous language initiatives with a focus on "community-driven language revitalization projects." Grand Chief Edward John of Canada's Tl'atz'en Nation expressed, "every Government and every State needs to work with Indigenous Peoples to keep these languages alive because when they are gone, the stream of cultural connections to that part of civilization is gone forever."

It was also noted that women are the primary transmitters of Indigenous languages to future generation. To this effect, the meeting "called upon the Commission on the Status of Women to consider 'empowerment of Indigenous women' as a priority theme." A successful example of this are "language nests" created by mothers in Hawai’i to bring back languages on the brink of extinction; as a result there are more than 18,000 fluent speakers in Hawai’i, a significant increase than ten years earlier. Amy Kalili explained that the "traditional knowledge that Indigenous Peoples hold is not only crucial to the Indigenous Peoples but to the sustainability of the people as a whole."

Among the member states that supported this message were: Australia, Argentina, Brazil, Bolivia, Canada, Colombia, Denmark, El Salvador, Finland, Guatemala, Mexico, Nicaragua, Norway, New Zealand, Spain and Peru. These states jointly expressed the issue of Indigenous language as an issue of rights, as well as pushed for the need to take effective measure to "ensure that Indigenous People could understand and be
understood in political, legal, and administrative proceedings."


Regional and Country Developments


Reuel S. Amdur, "Final Truth and Reconciliation Report Draws Action Promises from Tearful Trudeau," ICTMN, December 17, 2015, http://indiancountrytodaymedianetwork.com/2015/12/17/final-truth-and-reconciliation-report-draws-action-promises-tearful-trudeau-162796, reported, "The procession took place at the opening ceremony on December 15 for the release of the final report of the Truth and Reconciliation Commission on Indian residential schools, work that was six and a half years in the making.

Tears were shed by audience members and speakers alike, including a visibly moved Prime Minister Justin Trudeau, who promised to 'ensure that never again in the future of Canada will students be told that this is not an integral part of everything we are as a country and everything we are as Canadians,' referring to aboriginal history and culture as he spoke to a standing ovation.

'Our goal, as we move forward together, is clear: It is to lift this burden from your shoulders, from those of your families and communities,' the Prime Minister said. 'It is to accept fully our responsibilities and our failings, as a government and as a country.' Murray Sinclair, Manitoba’s first aboriginal judge, headed up the Commission. His parents and grandparents all attended residential schools. In his remarks, he gave a brief description of the full report: six volumes, 2,300,000 words in English, and an equally sized French version. He said that the reconciliation process would be a long one."

"Canada made a settlement with residential school survivors that included a financial settlement, to compensate for wrongs done to them. They were punished for speaking their native tongue. Some were brutalized, malnourished, made to feel inferior, and even sexually abused. Thousands died from disease and inadequate medical attention, and some died in cold weather when trying to run away. As many as 6,000 children may have died during the years the schools were in operation, the commission revealed when it released a summary of the report in June.

Sinclair also drew attention to survivors who were left out of the compensation package. Day school students have not received any compensation, nor have Métis, a cultural group of mixed Canadian Indian and Caucasian blood. Then there are the First Nations survivors from the province of Newfoundland and Labrador. The province did not become part of Canada till 1949, having been governed as a British dominion. Hence, Canada did not see compensation in this case as its responsibility.

There was a committee of survivors who served to advise the commission. One member, Eugene Arcand, a Plains Cree, declared that with this report there is now no excuse for Canadian ignorance about what had happened in the residential schools. He pointed out that the Commission did not make recommendations, but rather that 'they are calls to action,' 94 in number."

"While at the podium, Trudeau was clearly deeply moved, at times being near tears. He promised to implement all of the calls for action, presumably all that fall under federal jurisdiction. He reiterated a previous commitment that under his term of office Canada would engage with First Nations “on a
nation-to-nation basis.” His declaration that the government would institute an inquiry into missing and murdered aboriginal women brought the house down.

"Heartbreaking Ritual: Annual MMIW Valentine’s Day Marches in Vancouver, Across Canada," ICTMN, February 12, 2016, http://indiancountrytodaymedianetwork.com/2016/02/12/heartbreaking-ritual-annual-mmiw-valentines-day-marches-vancouver-across-canada-163409, reported, The impending, promised national inquiry on missing and murdered indigenous women in Canada notwithstanding, the time of year has come to memorialize the nearly 1,200 whose cases are still mourned, solved or not.

The Women’s Memorial March will be held for the 26th time in Vancouver’s Downtown Eastside, where attention was first drawn to the disappearances and cold cases by victims’ families and their advocates back in 1991, spurred by the murder of a woman whose name has been withheld out of respect for her family’s privacy."


"Since September, 101 people in the Attawapiskat First Nation, a remote aboriginal community with about 2,000 residents, have attempted suicide. That is about 5 percent of its population.

There were an astonishing 11 suicide attempts on Saturday alone."

"Overwhelmed, the chief and the council of the Attawapiskat community have declared a state of emergency. It was more of a call for help than a legal measure, and once again it has focused Canada’s attention on longstanding problems in the region.

'I hope it gets governments to react,' said Grand Chief Alvin Fiddler of the Nishnawbe Aski Nation, the regional body for aboriginal groups around James Bay. 'You see right across the territory a lack of proper housing, a lack of proper health care, the lack of access to clean drinking water.'

'Unfortunately, suicide attempts are quite, quite prevalent in many of our communities,' he added.

It is not the first time that Charlie Angus, the federal member of Parliament for the area, has seen a state of emergency declared after a suicide crisis swept native communities.

'We go through spikes with these crises, and we are definitely in a very, very dire moment,' he said, adding that Attawapiskat had gone through a similar wave of suicide attempts in 2009 and 2010. 'I’ve lost count of the states of emergency.'

Attawapiskat is only about 60 miles from an open-pit diamond mine owned by De Beers, yet it has the unenviable distinction of being unusually poor even by the standards of aboriginal communities.

While the diamond mine has provided some employment, most of the community of about 2,000 people survives by hunting moose and caribou in the surrounding bog-like muskeg or by fishing. Its only connections to the outside are ice roads in the winter or by air.

Grand Chief Fiddler said there had been no clear pattern to the recent suicide attempts. Men and women, young and old have tried to kill themselves."

ICG, "Statement: UNGASS Must Not Become a Missed Opportunity – Lessons from Latin America," April 8, 2016, http://www.crisisgroup.org/en/publication-type/statements/statement-on-lessons-from-latin-america-ungass-must-not-become-a-missed-opportunity.aspx, stated, "Since 1961, the international community has invested huge resources to enforce the UN mandate to create a “drug free” world. Yet, after decades of interdiction and eradication, organized crime around the globe has merely shifted routes and markets. Massive corruption, violence and human rights abuses are consequences of a too often militarized response. World leaders who meet 19-21 April at the UN Special Session on drugs (UNGASS) must do much more than review the struggle. They must begin to fix its flaws, stem the bloodshed and bolster societies besieged by transnational crime. Crisis Group recommends that UNGASS draw lessons from a history of failed strategies and poor results and from our field experience to look closely at Latin America, where cartels outgun national police, coerce and corrupt officials and produce countless victims in a battle to control drug production, transport corridors and distribution networks.

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The UN Drug Conventions of 1961, 1971 and 1988 set the legal framework under which illicit substances are defined as a danger to national and international security. Facing rising violence and recognising the failure of the anti-drug regime to achieve its goal, the presidents of Colombia, Mexico and Guatemala called in 2012 for UNGASS to be advanced three years, to 2016. They envisaged an opportunity to design drug policies focused above all on promoting public health and human rights, without neglecting citizen security.

Much evidence about what has gone wrong with the global counter-narcotic regime and many proposals have been discussed during UNGASS preparations. While there has been an inclusive debate involving civil society, the political climate does not yet appear conducive to major global changes. Only 53 of 193 member states participated in the final preparatory session last month in Vienna, and they endorsed few new ideas for possible inclusion in the UNGASS outcomes document. From a health, human rights and security perspective, the language for review is weak.

Crisis Group has reported on violence related to drug trafficking and criminal networks for more than a decade. Our extensive 2008 double report on the worrying impact of counter-narcotic policies on violence in the Andean region concluded that “the international community needs urgently to acknowledge mistakes and adopt fundamental policy improvements or transnational criminals will be the winners”. The Latin American Commission on Drugs and Democracy said much the same. We expanded that message in reports on Guatemala (2011) and Mexico (2013), calling for leaders “to open a serious debate and to re-evaluate policies that have failed to alleviate the suffering caused by drug addiction or to reduce the corruption and violence associated with drug production and trafficking”. We repeat this call today and urge collective agreement at UNGASS on a meaningful, systematic mechanism to reform the contemporary anti-drug regime in the three years until 2019, when the UN is to set the next ten-year drug policy agenda.

What Can UNGASS Learn from Latin America?

Latin America is the front line of the war on drugs. Examination of experiences in Colombia, Mexico and Guatemala – the same countries that urged an early UNGASS – can help with the critical assessment required for national and international drug policies to be transformed so that they treat chronic users through the public health rather than criminal justice system, prioritise harm reduction rather than incarceration and improve security rather than multiply the threats to it in the region. These three countries, where Crisis Group works extensively, are representative of how drug-producing and transit regions are severely affected by policies that require a global approach, including reflection about the impact of U.S. policies.

In Colombia, the drug economy has been an integral element of the long civil conflict, at least from the mid-1980s. The administration of President Juan Manuel Santos knows the imminent prospect of ending the conflict with the FARC and ELN insurgencies is the best moment for both greatly reducing illicit trafficking and testing drug policy reforms. On 9 May 2015, it suspended aerial spraying of coca crops with glyphosate. On 22 September, it adopted the Integral Strategy for Substitution of Illicit Crops, the objective of which is to invest in the coca-producing regions. Following the principle of reducing harm, it also proclaims that drug users should no longer be imprisoned. On 21 December, a decree on regulation of the cannabis market for medical and scientific purposes was adopted. A lesson already reflected in the pending peace agreement with the FARC is that for these new policies to succeed and peace to be sustainable, voluntary coca plant eradication and alternative development must be a priority; peasants and youths, otherwise likely to be pulled into the drug trade, must be given long-term economic options.

In Mexico, overreliance on the military violates human rights and erodes law enforcement in some regions. As Colombia confronted its drug cartels, traffickers in Mexico took on an increasingly powerful role. In 2006, President Felipe Calderón initiated a campaign that prioritized decapitation of the cartels, accelerating their fragmentation into smaller, often deadlier groups. Little has changed under President Enrique Peña Nieto, despite promises to prioritize social programs aimed at violence prevention. Deaths due to drug-related violence since 2006 exceed 90,000. Impunity remains the norm in regions where powerful gangsters have overwhelmed, intimidated or corrupted local, state and even federal officials. The 2014 disappearance of 43 students in Guerrero state was especially horrific but not unprecedented. Many gangs have diversified from drugs into predatory crimes, such as kidnapping and extortion, often burying victims in unmarked, mass graves. Security and justice institutions are frequently unable or unwilling to protect citizens
and bring dangerous criminals (including corrupt officials) to justice.

Geography puts Guatemala – midway between Colombia and the U.S. – at one of the world’s busiest illegal drug intersections. Cocaine (and ingredients for synthetic drugs) arrives by air, land and sea and moves on to Mexico, then the U.S. Its highland climate is ideal for poppy cultivation. Lenient gun laws and a history of arms smuggling make weapons plentiful. An impoverished, underemployed population is a source of recruits. In some regions, traffickers are prominent entrepreneurs in both licit and illicit businesses. There are signs of some progress. The International Commission against Impunity in Guatemala (CICIG) has produced investigations that, with support of brave prosecutors, led to indictment and imprisonment of corrupt officials and their associates. Most recently, nineteen senior officials, including ex-President Otto Pérez Molina, were indicted and arrested in a massive corruption case. President Jimmy Morales now faces the challenge of continuing the fight against endemic corruption and crime and coercion that allowed creation of parallel illicit structures. But Guatemala has limited resources and relies heavily on international cooperation, a factor that is key both for any sustainable success against crime and impunity, and also for opening a national debate on its policy options.

The U.S. is deeply engaged in developing and implementing drug policies in Latin America. While its Government Accountability Office concluded Washington’s Plan Colombia improved security there against insurgencies, counter-narcotic strategies have been criticized as ineffective in eliminating coca cultivation or production and marketing of illicit drugs. A recent reallocation of significant resources from interdiction and military aid to human rights and development can help rebuild the social fabric and strengthen rule of law and should be expanded. Distortions in U.S. drug policy in the region will not be overcome, however, without a domestic debate on the war on drugs it announced in 1971 and that many today consider unwinnable. Crisis Group encourages Congress to form a blue-ribbon, independent commission to review internal and external strategies from human rights, health and security perspectives and present conclusions to the new administration in January. Similar mechanisms might be created in other countries.

Seizing the UNGASS Opportunity

UNGASS is not the last chance for member states to fundamentally change their counter-narcotic strategies, but it is the opportunity to agree on a systematic review that can lay the groundwork for decisions in 2019. Part of the approach should be to draw from other UN commitments, especially the Sustainable Development Goals, which envisage incentives for treating drug users and drug traffickers in fundamentally different ways. Including other UN agencies and multilateral and regional mechanisms in the review is equally essential.

Latin American experience suggests drug policy must take into account the interests of those directly affected by crime and violence, including the weakest links of the criminal chain. Crisis Group recommends that UNGASS draw appropriate lessons from the above examples and create mechanisms that can help states collect evidence on national drug policies that give adequate weight to health, safety, human rights and development implications. The Secretary-General should lead in encouraging debate and endorse formation of an independent expert group, as proposed by Colombia, Uruguay and several civil society organisations, to gather such evidence and propose alternatives to current drug policies in the lead-up to 2019."

Lauren McCauley, “Pope Francis Apologizes to Mexican Indigenous for History of Pillage and Abuse: Catholic leader also specifically called on native people to 'teach mankind how to maintain a harmonious relationship with nature,'” Common Dreams, February 16, 2016, http://www.commondreams.org/news/2016/02/16/pope-francis-apologizes-mexican-indigenous-history-pillage-and-abuse, reported, “Speaking to tens of thousands of people in an open-air mass in the southern Mexico city of San Cristóbal on Monday, Pope Francis denounced the greed that has driven the exploitation of the country’s Indigenous population and the land that they inhabit.

‘On many occasions, in a systematic and organized way, your people have been misunderstood and excluded from society,’ the pontiff said in Chiapas state, where 75 percent of the population is Indigenous.

‘Some have considered your values, cultures, and traditions inferior. Others, dizzy with power,
money, and the laws of the market, have stripped you of your lands and then contaminated them. How sad this is," he continued. "How worthwhile it would be for each of us to examine our conscience and learn to say, 'Forgive me!'

After pausing, the Pope then said, 'Sorry brothers.'

The apology came during Pope Francis' five-day tour of the country, during which he discussed such issues as the environment and commented on the "evils" of "forced emigration and drugs," BBC reports. Monday's mass was delivered in three native languages, Tzeltal, Tzotzil, and Chol, after a new Vatican decree approved their use.

Pope Francis also specifically called on the Indigenous population of Chiapas to "teach mankind...how to maintain a harmonious relationship with nature," as they have done for generations, with the planet facing "one of the greatest environmental crises in history"—reiterating one of his favored themes.

'The environmental challenge that we are experiencing and its human causes affects us all and demands our response," he said. "We can no longer pretend to be deaf in the face of one of the greatest environmental crises in history.;

‘In this you have much to teach, to teach mankind," he told the predominantly indigenous crowd, many of whom wore traditional dress. 'You know how to maintain a harmonious relationship with nature, and respect it as a source of food, a common home, and an altar for how to share resources among people.'

Last year, Pope Francis issued a similar apology to the native peoples of the Americas, ‘not only for the offenses of the church herself, but also for crimes committed against the native peoples during the so-called conquest of America." He added, "There was sin and an abundant amount of it.."


The killings raise difficult questions for Mexico, highlighting an alarming development: By some accounts, there were more public lynchings this past year than at any other time in more than a quarter-century. There were at least 78 lynchings last year in Mexico, more than double the number the previous year, according to data collected by Raúl Rodríguez Guillén, a professor and an author of the book “Mexico Lynchings, 1988-2014.”

The mob actions were born of a sense of hopelessness and impotence shared by many in Mexico, where 98 percent of murders go unsolved and the state is virtually absent in some areas. By some estimates, just 12 percent of crimes are even reported in Mexico, largely because of a lack of faith that justice will ever be served.”

ICG, “Disappeared: Justice Denied in Mexico’s Guerrero State,” Latin America Report N°55, October 23, 2015, http://www.crisisgroup.org/en-regions/latin-america-caribbean/mexico/055-disappeared-justice-denied-in-mexico-s-guerrero-state.aspx, commented, “Horrific, unpunished human rights violations have blurred the lines between politics, government and crime in Mexico’s south-western Guerrero state. Drug gangs not only control the illegal heroin industry and prey on ordinary citizens through kidnapping and extortion, but have also penetrated, paralyzed or intimidated institutions obligated to uphold democracy and rule of law. The disappearance of 43 students from the Ayotzinapa teaching college in September 2014 by police allegedly acting in league with gangsters was no anomaly. To break the cycle of violence, ensure justice for the disappeared and bring rule of law to an impoverished, turbulent region, the federal government must give prosecution of unsolved disappearances and other major human rights violations in Guerrero to an independent special prosecutor backed by an international investigative commission empowered to actively participate in the proceedings.
President Enrique Peña Nieto has recognized that his country faces a crisis of confidence. Despite an extraordinary expenditure of resources and personnel, the investigation into the Ayotzinapa disappearances has been riddled by mistakes and omissions, according to the September 2015 report of experts appointed by the Inter-American Commission on Human Rights (IACHR). Nearly two-thirds of the public nationwide does not believe the government’s version, and three-fourths disapproves of federal prosecutors’ work. Victims and human rights defenders have demanded a probe into possible obstruction. Distrust of authorities is so profound that these and other investigations into major human rights violations in Guerrero require the credibility conferred by international expertise.

The federal government on 19 October took an important step by agreeing to put a new team of prosecutors in charge of the case that is to work with the IACHR experts to incorporate their findings and recommendations into the investigation and jointly plan the inquiry going forward. The gravity of violence and corruption in Guerrero, however, calls for further action to assure the public that authorities are ready and willing to investigate and punish criminals who terrorize civilians and any government officials whose acts or omissions help or encourage them.

First, the Ayotzinapa cases should be given to a special prosecutor’s office led by a top attorney from outside government with experience in human rights litigation. It should also take over inquiries into other enforced disappearances and major human rights violations in Guerrero, with authority to open new lines of inquiry.

Secondly, these investigations should be assisted and monitored by an international commission, under the auspices of the Organization of American States (OAS) and/or the UN and composed of experts in criminal law and human rights. This commission should have authority to participate in criminal proceedings, with full access to evidence and witnesses. It should also work with victims and human rights groups to develop plans to assure accountability for abuses committed during counter-insurgency campaigns in the 1970s and compensation for survivors.

Most crimes still go unreported, and polls show that a majority of citizens distrusts both prosecutors and police. By holding inept, complicit or corrupt officials accountable, authorities can start to regain the citizen trust that is essential for effective law enforcement. Additionally, federal and state authorities should make ending impunity for serious human rights violations an integral part of Mexico’s ongoing effort to reform the justice system while purging and professionalizing federal, state and local police forces.

The Ayotzinapa tragedy is not an isolated incident. The discovery of mass, unmarked graves in Guerrero, especially around Iguala, where the students disappeared, laid bare a gruesome pattern of more extensive unsolved killings. Nor is the problem limited to Iguala. The May 2015 abduction of more than a dozen people in Chilapa, where state and federal forces had taken security responsibility, showed that months after the students disappeared authorities remained unwilling or unable to act decisively to prevent and resolve such crimes.

Disappearances cast a long shadow over the justice system, an essential pillar for rule of law in any stable country. Mexico has more than 26,000 unsolved missing person cases, according to an official registry. The president has proposed a special prosecutor’s office to investigate these cases. This is positive, but unlikely to win public confidence given the magnitude of the issue. Mexico should open a debate about creating a national mechanism for resolving these cases and other major human rights violations, drawing upon the expertise and experience of both Mexican and foreign human rights defenders to uncover the truth, punish the perpetrators and support or compensate relatives of the victims.

Federal officials cite declining homicides over three years as an important achievement. But violence remains intense in states such as Guerrero, which in 2014 had the country’s highest homicide rate and where bloodshed is rising. Despite deployment of more federal police, homicides in the state rose 20 per cent in the first half of 2015. And official statistics may not reflect the true insecurity level in a state where some 94 per cent of all crimes go unreported. Impunity, even for homicide, is the norm. Over a decade, a recent study found, only about 7 per cent of Guerrero homicides have resulted in convictions. Nationally, another report said, about 16 per cent of registered homicides end in
President Peña Nieto vowed in November 2014 that “after Iguala, Mexico must change”. He can still make good on this, but only with decisive action to restore confidence by investigating and prosecuting emblematic cases, starting in Guerrero and continuing in other vulnerable states. By creating a hybrid investigative entity, the government would not only ensure an impartial inquiry, but also encourage transfer of skills from foreign specialists to Mexican prosecutors.

Guerrero’s tragedy is more than the failure of Mexican institutions. The criminals who terrorize its citizens derive much of their wealth from producing and transporting illegal drugs across the border. The U.S. has a clear interest in strengthening law enforcement and justice in the state that supplies much of the heroin that fuels its growing epidemic. Supporting strong, independent prosecutors with money and technical aid would bolster rule of law by demonstrating that neither violent criminals nor corrupt officials will go unpunished.

**RECOMMENDATIONS**

*To combat widespread impunity, especially for human rights violations and official corruption, and restore public confidence in the judicial system*

**To the federal government of Mexico:**

1. Establish a special prosecutor’s office to investigate enforced disappearances and other major human rights violations in Guerrero:
   a) the president should name an attorney from outside the government experienced in human rights litigation and give that individual full independence, including to hire staff, in consultation with human rights and victims groups; and
   b) the special prosecutor should have full authority to open new lines of inquiry, protect witnesses, conduct searches or monitor communications with appropriate judicial approval and bring charges.

2. Invite an international investigative commission to continue the work of the Interdisciplinary Group of Independent Experts appointed by the Inter-American Commission on Human Rights (IACHR), but with expanded powers and a renewable two-year mandate. This commission should operate under the auspices of the Organization of American States (OAS) and/or the UN and in cooperation with victims’ representatives and have the legal authority to:
   a) support the special prosecutor, focusing on enforced disappearances and other major human rights violations;
   b) participate in criminal proceedings, including by providing evidence to the prosecutor and judges, questioning witnesses and accessing all required material; and
   c) work with victims and human rights groups to devise a plan for implementing the recommendations of both the Guerrero State Truth Commission and the federal government’s Special Prosecutor for Social and Political Movements of the Past regarding accountability for abuses committed during the “dirty war”, appropriate compensation for survivors and memorialization of those who lost their lives.

3. Require authorities at all levels, including members of the military and other security forces, to cooperate fully with the special prosecutor and the Commission.

4. Amend legislation on enforced disappearances to:
   a) hold officials accountable not just for direct participation in an abduction, but also for authorizing, supporting, refusing to acknowledge or concealing such a crime, whether carried out by criminal groups or individuals; and
   b) include obligatory search protocols and provisions for victim support and reparations.

5. Draw on the expertise of national and international human rights defenders and experts and promote a national debate over creation of a credible mechanism to investigate and prosecute disappearances and other serious human rights violations throughout the country. Victims groups should participate in any initiative to assure that their rights to information and appropriate compensation or support are respected.

**To state government of Guerrero:**

6. Implement the recommendations of the 2014 Guerrero Truth Commission to compensate, recognize and memorialize the victims of counter-insurgency campaigns during the 1970s.

7. Assure that state police and prosecutors investigating disappearances follow established protocols
to find the missing and work closely with relatives; and create specialized teams trained to respond immediately to reported kidnappings.

8. Accelerate efforts to register all missing persons in the state, enlisting the support of human rights defenders to encourage relatives to report these cases.

9. Establish strong internal and external control mechanisms to combat corruption within municipal governments and local police.

To the international community, especially the U.S.:

10. Provide funding and technical assistance for the special prosecutor’s office and international investigative commission, incorporating such support into ongoing programs to strengthen the Mexican justice system and combat drug trafficking.”


Anti-government sentiment is mounting after police forces opened fire on a teacher protest in Oaxaca on Sunday, killing at least eight.

Since then, two high level government officials from that state, Oaxaca Minister of Indigenous Affairs Adelfo Regino Montes and Secretary of Labor Daniel Gutierrez, have resigned in protest of the 'authoritarian actions that repress and kill Oaxacan people who defend their rights and the government’s negligence to any possibility of dialogue,' as Gutierrez put it.

On Wednesday, members of the medical organization Yo Soy Medico 17 from 32 states joined the ongoing strike, stating their opposition to Peña Nieto's health reforms, which they say are a 'disguised way of privatizing health in Mexico,' according to TeleSUR.

Further, the group —which translates to 'I'm a Doctor'—has vocally condemned the killings and what they describe as intimidation and repression by authorities and organized crime. 'According to doctors,' TeleSUR explains, 'as violence has increased in Mexico they have suffered the consequences of crimes like kidnappings, enforced disappearances and killings that have gone unpunished by authorities.'

The dissident Coordinadora Nacional de Trabajadores de la Educación (CNTE) teacher's union—which largely represents educators in Mexico's predominantly rural and Indigenous states—has been staging dramatic demonstrations and road blockades against new mandated teacher evaluations, which they say ignore the challenges of their region while enabling mass layoffs.

These protests have been met with violent government repression, including the recent arrest of two of the union's leaders. But members explain that the government's opposition to the teacher's union runs far deeper.

'The violence used to dispossess them of their basic work benefits with the goal of privatizing education is a reflection of the violence with which the originary peoples and rural and urban peoples are dispossessed.' —joint statement by National Indigenous Congress and the Zapatista National Liberation Army

A social media post by the Twitter handle @puzzleshifter has been shared widely as a valuable explainer of the forces shaping the current violence.

'Why would [Peña Nieto] want to fire teachers en masse? Because they teach social justice curriculum as guaranteed under gains made in the Revolution,' they write. As the post explains, these teachers, known as 'Normalistas,' work at the same 'Escuelas Normales' that the 43 disappeared Ayotzinapa students were training to lead.

The post continues:

Normalistas are passionate about their profession and have a strong desire to impact the lives of children in dire rural poverty in Mexico. Many who become teachers, grew up in same communities/conditions as children they seek to teach - about their ability to change conditions.
According to the Mexican Constitution, rural [Indigenous] children have as much right to education as the children of the wealthy.
This is how and why the Escuelas Normales were instituted. However, ever since they were instituted, they have been egregiously underfunded.
This has resulted in teachers who enter the profession, specifically to teach the most left out kids, in Mexico's society.
For this, over the years, rural teachers have been accused of bringing kids revolutionary ideas. Many say, of course, that's our job!
So there's been a constant battle to stay true to the goals of the Revolution to teach rural kids and Central gov to reign them in.
The government violence has also been criticized by the National Indigenous Congress (CNI) and the Zapatista National Liberation Army (EZLN), which issued a joint communique on Monday blasting the 'cowardly police attack,' and assuring the teachers, 'you are not alone.'
'We condemn the escalation of repression with which the neoliberal capitalist reform, supposedly about 'education,' is being imposed across the entire country and principally in the states of Oaxaca, Chiapas, Guerrero, and Michoacán,' the missive states.
'We call on our peoples and on civil society in general to be with the teachers who resist at all times, to recognize ourselves in them,' it continues. 'The violence used to dispossess them of their basic work benefits with the goal of privatizing education is a reflection of the violence with which the originary peoples and rural and urban peoples are dispossessed.'
'We are saying no very firmly to all the so-called structural reforms that mean basically a change of only ownership. They are selling our land, our territory. The people are resisting.'
—Gustavo Esteva, Universidad de la Tierra

The fight seems to be just beginning as the union is vowing to 'stay here until the government is willing to talk.'
As one teacher from Nochixtlán told Democracy Now! on Tuesday: 'If tomorrow the government is open to dialogue, then the conflict ends. The governor wants what he calls educational reform. And what we want is a dialogue for the kind of change that the people require, the kind that meets their needs.'
The unnamed educator continued: 'If you go to our communities, there are many needs. How are the kids doing? The children can’t go to school to learn. All they think about is eating, because they don’t eat. No one can learn if they don’t sleep well, if they walked many miles to go to school. So the government should go and see what happens firsthand. And until there is a dialogue, we will not end our protest demanding educational reform.'

'And who will revive our dead?' they added. 'The dialogue won’t bring our dead back to life. And those who are imprisoned, there aren’t just five or 10, there are thousands.'
As Gustavo Esteva, founder of the Universidad de la Tierra in Oaxaca, further explained, 'This is a very complex war. It doesn’t—it did not start in Oaxaca. The teachers’ struggle, it is a global struggle. It started in Colombia, in Brazil, in Chile, in the U.S.—everywhere.'

'[W]e are in a war trying to say a very firm no to this kind of education. It is useless instruction,' he added. 'And we are saying no very firmly to all the so-called structural reforms that mean basically a change of only ownership. They are selling our land, our territory. The people are resisting. And then we are resisting with them to oppose this kind of operation.'

Thousands of students here in the southern state of Oaxaca have been without school for months as their teachers have taken to the streets, rejecting national efforts to improve the enormous, abysmal education
system.

But after government forces clashed with demonstrators here in the town of Nochixtlán last week, leaving at least nine dead and dozens wounded, the protest movement appears to have gained steam, plunging President Enrique Peña Nieto’s signature education changes deeper into controversy."

Violent Gangs in el Salvador declared war on the police after the government began cracking down on them in 2015. 60 police officers were killed in the fighting in 2015, and by early 2016, 15 more had perished ("El Salvador: Gangs declare war on police as violence rages," San Francisco Chronicle, April 14, 2016).

Rebel Fighters, or "contras", are again based in the mountains of Nicaragua, reflecting rising anger in the country at one time equalitarian President Ortega who now tightly controls the countries political institutions, while having become quite wealthy along with family members during his time in office (Francis Robles, "Contras are Back, but Nicaragua Denies it," The New York Times, March 8, 2016).


‘We believe that this conference is an opportunity to come together as Indigenous Peoples and unify efforts to maintain our voice in the promotion of our cultures as a human right,’ said Anselmo Xunic, Program Manager for Cultural Survival’s Community Media Program. Indigenous Peoples have a unique need for their community media, since it is through the media that they can communicate about issues that affect them, organize themselves, and strengthen their languages and cultures.

Community radio legislation in Central America is very limited. Throughout the region, both television and radio frequencies are monopolized by the commercial media, and the States in the region see communication not as a human right but as a commercial good, despite resolutions by UNESCO and the United Nations and the Organization of American States Special Rapporteurs on Freedom of Expression.

Many Indigenous community radio stations throughout Central America already function as members of networks, which has benefited their communities' efforts. In Guatemala, community radio stations have been working for over 16 years to pass a law that would give them a legal means of accessing radio frequencies, despite the fact that Guatemala's constitution and Peace Accords require democratic access to radio frequencies. As they wait, Guatemala's Indigenous community radio stations operate under the threat of raids, attacks, and closures by the police.

‘Without freedom of expression, no other rights can be guaranteed. Indigenous Peoples demand radio frequencies to have their voices heard and to strengthen our languages, self-governance, information, and education. The Conference will serve to analyze these issues and collaborate to demand that the States in the region provide equal access to media, which is a human right, not a right of businesses,’ said Cesar Gomez, Cultural Survival.

‘This Conference provides motivation to share experiences and find strategies that make the right to freedom of expression more viable. Putting our efforts together at the international level reverberates locally. It opens doors to women's participation, both young and old,’ said Rosy González, Indigenous Rights Radio
The First Central American Indigenous Community Radio Conference will take place January 16-18, 2016 in the Comarca Guna Yala in Panama with the participation of over 40 Indigenous leaders from the Kuna territory, Indigenous women and active members of community radios from throughout Central America. Half of the participants are women who demonstrate a strong commitment to the democratization of media for Indigenous Peoples and women, two sectors who have historically not been given sufficient voice in public media.

‘The Conference will be a space for those of us who continue to work towards democratization of communication in the region to get to know each other better and to recognize the work that each is doing. It is a space to reflect on and share experiences and most importantly to continue weaving dreams and actions for an inclusive, just and democratic Central America. We come from every country in the region with the will to work, synergize, and most importantly spread the word on our fight against commercial media oligopolies,’ said Oscar Pérez, Director of Fundación Comunicándonos.

The participants will develop a follow-up plan and draft an Outcome Document to record shared principles, conclusions, and follow-up."


Cultural Survival, AMARC Central America, Fundación Comunicándonos, Voces Indígenas and Asociación Sobrevivencia Cultural organized the conference as a response to the growing number of quality Indigenous community radios that are producing and transmitting content in service of their communities in the region. The network weaves together diffuse national efforts to promote Indigenous community communication, creating a strong, unified regional movement. “The radio broadcasting movement in Central America has always dreamed that Indigenous community radios would have their own space so that we would be able to continue pushing and working towards the democratization of communication in the region and continue deepening the fight for our identity and for the rights of Indigenous Peoples,” exclaimed Oscar Pérez, of AMARC Central America and Fundación Comunicándonos.

For Mark Camp, Deputy Executive Director of Cultural Survival, this first Conference and Network represents a significant new era in the history of Indigenous communication in the region. “This conference has been a long time in the making and we could not be happier with the feedback from radio representatives and with the results of the event,” said Camp. “This network prioritizes the needs of these diverse communities as we move forward to strengthen both the individual radios and the movement as a whole. We have high hopes for what can be done in terms of capacity building, legal reform and quality content creation and distribution as a result of this collaborative effort.”

**Space for Reflection**

The conference took place over two days in which participants were given the opportunity to listen to and contribute ideas towards the construction of this alliance. Throughout, spaces were created to reflect on the diverse realities for Indigenous community radios in the region, including stories of persecution and raids by governments who fear the power that community communication provides to communities.

Five core areas framed the discussions of the event: legalization; gender; radio content; economic sustainability; and networks and alliances. These topics were chosen as the themes of discussion groups due to their shared relevance across the region. Working groups debated these topics and presented on their expectations on how the pending network might address each issue. These areas are now the guiding force for the actions taken by the network as it moves forward.

**Indigenous Voices Weaving Together the Region**

Prior to the Conference, Teresita Orozco, Cultural Survival’s Regional Promoter visited Indigenous community radios in four countries to understand their vision of the network and use their ideas in its
construction. Most of the radios visited had a clear commitment to land defense, the preservation of natural resources and working towards women’s empowerment. They expressed high hopes that the network would strengthen their political initiatives and social endeavors as well as provide opportunities to share locally and internationally with other radios. “There is a significant difference between working alone and feeling supported” were words that resonated, visit after visit.

‘We need our own spaces as Indigenous Peoples since we are not seeking anything other than the best interests of our communities, which is what distinguishes us from commercial or state radios. We make people think, we support education and growing and we give our communities a voice when nobody else is listening. And this is why they persecute and criminalize us; because we are for the pueblo, not the politicians, and much less for our own interests,’ commented Olga Ajcalón, of Radio Juventud of Guatemala.

**Principal Results**

Following reflections and concrete suggestions from participants, the goals of the Central American Network were defined. Rooted in an intercultural, gendered perspective, the network has the specific objective of strengthening identity and Indigenous Rights defense through community radio. This Network is a platform for sharing best practices, political lobbying strategies, and communicational and technical resources; and for demanding national and international actions for new legislations that permit the democratization of communication for Indigenous Peoples. Working with existing national networks and alliances, this network will articulate those efforts to push forward processes that strengthen the capacities of Indigenous Peoples in community media and create regional lobbying strategies to ensure that Indigenous Peoples right to their own media is legally recognized.

The participants agreed on criteria for participation in the network, elucidating that the radios must self identify as community radios; they must be administered by their communities and/or Indigenous organizations; their programming and content must be oriented towards the preservation and defense of identity, culture, language and Indigenous Rights; and they must not be tied to churches or religious tendencies nor to political parties.

**Assessment from Participants**

Participants expressed their joy at the development of this network and their hopes for what this means for the future of the Indigenous Community Radio movement in the region. “This first Conference has been successful and has contributed to the union of the Indigenous Peoples of Central America being able to work on a common agenda around the right to communication, the broadcasting of free thought and the right to information…We want to be able to transcend borders fighting for the respect of our rights as Indigenous Peoples”, highlighted Salvador Zuñiga of Radio Morazanista in Honduras and members of the new Regional Commission of Indigenous Community Radios.

Carolina Morales, Executive Director of Radio Ixmukane in Guatemala emphasized the faith she has in this network to put an end to the political persecution that hers and other radios have been submitted to. “I hold great hopes and excitement for a better region; more solid and united. I believe that this network is what we need to come together and push ourselves forward in solidarity with one another”, Morales affirmed.

Roelio Fuentes, legal representative of Asociación Mujb’ abl’ yol and Radio San José in Guatemala highlighted that for him ‘it was a surprise to learn that in Central America we are all aspiring to the same goal: the legalization and self-sustainability of community radio. I thought only three countries were in this fight. The lived experiences are diverse but similar and this is why we put our hopes into the Central American Network of Indigenous Community Radios with a multicultural and gendered focus, which will be able to guide us towards the recognition of our communities in defense of our rights,’ highlighted Fuentes, who commented that he hopes the network will be able to make some waves and influence the Central American Parliament to push for legalization of community media.

In order to operationalize participants’ hopes and ideas, participants from each country elected representatives to form the Regional Commission of Indigenous Community Radios. This Regional Commission then developed a document outlining the focus and goals of the network and addressed the press in Panama City at a press conference the followed the event. They are now commencing the process of planning next steps for the network as well as a follow up conference."
"UN Calls on Guatemala to Release Political Prisoners as Indigenous Human Rights Defenders Mark One Year in Prison," Cultural Survival, April 29, 2016, https://www.culturalsurvival.org/news/un-calls-guatemala-release-political-prisoners-indigenous-human-rights-defenders-mark-one-year, reported, "Rigoberto Juarez Mateo, a long-time Indigenous community activist from Santa Eulalia, Guatemala was arbitrarily arrested on March 24, 2015 in Guatemala City, while he was denouncing human rights violations against himself and his community. Rigoberto Juarez is a representative of the Pluri-national Government of the Q’anjob’al, Chuj, Akateka, Popti and Mestizo peoples, of Huehuetenango. Juarez, along with many other Indigenous leaders in Guatemala, are being systematically charged with arbitrary crimes and held in prison, removing them from their role as community leaders and organizers who support communities in activism defending their natural resources and ancestral claims to land.

At the time of the Juarez’s 2015 arrest by agents of the National Civil Police, an arrest warrant was not shown. During the arrest, the police assaulted the Mayan lawyer Ricardo Cajas when he asked police to identify themselves and show an arrest warrant. Later he was charged with a dozen crimes, ranging from conspiracy to kidnapping, none of which have any basis in factual evidence. Meanwhile, Juarez’s trial dates continue to be delayed and authorities continue to release him on bail.

Members of the Q’anjobal Maya community in the northern region of Huehuetenango have been repeatedly harassed in recent years military, national police, private security of transnational companies, and often hired thugs or hitmen. These threats and acts of violence come in direct response for their activism to ensure community’s right to give or more often, withhold consent for the exploitation natural resources in their communities.

In 2012, Andres Francisco Miguel, was shot by security guards of the company Hydro Santa Cruz, in Santa Cruz Barillas, Huehuetenango. In 2013, teacher Daniel Pedro Mateo, was kidnapped while on his way to a community meeting training environmental defenders in 2013, and found later with signs of torture. In 2015 17 year-old Pascual Basilio, was shot after attending a peaceful meeting between community members and those in support of another hydroelectric project in Q’anjobal territory, Proyecto Hidrico de Desarrollo in Santa Eulalia, Huehuetenango. He died later of his wounds.

In April, members of the United Nations Permanent Forum on Indigenous Peoples Issues met with Indigenous leaders in Guatemala. Andrés Tomás León, representative of the Gobierno Plurinacional de la nación Q’anjob’al, Chuj, Akateka, Popti y mestiza of Northern Huehuetenango denounced the systematic criminalization that Indigenous human rights defenders are facing in their region.

The state of Guatemala has allied itself with companies to use the justice system to persecute and criminalize our leaders and Indigenous authorities who defend our lands, our human rights, and our rights as Indigenous Peoples… Just in the case of the Q’anjob’al people in the last 4 years six of our leaders have been assassinated, 41 have been wounded, 63 currently have warrants for arrest, 31 have been jailed, and 7 currently remain unjustly imprisoned,' he declared. 'Companies involved in extractive industries on our lads have accused our brothers and sisters of various crimes, including terrorism, illicit association, kidnapping, conspiracy, and even murder. Our relationship to mother earth, as our space to develop our cosmovision, is fundamental to our being, it is where we develop our sense of identity, our history, our livelihoods, and yet our lands are not protected under the law.'

After their week long visit came to a close on April 16, 2016, Members of the UN Permanent Forum responded by issuing a sobering list of recommendations to Guatemalan authorities:

'The Permanent Forum calls for the immediate release of the Indigenous leaders and activists presently incarcerated and to ensure their access to due process, justice as well as impartial defense. This request is the only way to ensure the equal application of the rule of law. All Indigenous individuals and peoples must have specific measures for their personal security and access to justice.' The recommendations also highlight the stark inequality and racism between Indigenous Guatemalans and other members of society:

'During the meetings held this week, with stakeholders, we have observed that a root cause of many, if not most of the problems facing Guatemala’s Indigenous peoples, is the concentration of land ownership, especially fertile farmlands, in few hands. According to recent National Agricultural Census, Guatemala’s Gini coefficient for land distribution is 0.84. This condition has left Indigenous peoples excluded from
effective access to their homelands and one of the key means of production of the country. According to a current World Bank country overview, Guatemala is one of the few countries in the region where despite a growing economy, poverty has increased in recent years, from 51 percent in 2006 to 59.3 percent in 2014. Most affected by this are Guatemala’s Indigenous peoples. This poverty trap generates critical consequences on their quality of life, such as, low life expectancy and an 80% malnutrition rate among Indigenous children, and limited access to quality education. Staggering differences in socio-economic indicators shown in Guatemala between indigenous and non-indigenous populations, including a 13-year gap in life expectancy, are difficult to understand in the 21st century. While Indigenous peoples are denied their rights to lands, territories and resources, the private sector, namely the extractive industries, hydropower and agribusiness are provided easy access to these resources, leading to further marginalization, environmental, and health problems for Indigenous peoples, the report concludes. Read the full text of the Forum member’s recommendations, below.

**Profile of an Indigenous Human Rights Defender as Political Prisoner**

Rigoberto Juarez is a long time Indigenous leader who has been active in community work for decades. He has worked in the Commission for the Defense and Promotion of the Rights of the Maya People Wuqub’ N’oj, Asociacion Mujb’ab’l Yol, and member of the National Council on the Principles of the Indigenous Development Fund of Guatemala, as well as on the board of directors for the Academy of Mayan Languages of Guatemala. In 1999 Rigoberto Juarez co-founded community radio station Snuq’ Jolom Konob in his hometown of Santa Eulalia, alongside Domingo Baltazar and Daniel Pedro Maya. Of the handful of men who founded the radio station, 2 are imprisoned and 1 has been murdered. The radio station has gone on to be a strong voice of the Q’anjob’al people doing investigative work on extractive industries on Indigenous lands in Northwestern Guatemala, despite being forced off the air for over a year due to threats from local officials, the station just reopened for broadcast on April 29, 2016.

In 2006 Juarez participated in the organization of a community consultation in which the Q’anjob’al Maya people expressed in absolute terms their profound opposition to mining and other extractive industries on their lands.

Since 2011 he repeatedly filed formal complaints to the Guatemalan government for human rights violations committed by companies, including Hidro San Luis, Hidralia Energy/ Hydro Santa Cruz, and Proyectos de Desarrollo Hidricos, three hydroelectric companies active in the region.

In 2013 Juarez, in his role as an ancestral authority of the Q’anjob’al nation, formed part of a commission that established a roundtable discussion with then Guatemalan President Otto Perez Molina and Minister of Government Mauricio Lopez Bonilla. After a peaceful political revolution in Guatemala in the spring of 2015 that brought the resignation of Perez Molina from power, Both Perez Molina and Bonilla now face charges of corruption.

However, despite the removal of ex-military president Molina, the politically repressive atmosphere in the country he established has remained constant. Newcomer President Jimmy Morales has merged ideologically with the country’s military elite- retired members of the same military who were instrumental in the planning and execution of brutality in Guatemala’s 36 year genocide that ended in the 1996 Peace Accords.

In a recent interview with Intercontinental Cry, Juarez’s lawyer Edgar de Leon, of the Mayan Lawyers Association, explained, ‘the old military tactic of decapitation is still being used by the government. The only difference now is that they’re cutting down community organizing instead of community members.’

Our visit to this country cannot go without acknowledgement and an expression of deep gratitude for the life and contributions of the late Agusto Williamson Díaz. His extraordinary intellectual capacity and compassionate devotion to the cause of Indigenous peoples in Guatemala and across the globe are reflected in the substantive and voluminous Study of the Problem of Discrimination Against Indigenous Populations of which he was the principal author. His significant influence and involvement across decades has been invaluable to the collective, worldwide Indigenous movement to advance, promote and protect their fundamental human rights within the United Nations, the OAS and numerous other national and international fora. For this we are grateful.

During the meetings held this week, with stakeholders, we have observed that a root cause of many, if not most of the problems facing Guatemala’s Indigenous peoples, is the concentration of land ownership, especially fertile farmlands, in few hands. According to recent National Agricultural Census, Guatemala’s Gini coefficient for land distribution is 0.84. This condition has left Indigenous peoples excluded from effective access to their homelands and one of the key means of production of the country. According to a current World Bank country overview, Guatemala is one of the few countries in the region where despite a growing economy, poverty has increased in recent years, from 51 percent in 2006 to 59.3 percent in 2014.

Most affected by this are Guatemala’s Indigenous peoples. This poverty trap generates critical consequences on their quality of life, such as, low life expectancy and an 80% malnutrition rate among Indigenous children, and limited access to quality education.

Staggering differences in socio-economic indicators shown in Guatemala between indigenous and non-indigenous populations, including a 13-year gap in life expectancy, are difficult to understand in the 21st century. While Indigenous peoples are denied their rights to lands, territories and resources, the private sector, namely the extractive industries, hydropower and agribusiness are provided easy access to these resources, leading to further marginalization, environmental, and health problems for Indigenous peoples.

We therefore express reservations about the current view of the World Bank that prioritizes for Guatemala more rapid GDP growth over 'pro-poor policy reforms', which allegedly can only 'yield marginal improvements'. We believe this to be an ideologically driven argument ignoring the empirical evidence from the past few years where moderate economic growth in Guatemala has resulted in even faster growth of poverty.

We therefore urge both the Guatemalan State and private sector, as well as the World Bank and other international economic institutions to realize that serious efforts to reverse the growing poverty among Guatemala’s Indigenous peoples, with all of its disastrous consequences, require not more rapid GDP growth, but structural economic and social reforms. Such crucial reforms must ensure more equitable distribution and access to traditional lands for Guatemala’s Indigenous peoples, based on respect for and legal recognition of their collective rights, including their self-determined development. These objectives are consistent with the rights of the Indigenous peoples of Guatemala as affirmed in the UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169.

The Permanent Forum would like to acknowledge the State representatives working on the issues of Indigenous peoples and the creation of the Guatemalan Cabinet for Indigenous Affairs. In addition, it is important to acknowledge the presence of 20 Indigenous members of the national Congress. Such Indigenous representation and participation should be increased. Furthermore, it is highly significant that the International Commission against Impunity in Guatemala, known as CICIG, is working with state institutions and the Guatemalan society to strengthen their capacity to reduce corruption and levels of impunity. We welcome all of these positive developments and trust that each institution will open lines of communication in order to maintain a direct and meaningful dialogue with the Indigenous peoples of Guatemala. With these observations in mind, we urgently recommend the following:

• The initiation of a national dialogue to discuss and identify the best pathway to achieve key reforms, particularly Constitutional reform in order to respect and recognize the rights of Indigenous peoples throughout Guatemala. This must also include economic reforms as well as social and political reforms, with full, direct and meaningful participation and representation of Indigenous in all phases of such reforms.
• Regulate the private sector, particularly the extractive industry, hydropower and agribusiness to ensure the integration of responsible international standards related to economic and social development as well as the human rights of Indigenous peoples and in particular, the right to free, prior and informed consent and environmental safeguards, in the planning and implementation of their projects affecting Indigenous peoples and their lands, territories and resources.

• Adopt and implement special measures to eliminate racial discrimination and reduce inequality; acknowledge diversity and the need to promote respect for all peoples and cultures of Guatemala. Such special measures must include the respect for and recognition of the diverse languages of the Indigenous peoples throughout Guatemala.

• The Permanent Forum calls for the immediate release of the Indigenous leaders and activists presently incarcerated and to ensure their access to due process, justice as well as impartial defense. This request is the only way to ensure the equal application of the rule of law. All Indigenous individuals and peoples must have specific measures for their personal security and access to justice.

• The Permanent Forum calls upon the State of Guatemala to initiate the comprehensive, effective and full implementation of the Peace Accord, in collaboration with Indigenous peoples, to ensure the fulfillment of their right to access their traditional lands, territories, waters, and other resources, which are intimately tied to their economic, social, cultural and spiritual security and integrity, including the important element of food security. The implementation of the Peace Accord must also ensure and enhance the status and role of the ancestral authorities of the Indigenous peoples of Guatemala.

• The Permanent Forum calls for measures to promote and support education and dialogue to eliminate violence against Indigenous women, especially sexual violence against girls and adolescents as well as measures to ensure their personal safety and security. Such measures must include an increase in investment and specific allocations in the national budget for Indigenous girls and adolescents, to give them the capacity and opportunity to transform their lives.

• The Permanent Forum calls for an overall increase in financial and other resources for the Indigenous peoples of Guatemala, and in particular Indigenous children, women and persons with disability.

• The Permanent Forum calls upon the State of Guatemala to address the need for free and equal access to “community radio” frequencies and the right to freedom of expression. Furthermore, we request that Indigenous peoples not be criminalized in their attempts to exercise their right to access to the media, including radio frequencies.

• The Permanent Forum fully acknowledges and appreciates the contributions of UN agencies, funds and programmes towards improving the conditions, welfare and well-being of indigenous peoples of Guatemala. We encourage them to step up their efforts and strengthen their collaboration with indigenous peoples. We call upon the State of Guatemala to strengthen its cooperation with UN agencies, funds and programmes in addressing the needs rights and priorities of indigenous peoples.

In conclusion, we stand in solidarity with the Indigenous peoples of Guatemala, including those that are “Walking Under the Sun.” We wish to continue with the constructive dialogue and look forward to hearing of your progress on the comprehensive reforms that are needed to guarantee the principles of justice, democracy, respect for human rights, equality, non-discrimination, and good governance for the whole of Guatemala and in particular, the Indigenous peoples."

"Cultural Survival Denounces Raid to Community Radio Station 'Radio La Esperanza'," Cultural Survival, April 21, 2016, https://www.culturalsurvival.org/news/cultural-survival-denounces-raid-community-radio-station-radio-la-esperanza, rcommented, "Yesterday, on Wednesday, April 20, another community radio, Radio Esperanza: La Vos de lo Nuestro was raided by the public ministry and the Guatemalan national police, who seized all of the radio’s equipment. Radio Esperanza of La Esperanza, Quetzaltenango, member of the network of Asociación Mujb’ ab’l yol: Encuentro de Expresiones, served its community for 14 years, with educational and cultural programs.

This action is a clear demonstration of the growing persecution that community radios in Guatemala face and points to the importance of Bill 4087, Community Media Law, which is currently being considered by the Congress of the Republic of Guatemala.
Currently, the telecommunications law does not permit access to frequencies for non-profit community radios despite promises made in the Guatemalan Constitution and the Peace Accords of 1996. This lack of access to community radio goes against citizens’ right to freedom of expression as well as the right to their own media for Indigenous Peoples. Numerous recommendations by the UN, The IACHR and the Constitutional Court of Guatemala have pushed for the passing of this legislation that would provide access to licences for non-profit community radios.

Community radio fulfills the right to freedom of expression and the right for Indigenous Peoples to have their own media in their own languages. For Indigenous Peoples, community radio provides programming that promotes their cultures, traditions and belief systems in their own languages.

In solidarity with Radio La Esperanza and the Community Radio Movement of Guatemala, Cultural Survival denounces this raid and the criminalization and persecution that community radios face everyday. This regrettable event highlights the urgency to support Guatemala citizens and to unite in support of Bill 4087 as defenders of democracy, freedom of expression and human rights. We urge our fellow organizations and friends to spread the word on Bill 4087 and express your support for freedom of expression and democracy in Guatemala.

"Mam Community Finally Fulfills its Dream of Opening a Community Radio Station," Cultural Survival, March 9, 2016, https://www.culturalsurvival.org/news/mam-community-finally-fulfills-its-dream-opening-community-radio-station, reported, "Indigenous community radio stations in Guatemala have found themselves in the midst of a hopeful period regarding their legalizations, as the new government entered in January 2016. Bill 4087, Community Media Law, which was brought to the table in Congress after years of lobbying, has achieved significant advances as it passed its first and second readings in Congress. It is within this context that a new community radio was born in the Maya Mam territory of Quetzaltenango, in the community of Huitan.

Cultural Survival would like to warmly welcome Radio Huitan 89.1FM as an Indigenous community radio station with a focus on community development through a local perspective. Huitan is a municipality with approximately 14,000 inhabitants, 96% of which are Maya, and speak the Mam language.

The history of this community radio began in 2010 when consultation processes began regarding mining activity that was proposed to begin in the region. These consultation processes inspired some local leaders to develop a radio so that they could inform families in the community of what was happening regarding mining concessions, what the benefits and dangers would be to the population, and most importantly what their rights were regarding their land.

This consultation left a legacy of a local organization in Huitan that began its own process of empowerment outside of the mayor’s office, outside of the development committees of the government, which are managed by public administration. This organization had the vision of different sustainability projects like local agricultural production, food production, and schools with a political focus and community radio. The community radio project has been in process for years, with the support of local organizations as well as Asociación Mujb’ ab’l yol, el Consejo Mam, Red Mesoamericana de Radios Comunitarias, and Cultural Survival.

On February 26, 2016, members of the community, municipal authorities including the mayor and the municipal board, members of development committees, the COCODEs, representatives of the commission of municipal education, the title committee off Huitan and supporting organizations came together to inaugurate the first community radio in Huitan.

The Mayor, Pedro Lucas, congratulated the radio and expressed his support to the members of the Board of Directors. As well, he was given a copy of Bill 4087 by members of Asociación Mujb’ab’l Yol, who are also part of the movement to legalize community radios. Many different community representatives who spoke publicly at the event expressed their understanding of the enormous role played by community radios in the community. The representative from the Commission of Education emphasized the educational role of the radio, as it will be promoting the use of the Mam language, the culture and it will provide a space for bringing consciousness to the community on the importance of education for their children. Finally, the radio will
provide a space for children to develop and produce their own programming, with the help of community leaders.

The Board of Directors of the radio is conformed by five women and three men, demonstrating the community’s proactivity in the inclusion of Indigenous women’s voices in the decision making processes of the radio. Rubelio Mendez, vice president of the Board of Directors, spoke on the programmatic content of the new radio, "The radio will attempt to promote the political activity of our communities; it will promote a strong stance on the rescue of the Maya identity, the economic self-sustainability of the collective, and a strong focus on education and a culture of peace."

"The IACHR Special Rapporteur for Freedom of Expression urges Guatemala to adopt community radio legislation," Cultural Survival, February 26, 2016, https://www.culturalsurvival.org/news/iachr-special-rapporteur-freedom-expression-urges-guatemala-adopt-community-radio-legislation, "In the framework of the parliamentary discussion on community radio broadcasting in Guatemala, the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) urges the State to urgently adopt adequate legislation on the matter, in order to recognize community radio and television and to provide an equitable part of the spectrum and the digital dividend to this important sector.

Many times since 2000, the Special Rapporteur’s office at the IACHR has recommended that Guatemala adopt a judicial framework that is more just and inclusive, recognizing the community sector of radio broadcasting and guaranteeing conditions of equal access and use of licenses for non-profit, social actors, especially the Indigenous Peoples of the country who have been historically excluded from the possibility of accessing and managing community media. In recent years, Indigenous Guatemalan organizations have presented more than four bills that would guarantee access to frequencies for community media that have not been accepted.

According to information received from the Congress of the Republic of Guatemala, they are currently in the third phase of review of Bill 4087, “Community Media Law”. The propose law, propelled by civil society and Indigenous Peoples of the country, looks to guarantee “access to community media for Indigenous communities and marginalized minority sectors”. This advance in the legislative discussion represents an extraordinary opportunity for the State to effectively fulfill its international obligations on this matter.

Community media fulfill a fundamental function in the region for distinct sectors of society to exercise freedom of expression and have access to information. On various opportunities, the Special Rapporteur’s office at the IACHR has expressed the right of community media to be recognized by law and as part of this recognition, the right to adequately and equally regulate community radio broadcasting.

In the case of Guatemala, recognition of Indigenous communities’ community broadcasting and regulation constitutes a historic obligation of the State to this group of the population who were victims of the armed conflict. According to the Accords on Identity and Indigenous Peoples Rights from 1995, the State of Guatemala promised to “promote before the Congress of the Republic, necessary reforms to the current telecommunications law with the objective of facilitating frequencies for Indigenous projects and ensuring observance of the principal of no discrimination in the use of community media. To promote repeal of any judicial order that creates obstacles for Indigenous Peoples’ access to community media for the development of their identity”.

Due to the existing situation of exclusion, la Rapporteur’s office makes a call to the State to urgently adopt a legislative framework that include the community sector and remove all disproportionate or discriminatory restrictions that have impeded access to frequencies for Indigenous Peoples to date.

In this sense, the Rapporteur’s office reminds the State that in order to conform with international standards, the national regulatory frameworks on community radio broadcasting should foresee (1) simple, equitable and transparent processes for the obtainment of licence; (2) no sever technical requirement that impedes access to frequencies; y (3) the possibility of using distinct financial sources, like publicity, as a medium for funding. The legislation should expressively prohibit the imposition of other arbitrary restrictions to license use by this sector, for example, limitations to use in
Indigenous languages or coverage restrictions for stations.

The Office of the Special Rapporteur for Freedom of Expression was created by the IACHR with the goal of stimulating defense of the right to freedom of expression and thought in the hemisphere, considering its fundamental role in the consolidation and development of the democratic system.


The arrests pose a direct challenge to the president-elect, Jimmy Morales, a political neophyte who ran as the candidate of a party dominated by former officers.

Among the men who were arrested was retired Gen. Manuel Benedicto Lucas García, 83, who was the army chief of staff during the dictatorship of his brother, Gen. Romeo Lucas García. A former military intelligence chief, Manuel Antonio Callejas y Callejas, was also detained, as was one of the generals who ousted General Lucas García in a 1982 coup.

“These are the big fish,” said Victoria Sanford, an anthropologist at Lehman College of the City University of New York who has studied human rights violations committed during the 1960-96 war, when security forces razed whole villages as they pursued leftist guerrillas.”

ICG, “Crutch to Catalyst? The International Commission Against Impunity in Guatemala,” Latin America Report N°56, January 29, 2016, http://www.crisisgroup.org/en/regions/latin-america-caribbean/guatemala/056-crutch-to-catalyst-the-international-commission-against-impunity-in-guatemala.aspx?utm_source=Sign+Up+to+Crisis+with+Updates&utm_campaign=359871089&utm_medium=email&utm_term=0_1dab8c11ea-fd2eabc4d-359871089, commented, “Guatemala – one of Latin America’s most violent, unequal and impoverished countries – is enjoying a rare moment of opportunity. A new president, Jimmy Morales, bolstered by a landslide victory, has taken office promising to end corruption. The old political elite is in disarray. Emboldened citizens are pressing for reforms to make justice more effective and government more transparent. Behind these changes is a unique multilateral experiment, the UN-sponsored International Commission Against Impunity in Guatemala (CICIG), whose investigators work with national prosecutors to dismantle criminal networks within the state. CICIG is not a permanent fix, however. Guatemala will lose its opportunity unless national leaders assume the fight against impunity as their own, approve stalled justice and security sector reforms and muster the financial resources to strengthen domestic institutions.

CICIG began operations in 2007 to investigate clandestine security groups that continued to operate within the state following the 1996 accords that ended 36 years of intermittent armed conflict. Such groups still undermine the state, though their main goal now is economic power, not elimination of political opponents. International support and financing guarantee the commission’s independence, though it operates under Guatemalan laws. Unlike traditional capacity-building efforts, it not only trains, but also works side by side with national prosecutors and police, providing them with the necessary technical expertise and political autonomy to hold powerful suspects accountable before the law.

CICIG has promoted and helped implement legislation to create a witness protection program, tighten gun controls, establish rules for court-ordered wiretaps and asset forfeiture and institute high-risk courts for the trial of particularly dangerous defendants. At the same time, it has carried out complex, high-profile probes that resulted in charges against a former president for embezzlement, an ex-minister and other top security officials for extrajudicial executions and dozens of additional officials and suspected drug traffickers for fraud, illicit association and homicide.

The commission has faced significant setbacks and limitations, however. Some high-profile cases have ended in acquittal. Key reforms, such as a judicial career law, have stalled in Congress. While it has helped strengthen certain specialized prosecutorial units, the public prosecutor’s office remains overstretched, even
absent, in much of the country. Other institutions essential for combating impunity – notably the civilian police and judiciary – are still weak, vulnerable to corruption and largely unaccountable.

The most dramatic blows it has delivered against impunity came in 2015 with the arrest of almost 200 officials for corruption, including a multi-million dollar scheme to defraud customs. Working with national prosecutors, CICIG collected and analysed massive amounts of evidence. The evidentiary trail, according to prosecutors, led to President Otto Pérez Molina, who resigned (though denying any criminal activity) and now awaits trial in a military prison.

Much of CICIG’s recent success is due to the determination and persistence of its current commissioner, Iván Velásquez, a jurist known for uncovering the links between politicians and paramilitary structures in his native Colombia. CICIG cannot function, however, without the close collaboration and support of Guatemalan prosecutors. Very different attorneys general – Claudia Paz y Paz, a former human rights activist, and Thelma Aldana, a veteran jurist – have shown the independence and courage to pursue complex, controversial cases against powerful suspects.

A crucial ingredient is popular support. Both the commission and public prosecutors enjoy wide approval among citizens exhausted by violent crime and corruption. The investigations spawned a broad civic movement for justice reform and government transparency. In a country long polarized by ideological, economic and ethnic differences, the anti-corruption crusade has at least temporarily united groups ranging from business associations to labour unions, urban professionals to indigenous leaders.

Anger over government fraud holds this movement together, rather than any clear agenda for change. Elected leaders should channel discontent into positive action by initiating a national debate on the reforms needed to strengthen justice and encourage accountability. Morales, a former television comedian, campaigned as the anti-politician. He has yet to put forward a clear reform program, including new legislation to guarantee the independence of judges and prosecutors, toughen campaign-financing laws and create honest, professional civilian police. Moreover, a weak, underfunded state needs to enact fiscal and tax reforms so that its justice institutions have the resources needed to pay good salaries, provide decent working conditions and extend their coverage across the country.

CICIG’s mandate ends in September 2017, though the president wisely has proposed extending it. International assistance cannot last indefinitely, however. The commission is Guatemala’s best opportunity for genuine justice reform, and it should not be wasted, but the government must start planning for its departure by fortifying its own capacity to fight crime and corruption.”


The activist, Berta Cáceres, led a decade-long fight to block construction of the Agua Zarca Dam along the Gualcarque River, which is sacred to her Lenca people. Despite numerous threats and the killings of other members of her organization, she was undeterred.

She was awarded the prestigious Goldman Environmental Prize last year, but the international acclaim was not enough to protect her. On March 3, gunmen burst into the house where she was staying in La Esperanza, her hometown, in western Honduras, and fatally shot her. The suspects were arrested in raids early Monday. Two of them are linked to the Honduran company that is building the dam, Desarrollos Energéticos S.A., or DESA.

Since the killing, the Honduran government has been under intense pressure to find Ms. Cáceres’s killers. The murder occurred as President Juan Orlando Hernández has been trying to project a new image of his country, one of the most violent in the world." Her family members are concerned that the investigation may not reach up to those who authorized the murder, dealth threats and related actions.

Honduran national police says the government has mounted a “crude setup” by fabricating and leaking documents to implicate high-ranking officers in the assassination of two top antidrug officials, adding a new twist to a scandal that is peeling back the collusion between drug traffickers and the police.

The former chief, Ramón Sabillón Pineda, a police general, has taken to television airwaves and appeared voluntarily before the prosecutor investigating the documents to assert that the plot — and the extent of corruption in the nation’s institutions — is even larger than the papers suggest.

‘Evidence has been planted, which is common in institutions that are permeated by organized crime,’ said Mr. Sabillón, who led the police for 11 months before being dismissed in November 2014.

The controversy stems from the assassination of the nation’s antidrug czar as he drove to work in 2009, only months after the Honduran president was ousted in a coup. Two years later, the antidrug czar’s senior adviser was killed in the same way, a grisly example of the tight grip traffickers hold over the country.”

Elisabeth Malkin, "Honduras Fires Over Two Dozen Police Commanders," The New York Times, April 30, 2016, http://www.nytimes.com/2016/05/01/world/americas/honduras-fires-over-two-dozen-police-commanders.html?ref=todayspaper, reported, "More than two dozen police commanders in Honduras have been fired as part of an effort to clean up a force that has long been infiltrated by organized crime.

The civilian commission in charge of reforming the police force announced the firings on Friday, 10 days after five top police generals, including two former police chiefs, were dismissed.

The shake-up followed news coverage of police files showing that top police officials ordered the killings of a Honduran antidrug czar, Julián Arístides González Irías, in 2009 and his top adviser two years later."

Nika Knight, "Outrage as Another Indigenous Activist Leader Assassinated in Honduras: Less than two weeks after Berta Cáceres' brutal slaying, another member of her activist group was shot and killed after the Honduran government violently evicted his Indigenous community from its ancestral land," Common Dreams, March 16, 2016, http://www.commondreams.org/news/2016/03/16/outrage-another-indigenous-activist-leader- assassinated-honduras, reported, "Another member of Berta Cáceres' Indigenous rights group was brutally murdered by unidentified assailants on Tuesday, following a violent eviction of Indigenous people from their land.

Nelson Garcia, a father of five and community leader, was shot four times in the face—'gunned down in his home,' the Nation reported. His assassination occurred less than two weeks after Cáceres', and only days following her funeral.

Local reports say that his death occurred shortly after the Honduran government's dispatching of riot police and bulldozers to evict 150 Indigenous people from their homes in Rio Chiquito, where they had occupied ancestral land for two years in protest of the Agua Zarca megadam project.

TeleSUR reported:

'They said that they would be peaceful and they were not going to throw anyone out of their houses, but at midday they started to tear down the houses, they destroyed the maize, the banana trees and the yuca plantations,' said Tomas Gomez, a COPINH coordinator.

'When they finished the eviction, our companion Nelson Garcia went to eat in his house, they were waiting in the zone that the commission of COPINH pass, but it was diverted. Garcia arrived first and they killed him,' he added.

Garcia was a leader in the Rio Chiquito community, all of whom were members of the Civic Council of Popular and Indigenous organizations of Honduras (COPINH), the Indigenous rights group formed by Cáceres. COPINH has been instrumental in preventing the construction of the Agua Zarca megadam.

The megadam is to be built on the Gualcarque River, ancestral territory of the Lenca tribe—of which Cáceres was a member—and a critical water source for the Indigenous people.

Cáceres' daughter, Bertha Cáceres, only yesterday told the Guardian in an interview that her mother's death 'is not the first assassination, but one of a series of assassinations of human rights defenders.'

'I don’t want another human rights defender to be assassinated,' Bertha said.
Garcia’s death ‘brings to 14 the number of COPINH members who have been murdered since the group was founded in 1993,’ observed fellow activist Beverly Bell.

A witness to Cáceres’ murder and fellow Indigenous activist Gustavo Castro was blocked by the Honduran government from returning to Mexico last week, and he is currently still being held by the Mexican Embassy in Tegucigalpa despite international pleas for the government to allow him to safely leave the country, DemocracyNow reported.

Honduras is suffering under a brutal regime put in place by a U.S.-backed coup supported by Hillary Clinton during her tenure as secretary of state. Since the coup, the country has maintained the highest murder rate in the world, and many environmental and Indigenous rights activists have been killed under the military junta's rule.

After news of Garcia's murder broke, the Europe-based development banks FMO and Finnfund announced that because of the violence and killings they would end their operations in Honduras entirely, which will mean pulling their funding for the Agua Zarca megadam.

TeleSUR reported that USAID, on the other hand, is continuing to fund Agua Zarca in defiance of activists' protests at the agency's headquarters in Washington, D.C. earlier this week, and despite the continued violence and murders of environmentalists and Indigenous activists in Honduras."

"Indigenous Rights Win Major Steps Forward in Honduras," Cultural Survival, January 15, 2016, https://www.culturalsurvival.org/news/indigenous-rights-win-major-steps-forward-honduras, reported. "In a major win for Indigenous and Afro-descendent peoples in Honduras, the Inter-American Court of Human Rights issued a judgment in January declaring the State of Honduras responsible for the violation of collective ownership rights and the lack of judicial protection. The case was brought by OFRANEH, the Black Fraternal Organization of Honduras which has been working for years to defend the territory of the Indigenous Garifuna peoples and a partner of a broad coalition of Indigenous and campesino rights organizations across Honduras.

After two years of deliberation, the Court, which is an international appeals court for countries in the Americas, issued the two judgments, upholding the communities’ right to Free, Prior, Informed Consent in front of development projects on their lands. The Court stated unequivocally: “Regarding the right to consultation and cultural identity, the Court considered that the consultation must be applied prior to any exploration project that may affect the traditional lands of the indigenous and tribal communities." The ruling therefore extends protection Indigenous peoples across the country."

OFRANEH has been supported in their legal work at the Inter-American Court by Cultural Survival’s partner organization Grassroots International, since 2012. They reported:

'After years of considering a petition from OFRANEH, in February 2013 the Human Rights Commission of the Inter-American Commission on Human Rights (ICHR) presented the case to the Inter-American Court detailing the Honduran government’s violation of Garifuna collective ownership rights (citing Article 21 of the American Convention on Human Rights), lack of access to a fair trial and lack of judicial protection in the Garifuna communities of Triunfo de la Cruz and Punta Piedra. In addition, the case notes that the Honduran government violated the Garífuna’s rights to 'Free, Prior, and Informed Consent', a main tenet of the United Nations Declaration on the Rights of Indigenous Peoples.

During the site visit from the Inter-American Court of Human Rights (ICHR), members of the Garifuna community presented moving and detailed testimonies about land rights violations that they have faced for decades that provided the basis of more than 30 legal claims of land usurpation presented to the ICHR.

Reparation measures ordered by the Court last month include, among other matters: the investigation of five assassinations of Garifuna people defending their ancestral lands; a public act of acknowledgment of international responsibility; demarcation of the land on which it has been granted collective ownership to the Punta Piedra community; collective land ownership titles, properly defined and demarcated on the plot of land known as the Triunfo de la Cruz Garifuna traditional territory; free access, use, and enjoyment of collective property and commons of both communities; and measures to ensure that the provisions on mining regulations do not undermine the right to
consultation.

The Garifuna people currently have three more cases and several petitions at the Commission. For OFRANEH the violations of collective and human rights perpetrated by the State of Honduras demonstrate the existence of deliberate land grabs and expulsions in Garifuna territory. As Julian Eramos Castillo, Vice President of the communal authority of Triunfo la Cruz shared, “After the Coup we resist, and we will continue in resistance… we, Garifuna people, fight to the death. We will continue defending our ancestral territory to ensure our children never lose our culture, language and connection to land.”

In 2014, Cultural Survival worked with Grassroots International and a coalition of Indigenous and Black organizations of Honduras ODHPINH, of which OFRANEH is a member, to submit a Universal Periodic Review report on Honduras to the UN Human Rights Council detailing human rights abuses against Indigenous and Afro-descendent Peoples. During their review session in 2015, Honduras faced criticism from the Human Rights Council on its treatment of Indigenous and Afro-descendent communities, especially regarding discrimination within the political system, the state's use of repressive violence, and with regard to land rights. As a result of this review session, the government of Honduras formally accepted a number of recommendations, meaning that the Honduras is obligated to implement these recommendations at the national level over the next four years and demonstrate their progress by 2019. The accepted recommendations related to Honduras's Indigenous and Afro-descendent communities include:

123.59 Improve the precarious situation of indigenous peoples and Afro-descendent communities
124.20 End discrimination in law and practice against indigenous and Afro-Honduran people
124.8 Strengthen the institutional framework undertaken for the benefit of indigenous and Afro-Honduran peoples
125.55 Ensure prompt investigations into attacks and threats against human rights defenders, indigenous people, and journalists as well as to ensure that they can carry out their activities without fear of reprisals
124.57 Further promote the participation of Afro-Hondurans and the indigenous communities in the public sphere; Step-up socioeconomic policies to enable the active participation of people of African descent in economic, social and political sphere
125.71 Implement measures to reduce poverty and instances of social exclusion among indigenous people and Afro-Honduran communities
125.76 Continue ongoing efforts aimed at enhancing the participation and consultations of indigenous peoples on public policies that affect them, fully implementing the United Nations Declaration on the Rights of Indigenous Peoples and the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

Read the full list of recommendations accepted by Honduras at: https://www.culturalsurvival.org/sites/default/files/media/recommendations_and_pldges_honduras_2015.pdf.

Read Cultural Survival's joint UPR submission on Honduras regarding the status of Indigenous and Afro-descendent at: https://www.culturalsurvival.org/sites/default/files/media/upr_honduras_0.pdf."


Today, April 7, 2016, a public hearing in relation to Case 12.717 Bocas del Toro, Ngäbe Communities and others vs. Panama will take place between 4:15pm and 6:15pm in Room Rubén Darío, at the Inter-American Commission on Human Rights of the Organization of American States in Washington DC.

Since 2005, different Indigenous communities including Charco de la Pava, Valle Rey, Guayabal y Changuinola Arriba, have been impacted directly by the hydroelectric dam Chan 75. This dam
forcibly displaced entire communities leaving its inhabitants without homes and agricultural land despite Precautionary Measures issued by the Inter-American Commission on Human Rights in 2009.

It is expected that the State of Panama will be questioned by the Commission about providing concessions to development projects that have violated Indigenous Peoples’ human rights. It is also expected that private corporations will be asked to take responsibility for their actions in the territories they operate and asked to comply with international norms such as the right to Free, Prior and Informed Consent of impacted communities in future development projects.

ICG, Kyle Johnson, "The National Liberation Army (ELN) Joins Colombia’s Search for Peace, May 12, 2016, http://blog.crisisgroup.org/latin-america/colombia/2016/05/12/the-national-liberation-army-eln-joins-colombias-search-for-peace, presented a dialogue, "The Colombian government announced on 30 March the beginning of the formal phase of peace negotiations with the National Liberation Army (ELN), the second largest guerrilla group in Colombia. These talks, together with those nearing completion with the Revolutionary Armed Forces of Colombia (FARC) in Havana, are the country’s greatest opportunity yet to end 52 years of armed conflict. But how different will this peace process be compared to the one with the FARC? What lessons can be learned from the latter, and what incentives do ELN leaders have to achieve a substantive agreement? In this Q&A, Crisis Group’s Colombia Senior Analyst Kyle Johnson explains why the history of the ELN and its horizontal political structure make it such a unique negotiating actor.

How would you describe the ELN as a group, and where does it operate?
The ELN is a leftist guerrilla group founded in 1964 that operates mostly on the Colombia/Venezuelan border, where it controls many informal border crossings. It is also present along the Pacific coast and in north-central Colombia. It is involved in illegal economic activities such as kidnapping, extortion, illegal mining and drug trafficking. Its principal strategy is to carry out “armed resistance” against what it terms the oligarchies from Bogotá and multinational corporations that want to extract or exploit Colombian natural resources without supporting local communities. The group has about 2,000 fighters, but its real strength comes from unarmed activists and communities who are somehow connected with the ELN. It is a very horizontal organisation and it makes decisions based on internal consensus.

Generally, it is said that the FARC is an armed group with a political agenda, while the ELN is a political group with arms. What does that mean?
That’s a common way to explain how different the two groups are. The FARC has a vertical hierarchy, with a leader heading a seven-person Secretariat and a somewhat larger High Command, and it has long prioritised military tactics over politics, without completely ignoring the latter. The ELN, by contrast, has high-level decision-making bodies, which make decisions based on consensus, and below them, everyone at a certain level gets an equal voice. The ELN sees political action as the best way to strengthen the organisation. It also sees political action as a way of strengthening their military side. For three decades, the ELN has focused on building local “popular power”, while the FARC has aimed to take power in Bogotá. Also, the FARC is larger, with close to 8,000 fighters and perhaps 20,000 militia members, and it controls more territory. Despite their differences, both groups have had a good enough relationship historically. However, there were costly military confrontations between them between 2006 and 2010.

Why did the FARC enter into peace negotiations with the Colombian government before the ELN?
Policies toward the FARC – whether to pursue its defeat or make peace with it – have been a central factor in the election of almost every Colombian president since the 1980s. The current government was no exception. Benefitting from the weakening of guerrilla forces by the military campaign pursued by President Álvaro Uribe (2002-2010) yet recognising the state’s inability to secure an end to the armed conflict by military means alone, President Juan Manuel Santos has pursued negotiations with both groups, but with priority given to the FARC process.

This focus makes sense. FARC has inflicted the most political pain on Colombia’s central government, and in the past has been perceived as threatening to take over the country. Whether that is true or not, the existence of this perception is important. Nobody has ever thought that the ELN could seize the capital.
Meanwhile, although both the FARC and ELN have realized they will not win the war, their response to this new awareness has been quite different. The FARC, which experienced a generational shift in its leadership after the death of its founder, Manuel Marulanda, in 2008, made a strategic decision to negotiate. The ELN adjusted its strategy to one of “armed resistance” on a local level, where winning the war is no longer the goal, and so peace negotiations were not as necessary from their perspective. Also, while the FARC seized the opportunity presented by Santos’ determined pursuit of a negotiated solution, the ELN saw Santos as just another member of Colombia’s oligarchy: they argued nothing had changed politically in Colombia and therefore negotiations were not justified.

It took six months for the Colombian government and the FARC to work out a peace agenda, while with the ELN, the same process lasted almost three years. Why so?

The FARC’s clear decision to pursue negotiations meant that in many respects the process was simpler with the FARC. It was a question of agreeing to the points to be discussed, the right language to define the issues and a methodology. Also, it was fairly clear which issues were important to the FARC and where common ground could be found. The group was ready and had the political will to quickly define an agenda and take important early steps like ending economically-motivated kidnappings. The ELN, on the other hand, took almost two years just to arrive at a very weak and fragile internal consensus that negotiations with the government were a good idea.

Talks with the ELN are scheduled to begin at the end of May in Ecuador. President Santos, though, has stated that dialogue will not begin until the ELN stops kidnapping and releases all its kidnap victims. The group has rejected this demand stating that the government should not set conditions for the negotiations, putting this starting date somewhat in doubt.

What incentive does the ELN have to make peace right now?

The ELN has three main incentives to negotiate peace. First, it may simply not get another opportunity for talks in the near future. Second, without the FARC in the picture, the group may not be able to survive a government military offensive. And finally, as the country moves forward with the FARC in a post-conflict arrangement, the ELN risks becoming politically irrelevant. Time is also pressing. The ELN effectively only has until 2018, when the mandate of the Santos government ends, to sign or come close to reaching a peace agreement.

Nicholas Casey, "Colombia and FARC Rebels Reach a Deal to Free Child Soldiers," *The New York Times*, May 15, 2016, http://www.nytimes.com/2016/05/16/world/americas/colombia-and-farc-rebels-reach-a-deal-to-free-child-soldiers.html?ref=todayspaper, reported, "The Colombian government and the country’s largest rebel group announced on Sunday that they had reached an agreement to release child soldiers from rebel custody, an important step in peace negotiations, which are in their final stages.

"The deal with the Revolutionary Armed Forces of Colombia, known as FARC, could involve hundreds of children who were recruited to fight in Colombia’s long civil war, though no census of child soldiers has ever been taken."


May 11th, 2016. Punta Gorda Town, Toledo – Eleven months after militarized police officers stormed the village of Santa Cruz and the homes of Santa Cruz villagers and arrested 13 leaders; today, the Chief Magistrate accepted a submission from the Director of Public Prosecution (DPP) for yet another adjournment. Among those being prosecuted is renowned spokesperson for the Maya Leaders Alliance and defender of Maya rights, Cristina Coc. These charges stem from the trespassing, destruction of property, and disorderly conduct by Rupert Myles - a non-resident of Santa Cruz village.

Today’s adjournment makes for the seventh adjournment requested by the prosecution, and the 9th overall, putting on hold the lives of 11 families, left to bear the emotional and economic costs of a prolonged trial. The Santa Cruz 13 have taken painstaking efforts to consistently present themselves at each trial date, while the complainant, Mr. Myles, has repeatedly failed to appear. Counsel for the
Santa Cruz 13 asked the court to exercise its authority under the law to dismiss the case because the prosecution is not ready. Instead, granted the adjournment until June 27th 2016, allowing the Director of Public Prosecution time to acquire more evidence.

The Maya people impressed upon the judicial system to ensure that the law is applied in a just and fair manner. We continue to call upon the Government of Belize to respect the rights of the Maya people of southern Belize, and to ensure that indigenous rights defenders are protected. We remind the government that it dragged the Maya people through the courts for two decades, in an effort to deny Maya people’s rights to ancestral lands. This ongoing criminalization of leaders is tantamount to yet again dragging Maya subsistence farmers and activists through the courts, essentially continuing to deny them rights affirmed by the Caribbean Court of Justice.

We call upon the international community, especially the 15th session of the United Nations Permanent Forum on Indigenous Issues happening this week in New York City, to continue to follow the lives of Indigenous Maya leaders who defend their lands, waters and way of life. Customary Maya leaders are being criminalized and persecuted by the government despite the affirmation on the right of Maya people to their ancestral territory and resources."

"Maya Villages Sue Government of Belize for Failing to Protect Indigenous Lands," Cultural Survival, April 14, 2016. https://www.culturalsurvival.org/news/maya-villages-sue-government-belize-failing-protect-indigenous-lands, reported, [Press release by the Maya Leaders Alliance], "Belize City. April 6, 2016 — Today the Maya villages of Santa Cruz and Jalacte filed separate actions with the Supreme Court against the Government of Belize. This is as a result of the government’s delay in implementing the orders of the Caribbean Court of Justice, and its failure to respect and protect Maya land rights during the implementation process. Once again, the Maya people have found themselves with no choice but to return to court to protect themselves and their village lands.

In April of last year, the government signed a Statement of Commitment to the Maya people in which it recognized the right of Maya villages to the lands they use and occupy in accordance with Maya custom, including the right of Maya villages to control who may take up residence in the village, and to manage the use and occupation of those lands. The government also committed to meeting with the Maya to develop a mechanism and schedule for officially demarcating and registering Maya lands. On April 15th, 2015, the Government of Belize and the Maya agreed to an Order by the Caribbean Court of Justice obliging the government to cease and refrain from interference with Maya lands, and also not to act in a way that allows third parties to interfere with Maya lands.

Maya leadership is pleased that the government has reached out to them by way of an initial meeting with the Toledo Maya Land Rights Commission in respect to the implementation process. However, despite this meeting and its commitment and obligation to protect Maya lands, the government has taken no action to address the issues of current and ongoing interference with, and appropriation of Maya lands by a third party and by the government itself. Thus, because the Maya people have not been able to rely on government’s commitment to respect and protect Maya land rights, two Maya villages find themselves back in court.

Santa Cruz village – one of two Maya villages that obtained a declaration of their customary title in the original Maya Land Rights case in 2007 - is seeking repossession of its property from Mr. Rupert Myles, whom the government has allowed to commit trespass and irreparable damage to the Uxbenká archeological site, an ancient Mayan temple within Santa Cruz lands. Mr. Myles remains on the property despite numerous requests from the village that he vacate and remove the house he built on the temple. While NICH recently reported that Mr. Myles has moved on, and would not be prosecuting him, in fact he continues to reside in the village and his house remains on the temple site. The village sought assistance from the police and the Institute of Archaeology in removing Mr. Myles from the temple, in light of the government’s obligation to prevent interference with Santa Cruz lands in accordance with the judgments of the Supreme Court of Belize and the Caribbean Court of Justice. No assistance was provided. The Government of Belize is named as a defendant along with Mr. Myles for its failure to respond to the village’s repeated requests to prevent Mr. Myles actions and stop him from continuing his illegal occupation, and for actions that effectively encouraged
him to continue his trespass.

The Maya village of Jalacte is also seeking redress for the government’s own taking of village lands and resources without following applicable laws. The government has expropriated at least 60 acres of village land for Ministry of Agriculture offices, a greenhouse compound, and to widen and pave the road to the Guatemalan border, all without notice, consent, or compensation as required by the Constitution, the CCJ Order, and the government’s own Commitment to protect Maya lands.

The villages of Santa Cruz and Jalacte are compelled to bring these actions for enforcement of their rights because their situation are urgent and the Government of Belize has done nothing to respect its obligation to protect Maya lands from interference while the implementation process unfolds. On the contrary, it has continued to act as if the villages’ property is not worthy of the same respect and protection as other property rights in Belize.

The Maya people regret the need for further litigation and hope that productive consultations with the government will result in the official demarcation, documentation and protection of Maya lands to prevent any future incidents of interference. Nevertheless, the Maya people of Southern Belize remain steadfast in the defence of their ancestral land rights."


With 97 percent of the ballots counted from a referendum held on Sunday, Mr. Morales was losing by 52 to 48 percent, the officials said. While Mr. Morales and his Movement for Socialism party did not concede defeat on Tuesday, it was unlikely that he would be able to close the gap as rural and absentee ballots continued to be tallied. He could, however, still appeal the results before they become final.

At a news conference on Monday, Mr. Morales said that the polls had in fact indicated a statistical tie. He said a final count was continuing in rural areas, where he said he had broad support.

“Mr. Morales, the country’s first indigenous president, had handily won three terms by wide margins. But this time he faced accusations of authoritarianism from the opposition and abandonment by many groups that had once supported him, including many in Bolivia’s indigenous majority.”

Tensions were high in Bolivia as the country prepared to vote, February 21, 2016, on a referendum to amend the Constitution to allow President Hugo Chavez to run for a fourth term in 2019. In the opposition governed city of el Alto, following a march by residents demanding better schools and more teachers, protestors set fire to a municipal building killing six city workers and injuring 28 (“Bolivia: Demonstrators Set Deadly Fire,” February 17, 2016, http://www.nytimes.com/2016/02/18/world/americas/bolivia-demonstrators-set-deadly-fire.html?ref=todayspaper).

Rick Kearns, "International Quechua Research Institute in Bolivia," ICTMN, January 18, 2016, http://indiancountrytodaymedianetwork.com/2016/01/18/international-quechua-research-institute-bolivia-16310, reported, "Bolivia is preparing to build an International Institute of the Quechua Nation (IIQN) to study indigenous Quechua science, culture and language, according to an announcement in December by the Quechua Institute of Language and Culture (QILC) and the Provincial Government of Cochabamba (where the facility will be located)."

rights and their territory.

On November 29, in the town of Soledad, the Wampis announced the formation of their autonomous government that brings together 100 Wampis communities, representing over 10,000 people that reside in the northern Amazonian part of Peru which extends across 3.2 million acres (roughly the size of the U.S. state of Connecticut).

The process that lead to the formation of the new government took place over several years, with over 50 community meetings and 15 general assemblies according to Wampis officials. They were inspired to create the new government by the United Nations Declaration on the Rights of Indigenous Peoples as well as Peruvian laws that acknowledged indigenous rights.

The motivation for the new government also grew out of frustration with how Wampis territory was being sold or given away, without their consent, to various businesses."

"Brazilian Court Suspends Operating License For Belo Monte Dam," Cultural Survival, January 19, 2016, https://www.culturalsurvival.org/news/brazilian-court-suspends-operating-license-belo-monte-dam, reported, "The gigantic Belo Monte hydroelectric dam, located on the Xingu River in the heart of the Brazilian Amazon, stood just weeks away from beginning operation this week — but the controversial mega-dam, the third largest on earth, has now been blocked from generating electricity by the Brazilian court system until its builders and the government meet previous commitments made to the region’s Indigenous People.

Federal court judge Maria Carolina Valente do Carmo in the city of Altamira, in the state of Pará where the dam is located, has suspended the dam’s operating license. It will not be reinstated, she decided, until the dam’s owner Norte Energia SA, along with Brazil’s government, meet a 2014 court-ordered licensing requirement to reorganize the regional office of Funai, the national agency that protects Brazil’s Indigenous groups.

Judge Valente do Carmo has fined the government and company R$900,000 (US$225,000) for non-compliance with the Funai requirement, a provision included in the rules governing Belo Monte when the project was given its preliminary license in 2010.

This is the latest in a series of snafus that have plagued the dam’s construction. Licensing of the project was delayed last September by Brazil’s environmental agency IBAMA, due to a failure to complete agreed to provisions to mitigate the impacts of inundating thousands of acres of Amazon rain forest — flooding that could displace 20,000 people.

In December, Brazil’s Public Federal Ministry, an independent state body started legal proceedings to have it recognized that the crime of “ethnocide” was committed against seven Indigenous groups during the building of the Belo Monte dam.

Earlier in 2015, federal prosecutors found that Norte Energia violated 55 different obligations it had agreed to in order to guarantee the survival of Indigenous groups, farmers and fishermen whose homes and lands will be lost.

Indigenous groups have fought the dam since its inception, saying that it will severely impair their water supply and impact fishing and hunting. They especially contend that it will reduce the river’s flow by 80 percent at the Volta Grande (“Big Bend”), where Indigenous Juruna and Arara people and sixteen other ethnic groups live, according to the teleSUR television network.

Plans to dam the Xingu River, one of the last major free flowing Amazon tributaries, go back almost a half century. In the 1970s, Brazil’s military dictatorship proposed several dams on the river, but was forced to withdraw in the face of Indigenous opposition. In 1989, the civilian government made another attempt, but resistance again proved too strong. In 2010, the government put the project back on the table for a third time, but in a scaled down version that moved ahead despite continued strife. The dam gained international attention when British pop star Sting joined with Indigenous chief Raoni Metuktire in campaigning against the dam.

In September 2015, federal officials leading up the Lava Jato (Car Wash) corruption investigation that has shaken Brazil and threatened the presidency of Dilma Rousseff, announced it would be concentrating corruption inquiries on the Belo Monte dam, because it is the country’s largest national hydroelectric power station. The dam’s budget, originally set at R$19 billion (US$5 billion), increased to R$33 billion (US$8.75
billion) due to cost overruns, with much of the bill footed by taxpayers.

With billions invested, and the dam already completed, most critics agree that the court’s current revocation of the operating license will be temporary. However, scientists recently reported that Belo Monte may never fulfill its promised electrical generating capacity. A scientific assessment released at the end of 2015 found that the flow of the Xingu River, which will feed the huge hydroelectric project, could fall by 25% to 55% by 2040 due to escalating drought brought by climate change."


However, the Kawahiva people still face serious threats, including the recent release from prison of the man dubbed the “most corrupt politician in Brazil.”

José Riva, a former state deputy and president of the state assembly of Mato Grosso, was released from detention earlier this month. He owns a ranch inside the Kawahiva’s territory, called the Rio Pardo and his release raises fears that he may move to acquire more land within it.

Riva was arrested and detained in October 2015 as part of “Operation Metástase”, a police investigation into corruption and misuse of state funds. He has been called the most corrupt politician in Brazil with more than 100 cases in the courts against him. He is also accused of approving fraudulent licenses to log Mato Grosso’s forests. In the last five months of 2015 Mato Grosso was the only Amazon state in Brazil where clear felling of trees increased, by 15%.

Indigenous territories which contain some of the last swathes of rainforest are under huge pressure from loggers and colonists. In March Brazil’s environment ministry fined invaders US$424,000 for illegally exploiting 5,000 hectares of Manoki land in Mato Grosso.

Earlier this month a report by SEMA – the state’s environment secretariat – revealed that 13 indigenous territories (including those of the Kawahiva and the uncontacted Piripkura) has rural properties registered within their boundaries. Land belonging to the Manoki tribe alone had 54 rural properties registered in it.

SEMA says these titles are invalid and it will notify the owners that the land titles have been cancelled.

Following the ministerial order to demarcate the Rio Pardo, Survival is campaigning for FUNAI to physically map out the Kawahiva’s land and protect it as a matter of urgency."

"Victory! Survival campaign to save uncontacted Indians triumphs!" Survival International, April 21, 2016, http://www.survivalinternational.org/news/11224, reported, "After months of pressure from Survival supporters worldwide, the Brazilian Minister of Justice has finally moved to save the uncontacted Kawahiva tribe from genocide.

The campaign was launched in October 2015, fronted by Oscar-winning actor Mark Rylance and aimed at pressuring the Brazilian Minister to demarcate and protect the uncontacted tribe’s territory in the Amazon.

After more than 14,000 emails were sent to the ministry by Survival supporters, the recently-appointed Justice Minister Eugênio Aragão signed the decree creating the protected territory for the tribe into law on April 19. It is now essential that Brazil ensures the decree is fully implemented and the tribe’s right to live on their land free from invasion is respected. Considering the turbulent political situation in the country, Survival will continue to monitor developments in and around the tribe’s territory.

It is also vital that FUNAI, the Brazilian indigenous affairs department, and their small, dedicated team of field workers who have been monitoring the situation on the ground for years are properly funded, supported and equipped, irrespective of the political chaos in the country.

Survival Ambassador Mark Rylance welcomed the news, saying: 'This is great news — helping to
protect a unique and vulnerable people who are part of our human diversity, however small. Now they are in with a chance of survival.'

Uncontacted tribes are the most vulnerable peoples on the planet. They face annihilation from violence from outsiders who steal their land and resources, and from diseases like flu and measles to which they have no resistance.

The best way to protect uncontacted tribes and enable them to determine their own futures is to recognize their right to land and to self-determination. This decree will go a considerable way to securing these rights for the Kawahiva, who have been on the run from loggers and other outside threats for years and has been welcomed by the tribe’s allies in Brazil, many of whom have been campaigning for the tribe for years.

Survival’s director Stephen Corry said: 'It is of course, very gratifying that the pressure our supporters have been exerting has paid off, and we welcome this move from the Minister of Justice. But we now need to see clear proof that the decree is being respected and that the authorities are protecting the Kawahiva’s territory. Only then will we truly feel able to celebrate this triumph of people power and international pressure against the odds.'


Largely isolated, and small in number, the Zo'é are extremely vulnerable to diseases transmitted by outsiders.

Fábio Augusto Ribeiro of the government’s indigenous affairs department said: 'As well as the invasion as a result of the mining activities, the environmental damage was massive – craters were dug and the water was contaminated by mercury. We were also very worried that there could be an imminent conflict with the Zo'é.'

Several recent reports highlight the devastating impacts of mercury, commonly used in illegal gold mining, on indigenous communities. Survival has written to the UN special rapporteur on health urging him to put pressure on South American governments to stamp out illegal mining and mercury pollution in indigenous territories.

"Brazil: Good news for the Arara!" Survival International, April 29, 2016, http://www.survivalinternational.org/news/11230, reported. "Indians has been celebrating success after a 30-year quest to protect their lands from thousands of illegal settlers and loggers.

Brazil’s president signed the decree establishing the Arara tribe’s reserve earlier this month.

Survival has campaigned for the Arara tribe since 1993, and legal recognition of the territory was a condition of the controversial Belo Monte dam being built further downstream.

Mobu Odo, an Arara leader said: 'The fight for the recognition of our land didn’t start today. We wrestled and fought for all this. It’s good to see our victory. The ratification is not the end [of the process], as now we are waiting for illegal settlers to be moved out. But our land is guaranteed for our community.'

The battle for recognition of the reserve, now known as Cachoeira Seca (Dry Rapids), began when one group of Arara was first contacted in 1987. At that point they numbered just 30 people, all descended from one woman, called Tjibié.

Today the group’s population is about 100, but they remain very vulnerable to diseases brought in by the large number of illegal loggers and settlers.

A larger Arara group were contacted in the 1970s, when the government built the Transamazon Highway through their forest home. As colonists started to settle along the highway, Arara were hunted down and murdered. They were accused of killing construction workers as they tried to defend their forest. Today their population numbers some 250.

Survival launched its campaign for Arara land rights in 1993, when the BBC screened a film by journalist George Monbiot, Your Furniture Their Lives. Hundreds of Survival supporters lobbied the government, and two years later a large sawmill in Cachoeira Seca was closed down.
But in the last few years Cachoeira Seca has witnessed some of the highest deforestation rates of any indigenous territory in Brazil. According to FUNAI there are over 1,000 homesteads in the reserve, making the Arara a minority on their own land.

The authorities have said illegal settlers will be slowly removed and rehoused."


The gunmen, employed by local ranchers, arrived in around ten trucks and have been firing repeatedly at the Guarani village in Mato Grosso do Sul state. They have also reportedly set fire to several houses. The attacks are continuing on a nightly basis.

The ranchers are believed to be retaliating for a land reoccupation attempted by the Guarani last week. Although the Guarani have a right to their ancestral land under Brazilian and international law, it was stolen from them to make way for ranches and plantations. The ranchers frequently send gunmen to attack the Guarani and kill their leaders, in an attempt to keep them off the land.

On January 13th the Guarani marked the thirteenth anniversary of the murder of Marcos Veron, a tribal leader killed by ranchers in the same community, known as Takuara, where the attacks are taking place. The DOF border security forces are present but have yet to step in to prevent the violence in this area, which the Guarani describe as the “conflict zone.” The Guarani have reported the DOF is providing support for the ranchers.

Their behavior prompted the Head of the Brazilian Congress’ Human Rights Commission to say that the DOF ‘acts as private security forces… to intimidate the [Guarani] leaders with the ranchers.’ He added that 'it’s completely possible to fix the problem. Everyone should be talking about this.'

Guarani leader Valdelice Veron said: 'We are asking for help from people all around the world. We are here on our ancestral land and we will not leave.'

This is the latest phase of the ranchers’ war on the Guarani in the region. Agro-industry has subjected them to genocidal violence, slavery and racism so that their lands, resources and labor can be stolen.

Survival International, the global movement for tribal peoples’ rights, is calling for an end to this violence, and for the right of the Guarani to live on their ancestral land to be respected and protected. This will allow them to defend their lives, protect their lands and determine their own futures.

Survival director Stephen Corry said: 'This particular attack isn’t isolated: It’s yet another brutality in a never-ending cycle of violence against the Guarani. The violence is systemic, and made worse by the fact Brazilian security forces deliberately step back and allow the attacks to happen. This culture of impunity is claiming lives and destroying the Guarani. Brazil needs to give the tribe’s land back, it’s the only solution!'"
Their behavior prompted the Head of the Brazilian Congress’ Human Rights Commission to say that the DOF “acts as private security forces… to intimidate the [Guarani] leaders with the ranchers.” He added that “it’s completely possible to fix the problem. Everyone should be talking about this.”

Guarani leader Valdelice Veron said: “We are asking for help from people all around the world. We are here on our ancestral land and we will not leave.”

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Simon Romero, "Michel Temer, Brazil’s Interim President, May Herald Shift to the Right," The New York Times, May 12, 2016, http://www.nytimes.com/2016/05/13/world/americas/michel-temer-brazils-interim-president-may-herald-shift-to-the-right.html?ref=todayspaper&_r=0, reported, "The new Brazilian president’s first pick for science minister was a creationist. He chose a soybean tycoon who has deforested large tracts of the Amazon rain forest to be his agriculture minister. And he is the first leader in decades to have no women in his cabinet at all.

The government of President Michel Temer — the 75-year-old lawyer who took the helm of Brazil on Thursday after Dilma Rousseff was suspended by the Senate to face an impeachment trial — could cause a significant shift to the political right in Latin America’s largest country.

Some analysts say the move to oust the Brazilian President and other members of the government is an acion by the conservative elite to try to break the popular socialist party and bring in a more conservative government. There have been street protests against the impeachment as well as against corruption.

Nika Knight, "Temer Convicted of Breaking Election Laws As Thousands March for Democracy in Brazil: More revelations of "oozing corruption" in interim president's administration," Common Dreams, June 3, 2016, http://www.commondreams.org/news/2016/06/03/temer-convicted-breaking-election-laws-thousands-march-democracy-brazil, reported, "Upheaval in Brazil continued this week as a court handed down a conviction against right-wing president Michel Temer, who took over after the ouster of leftist president Dilma Rousseff, and banned him from running in elections for the next eight years.

A regional elections court in Temer's hometown of Sao Paulo on Thursday "issued a formal decree finding him guilty and declaring him 'ineligible' to run for any political office as a result of now having a 'dirty record' in elections," Glenn Greenwald reported in The Intercept.

The decision came less than three weeks after Temer oversaw what has widely been described as a 'coup' to overthrow Rousseff, the recently re-elected Workers' Party president.

'In the scope of the scheming, corruption and illegality from this 'interim' government, Temer's law-breaking is not the most severe offense,' Greenwald notes. 'But it potently symbolizes the anti-democratic scam that Brazilian elites have attempted to perpetrate. In the name of corruption, they have removed the country’s democratically elected leader and replaced her with someone who—though not legally barred from being installed—is now barred for eight years from running for the office he wants to occupy.'

As interim president, Temer has swiftly and openly transformed the formerly left-leaning and diverse Brazilian government into one pushing neoliberal, right-wing policies, helmed by an all-white, all-male cabinet. In the New Yorker, Jon Lee Anderson summarized a few of Temer's decisions that have raised eyebrows worldwide:

He got rid of the Ministry of Women, Racial Equality, and Human Rights, ordering it to be subsumed into the Ministry of Justice—which he promptly handed over to Alexandre de Moraes, a
former security official from São Paulo who is accused of deploying death squads to fight crime in that
city. (His former office has denied the accusations.) This came at the same time as news of a horrifying
case in which a sixteen-year-old girl in Rio de Janeiro was gang-raped by as many as thirty-three men,
some of whom filmed their abuse and posted it to social media.

[...] Temer's choice for agriculture minister, meanwhile, was a portly billionaire senator named
Blairo Maggi, who cast the deciding vote in the Senate to unseat Rousseff. Maggi, the former governor
of the state of Mato Grosso, made his fortune by cutting down millions of acres of Amazonian
wilderness. In a 2007 piece for National Geographic, the journalist Scott Wallace wrote, 'Maggi is 'O Rei da
Soja, King of Soy, the world's largest single producer. Maggi acquired a less flattering honorific when
Greenpeace gave him its Golden Chain Saw award in 2005.' For a number of years while he was governor,
Mato Grosso led Brazil in deforestation. In 2010, Maggi was elected to the Senate, and, with the support of
the powerful bancada ruralista, Brazil’s agribusiness lobby, he became the head of the environmental
committee, where he helped push through a set of environmental regulations known as the Forest Code.
Among other things, the Forest Code gave amnesty to landowners who had previously engaged in illegal
wilderness clearances.

The oozing corruption of Temer’s ministers has sometimes served to obscure his own,' Greenwald writes. 'He, too, is implicated in several corruption investigations. And now, he has been
formally convicted of violating election laws.'

On the same day Temer was convicted, suspended president Dilma Rousseff joined 5,000 women
marching for women's rights and democracy in Rio de Janiero:om</a>, or enable JavaScript if it is
disabled in your browser.<<

Greenwald also discussed the United States' involvement in Rousseff's impeachment in a video
published Friday by The Intercept, observing that WikiLeaks had published diplomatic cables showing Temer
secretly meeting with officials in D.C. in 2006 and 2007, and that impeachment proponent Senator Aloysio
Nunes met with officials and lobbyists close to Hillary Clinton in Washington in the days following his vote
to impeach Rousseff.

A government overthrow in Latin America "cannot happen without U.S. approval," Greenwald argued.
"If the U.S. was supporting democracy, the impeachment would not have happened."
Moreover, "it's always true that the U.S. government strongly prefers right-leaning governments than left-
leaning ones in South America," Greenwald said. "Why? It's obvious: right-leaning governments tend to help
the international banks, Wall Street, hedge funds, international capital."

Indeed, on Thursday the Financial Times reported that investors around the world were "rooting" for
Temer's administration."

"Yanomami in Venezuela demand land rights," Survival International, April 28, 2016,
http://www.survivalinternational.org/news/11234, reported, "Last month Yanomami representatives in
Venezuela handed in a demand to the state government for the recognition of their territory.

The Yanomami are calling on the authorities to recognize their collective land ownership rights
as guaranteed in the Venezuelan constitution. This is vital if they are to conserve their rainforest home
for future generations.

Currently much of their land lies within two national parks which form a biosphere reserve, but
a collective land title will give the Yanomami greater security and protection over the forest which they
have inhabited since time immemorial.

The Yanomami organization, Horonami, and many communities worked together to compile studies,
digital maps and a census which form the basis of their demand for land rights.

Much of their territory has been invaded by illegal miners in the last 30 years. The largely
isolated tribe has suffered appalling consequences: genocidal attacks and violence at the hands of
armed miners working illegally in the territory, as well as fatal diseases transmitted by them such as
malaria, measles and flu. They have witnessed the increasing destruction of their forest and rivers
which has made hunting and fishing harder.

(Video: Footage of destructive mining in Brazil’s Yanomami territory, narrated by Yanomami activist
Two indigenous networks in Venezuela’s Amazon region wrote to the President on 4 April to address the increasingly serious situation of indigenous peoples affected by illegal mining.

Since 1989 all mining in the Venezuelan state of Amazonas has been prohibited. However miners continue to operate illegally and tribal people report a notable increase in the use of destructive dredges, high pressure hoses and mercury and other toxic substances.

Fish and water on which many communities rely for sustenance are being poisoned, river courses are being altered and great quantities of forest destroyed by the miners.

According to the indigenous organizations COIAM and ORPIA, mining encourages drug trafficking, contraband of national products, prostitution and the invasion of indigenous territories by armed groups and outsiders including from Colombia and Brazil.

Despite numerous reports and demands for action the authorities have failed to tackle the problem. The indigenous organizations want to be consulted and work with the government to eradicate illegal mining."


Yabarana leader Benjamin Perez, who heads the Yabarana organization OIYAPAM, was badly beaten and his house was burned down. He has received death threats and is now in hiding.

In a statement the Coordinating body of Indigenous Organizations of Amazonas state – COIAM – said that illegal mining has “polluted the rivers with mercury and other toxic substances” and caused “serious harm to indigenous peoples, such as … the trafficking of people and petrol”. Other indigenous peoples such as the Hoti, Panare, Yekuana and Piaroa have for years suffered from the invasion of their lands by miners, who frequently threaten them and have contaminated the rivers and fish their livelihoods rely on.

Forty organizations in Venezuela also issued a statement in support of the Yabarana, Hoti, Panare and Piaroa tribes demanding that the authorities do more to stop the illegal invasions of indigenous territories by miners and loggers.

They are calling for the recently elected National Assembly to pass a law to speed up the recognition of indigenous territories in Venezuela."


The Inter-American Commission on Human Rights has ordered the government to stop deforestation on Ayoreo land. New satellite images show that deforestation is occurring at an alarming rate on the land.

So far, the government’s response to the Commission and the Ayoreo has been totally inadequate. Instead of addressing the rapid deforestation rate, it has focused on the implementation of development projects. Contentiously, it will still be able to issue environmental licences, allowing ranching companies to continue deforesting the land.

Most importantly, there has been no mention of land rights. The only way to fully stop deforestation and to protect the Ayoreo is to ensure that they can return to their land.

The Ayoreo live in the Paraguayan Chaco, which is the largest South American forest outside the Amazon. Part of their ancestral land has been classified as an UNESCO Biosphere Reserve.

Paraguay has the highest deforestation rate in the world. 14 million trees are cut down in the Chaco every month.

Ranching companies including Carlos Casado S.A, a subsidiary of Spanish Construction
Company Grupo San Jose, and Brazilian firm Yaguareté Pora S.A, are rapidly destroying the Ayoreo’s bio-diverse land.

Many of the Ayoreo have now been forced out of their forest. Some of their relatives remain uncontacted. They spend their lives on the run, avoiding the destruction being inflicted on their land.

New satellite images reveal that as the measures were issued, illegal deforestation was being carried out by Yaguareté Pora S.A. The company does not have an environmental licence and plans to deforest 80% of the land that it occupies, leaving only a small portion as a nature reserve. For this, the company won Survival’s Greenwashing award.

As the government has not yet acted to ensure the bulldozers in the area stop destroying the land, it is likely that this deforestation is continuing.

Ayoreo leader Porai Picanerai told Survival: ‘Colonists have already destroyed their own land. Now they’re destroying ours.’

Survival has written to the Paraguayan government, Grupo San Jose S.A and Yaguareté Pora S.A, urging them to return the land to the Ayoreo. Paraguayan organization GAT has also been in talks with ministers."

Survival Director Stephen Corry said; ‘Whilst it is promising that the Paraguayan government has been willing to meet with the Ayoreo, they are not doing enough. Development projects will not detract from the fact that the Ayoreo are refugees from their own land, which is rapidly being destroyed. As the recent satellite images show, the ranching companies cannot be trusted to stop deforesting the land. The only way to ensure that there are any trees left is to return the land to the Ayoreo.”


The Chaco is home to Paraguay’s most vulnerable tribe, the Ayoreo, and is the largest South American forest outside the Amazon. Scientists have called it one of the most biodiverse places on earth.

The report by Guyra, a Paraguayan environmental organization, shows that 28,000 hectares were cut down in October. The Chaco is currently facing the fastest rate of deforestation in the world.*

Part of this land belongs to the Ayoreo, who have been forced out of their forest home by cattle ranchers. Cattle firms Yaguareté Porã SA and Spanish-owned Carlos Casado SA have already destroyed large swathes of the Indians’ ancestral forest.

Some members of the tribe remain uncontacted. They spend their lives on the run, fleeing the bulldozers that encroach on their ever shrinking island of forest.

Following first contact, many Ayoreo have died from diseases such as colds and flu, which they previously had no immunity against. Healthcare remains wholly inadequate. Many are now dying from a TB-like illness, and are not receiving the help that they need.

Survival is calling on Paraguay to stop the rampant destruction of Ayoreo land and to return it to its rightful owners.

*This is based on a study conducted by M.C Hansen et al (2013), titled, ‘High-Resolution Global Maps of 21st-Century Forest Cover Change’. The study analysed satellite data from 2000 to 2012 and demonstrates that Paraguay had the highest net loss/area for that time period."

The Supreme Court in Crimea, in April 2016, banned congress of the Tartar people, which has been repeatedly been harassed by the Crimean government since the Russian annexation of the Crimea, in 2014, and of which the Tartar congress has complained (Ivan Nechepurenko, "Crimean Court Bans Congress of Tatar People," The New York Times, April 27, 2017),

Since the ISIS inspired attacks in Paris, in November 2016, with the right wing Justice Party in power in Poland, the Lipka Tartars, Muslims who have lived in Poland for 600 years, have been
ICG, "Nnamdi Obasi, "Buhari’s Nigeria: Boko Haram Off Balance, but Other Troubles Surge," May 30, 2016, http://blog.crisisgroup.org/africa/nigeria/2016/05/30/buharis-nigeria-boko-haram-off-balance-but-other-troubles-surge/?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=50912d1cc4-Nigeria_commentary_30_May_16&utm_medium=email&utm_term=0_1dad8c11ea-50912d1cc4-359871089, commented, "The peaceful election in March 2015 of President Muhammadu Buhari, a former army general, raised hopes that some of Nigeria’s most pressing security problems could soon be tamed. One year later, the new government has struck at the Islamist Boko Haram insurgency. But Nigeria is sliding deeper into other difficulties.

At his inauguration on 29 May 2015, Buhari pledged he would defeat Boko Haram and deliver greater security. He attacked the insurgents and — with help from Nigeria’s neighbors — has forced them onto the back foot, though the group remains resilient and the fighting has caused a major humanitarian crisis in the Lake Chad basin areas. Meanwhile, other security challenges are surging, particularly in the south east, Middle Belt and Niger Delta.

In the south east, Igbo secessionist groups are more stridently demanding restoration of the short-lived Republic of Biafra (1967-1970). Decades-long Igbo grievances have been aggravated by popular misgivings about Buhari’s intentions for the region. Demonstrators have been driven off the streets by the government’s arrest and continued detention of some leading agitators, notably Nnamdi Kanu who heads the Indigenous People of Biafra (IPOB), and the security forces’ killing of unarmed protesters. But Buhari has not addressed the roots of the unrest. Instead, the government’s hard-fisted reaction has alienated more youth and boosted the agitators’ ranks, threatening more troubles ahead.

Nigeria’s Middle Belt is suffering increasing violence, involving pastoralists, cattle rustlers, agrarian communities, rural bandits and community vigilantes. Recent pastoralist-farmer clashes over land and water resources have produced more casualties: hundreds were killed in Benue state in late February, with about 100,000 displaced across seventeen of the state’s 23 local government areas. These clashes have also spread south, including a 24 April attack by herdsmen in Nimbo, Enugu state, which left over 40 ethnic Igbo residents dead. This is unprecedented in the south east, further stoking Biafran secessionist sentiment. The conflict has also prompted the resuscitation of long-dormant Igbo ethnic vigilantes, notably the armed Bakassi Boys, threatening further violence.

The Niger Delta’s fragile peace is unravelling, too. An earlier insurgency died down in 2009 thanks to a presidential amnesty offered to militants. As the government sought to arrest and prosecute ex-militant leader Government Ekpemupolo (better known as Tompolo) on corruption charges, armed groups notably the little-known Niger Delta Avengers, and the even more obscure Eghesu Mightier Fraternity, have resumed attacks on oil industry assets, cutting the country’s output to its lowest in two decades. Both groups have sent the government their lists of demands, mostly for local control of oil revenues, threatening even more crippling attacks if they are ignored. The government’s response — deploying more military assets and threatening an unmitigated crackdown — portend an escalation of the violence.

Insecurity has been aggravated by a wrenching economic situation. The National Bureau of Statistics reports that the economy contracted by 0.4 per cent in the first quarter of this year, the first time since 2004, and analysts do not expect the second quarter to be any better.

Faced with the precipitous decline in the price of oil, Nigeria’s most significant export, Buhari’s All Progressives Congress (APC) has not delivered on its many pre-election promises of early economic relief. As of 30 April, 26 of the country’s 36 states owed some or all of their workers monthly salaries, some for up to eight months. In March and April, Nigerians suffered some of their worst automobile fuel shortages in recent memory and the government’s decision this month to address scarcity by ending price controls led to a jolting 67 per cent price hike. Furthermore, the electricity sector is still hampered by poorly utilized generation capacity, high transmission losses and frequent outages,
intermittently plunging the entire country into darkness. Recent pipeline sabotage by Niger Delta armed groups has further depressed the electricity situation.

Nigeria’s national currency, the naira, has depreciated by over 70 per cent since this time last year, leading inflation to soar to a near six-year high of 13.7 per cent in April 2016. With workers’ purchasing power diminished and many businesses unable to access foreign exchange for their operations, companies are shedding staff. Unemployment is rising: a federal police advertisement of 10,000 vacancies has drawn over one million applicants. Economic desperation could heighten social tension and insecurity.

Some of these challenges are the results of years of misgovernance and corruption; others, such as the oil price plunge, are beyond Buhari’s control. But as the administration enters its second year, it needs to embark on several short- and longer-term measures to reverse the country’s dangerous slide.

In the short term, government needs to consolidate the gains of its counter-insurgency campaign in the north east, while firmly advancing humanitarian and rehabilitation efforts for many affected communities. It must also address the deadly pastoralist-farmer clashes through a combination of security measures and promoting dialogue between these communities. Such measures may not address the fundamental drivers of the conflicts, but they could calm the country while lasting solutions are explored.

Furthermore, the government needs to de-emphasize forceful responses and explore existing political mechanisms to respond to discontent in the south east, Niger Delta and elsewhere. President Buhari should particularly show greater empathy with aggrieved groups.

The federal government needs to urgently deliver sustainable improvement in electricity supply and create the millions of quick impact jobs it promised before the 2015 elections. State governments must also channel their governors’ so-called security votes (funds worth millions of dollars appropriated ostensibly to pay for discrete responses to security challenges but often pocketed by state governors) into constructive use. They must slash extravagant privileges senior state officials undeservedly enjoy, cut wasteful spending, eliminate payroll fraud and pay workers when due.

For the longer term, the government needs to recognize that much of the current violence and insecurity stem partly from the highly dysfunctional police, judicial and penal systems; and partly from fundamental flaws in the country’s federal system. It needs to formulate and implement comprehensive security sector reform. President Buhari also needs to pursue constitutional and administrative reforms that will guarantee citizens’ rights, curb corruption, improve transparency and accountability, and enhance service delivery. He can readily find elaborate guides in the submissions of various high-level national reform conferences held over the years.

Unless the government pursues comprehensive reforms, its gains in subduing Boko Haram will be short-lived and Nigeria could encounter even more deadly violence ahead."

"Ogiek hunter--gatherer shot dead as landgrabs escalate," Survival International, March 18, 2016, http://www.survivalinternational.org/news/11179m reported, "A man from Kenya’s Ogiek tribe was shot dead on Sunday March 13. Stephen Munyerereri was reportedly trying to salvage what remained of his son’s home after it was destroyed by illegal settlers. Mr Munyerereri was allegedly shot at close range by a settler, within sight of local police. The suspected killer is now said to be under police protection.

The Ogiek have lived in the Mau Forest since time immemorial, but have long been victims of state-sponsored landgrabs. In 2013 the African Court on Human and Peoples’ Rights ordered the Kenyan government to halt their programme of Ogiek evictions. In 2014 Kenya’s courts ordered that the Ogiek’s land be identified as soon as possible.

Yet this ruling was never implemented, and over the past two weeks more than 100 Ogiek families are said to have fled their homes. Their houses and possessions have reportedly been torched with the support of the police.

One Ogiek made the following appeal: /We call upon the international community to come to our
rescue, since the state has ignored the African Court and its own courts./

Survival International is urging the Kenyan authorities to organize an immediate, independent investigation into the killing, and to recognize the Ogiek’s land rights according to international law."


In the last two decades, as Kenya’s economy and politics have liberalised, Isiolo has transformed into a vibrant commercial hub owing much to its strategic location. It straddles the recently upgraded (paved) Pan-Africa highway that links the Horn (especially Ethiopia’s huge and relatively untapped markets) to central Kenya and beyond to Central and Southern Africa.

Isiolo is also an important node of Kenya’s LAPSET (Lamu Port, South Sudan and Ethiopia) planned infrastructure project. This seeks to develop a new “northern” transport corridor between Kenya and Uganda and to better integrate Ethiopia and South Sudan into East Africa, and will include a new port being built near Lamu, oil pipelines and a refinery. LAPSETT’s prospects have declined with the global price of oil, the rising terrorist threat in the North East, South Sudan’s civil war, and with Uganda now looking at an alternative pipeline route via Tanzania. Isiolo, however, will continue to play a central role in Kenya’s ambition to exploit its vast northern rangelands. 6,500 acres have been set aside for a new “Isiolo Resort City”, construction for a large dam on the Ewaso Nyiro River to serve it is already underway; a new airport, and a modern abattoir to process 400 cattle daily from the region’s large livestock population are also planned.

Map of Kenya’s counties. Source: https://www.opendata.go.ke/facet/counties

Yet Isiolo is one of a number of 47 new counties that face risks of conflict ahead of and during the 2017 polls. Not only has the national problem of an ethnic winner-takes-all politics devolved to the counties’ internal electoral competition, but local actors are making exclusive claims over potentially
lucrative resources and infrastructure that fall in their boundaries, increasing conflict over internal administrative borders – which are often badly demarcated and therefore disputed. While these conflicts are found throughout Kenya, they have particularly affected counties in the pastoral areas of northern and southern Kenya, including the Rift Valley.

Devolving authority to county government in 2013 was one of the principal innovations of the 2010 constitution, and a response to the 2007-2008 post-election violence. The goal was to enhance local communities’ participation in development with the expectation that it would reduce competition over national resources, which had often taken on ethnic overtones and fuelled violence, especially at election time. It was also hoped county government would enable marginalized regions to catch up with the more developed areas, again addressing and reducing historic regional grievances.

Undoubtedly there has been a surge in county-based development especially in infrastructure, but these gains (and devolved funds that finance them) are connected to a rise in localized conflicts and insecurity in three aspects:

The heightened stakes of county power, controlled by the governor and other elected officers, have often reproduced national ethnic competition at county level.

The creation of new minorities within counties including in urban settings is generating new tensions, particularly where their economic activities are now seen as outsider competition by the new county elites.

Inter-county competition is growing over the ownership and control of big national or regional development projects where they traverse county boundaries, making these borders prone to violent dispute and rendering residents belonging to minorities from rival counties vulnerable to reprisals.

While Isiolo’s potential should bring development dividends – 63 per cent of its population live below the poverty line – its prospects are already blighted by a sharp rise in communal conflict. This is partly because control of national-regional development projects is contested by the new county elite as exclusively “theirs”.

The Isiolo county population (estimated at over 150,000) is diverse. Most are herders from tribes like the Boran, Somali, Samburu and Turkana in the northern “rangelands” (desert in the eyes of many), but a minority are farmers, because the county straddles the line of “sown” lands of the central highlands, settled by Meru agriculturalists and traders.

While this crossroads of livelihoods brings exchange and a dynamic local economy, it has also driven conflict: in the 1990s most of the ethnic violence was between the Boran and Somali, but since then ethnic conflict has diversified and evolved. In late October 2015 deadly clashes pitted Somali, Boran and Samburu herders against Meru farmers along the disputed county border resulting in six deaths. A few days later, riots erupted in Isiolo town following the death of a Meru boda boda (motorbike-taxi) operator; Boran, Somali and Turkana then looted Meru shops and blocked the Isiolo-Nanyuki highway; the situation was only brought under control by the deployment of soldiers from the 78th Tank Battalion, based in the town’s outskirts.

Because of the way Kenya’s new counties were often hastily drawn up (some see deliberate ethnic “gerrymandering”), formerly cosmopolitan regional capitals have become administrative centres for smaller counties dominated by one or two ethnic groups, and smaller communities neighbouring counties or further afield living in these cities have become “minorities”. In Isiolo’s case, Meru communities are now a minority, dominant in trade and in some urban wards, but frozen out of the big county executive seats, like those for the governor, senators and members of the national assembly. They are caught up in the increasingly bitter and violent conflict over the poorly-defined border between Isiolo and Meru counties.

The Isiolo-Meru tension is just one example of inter-county disputes that now affect more than half the counties, with growing calls for a new county border demarcation exercise. The Commission on Administrative Justice (a statutory body to address administrative and governance disputes) has called for the creation of a County Boundaries Commission, with a mandate to conduct a new survey and clearly mark out borders with visible markers. However, any new commissions or actions are unlikely to have an impact on contested boundaries before the 2017 elections.
Inaction is not an option since contested boundaries and the ethnic interests competing over them will aggravate hotly disputed county elections in 2017. The counties and the national government need to consider a sequence of high-impact policy interventions to mitigate the risk of county-based conflict, now and in the run-up to 2017. These could include:

- a moratorium on all land sales in disputed country border areas, pending the outcome of a credible adjudication of contested lands and county border demarcation (properly marked with high-visibility markers);
- a clear national government policy statement that borders will be reviewed after the 2017 polls by an independent technical commission and its decisions will be final and binding;
- the creation of a new “County Inclusion Index” by the National Cohesion and Integration Commission to identify counties that are failing to meet the constitutional requirements of inclusive government (the commission is already doing this but on an ad hoc basis);
- new high-level inter-county talks, involving elected officials and a broad cross-section of credible civil society leaders, to ease tensions and create sustained peacebuilding and reconciliation.

ICG, “Central African Republic: The roots of violence,” Africa Report N°230, September 21, 2015, http://www.crisisgroup.org/en/regions/africa/central-africa/central-african-republic-the-roots-of-violence.aspx, commented, “Crisis in the Central African Republic (CAR) is long-term and characterized by sporadic surges of violence against a backdrop of state disintegration, a survival economy and deep inter-ethnic cleavages. Armed groups (including the anti-balaka and the ex-Seleka) are fragmenting and becoming increasingly criminalized; intercommunal tensions have hampered efforts to promote CAR’s national unity and mend its social fabric. Unfortunately, the roadmap to end the crisis, which includes elections before the end of 2015, presents a short-term answer. To avoid pursuing a strategy that would merely postpone addressing critical challenges until after the polls, CAR’s transitional authorities and international partners should address them now by implementing a comprehensive disarmament policy, and reaffirming that Muslims belong within the nation. If this does not happen, the elections risk becoming a zero-sum game.

By virtue of its geography and history, CAR is located at the crossroads between two regions and two peoples: in the north, the Sahel with its pastoralist communities and majority Muslim merchants, and in the south, Central Africa with its communities of the savanna, initially animist but now predominantly Christian. The Seleka power grab in March 2013 marked a fundamental reversal of CAR’s traditional political landscape. For the first time since independence, a force stemming from the Muslim population of the north and east of the country held the reins of power. The ensuing clashes between Seleka and anti-balaka forces generated strong intercommunal tensions that were exacerbated by the instrumentalization of religion, societal fractures and collective fears, reviving traumatic memories of the pre-colonial slave trade era.

These tensions, which culminated in the killing and displacement of Muslims from the west, are still very high in the center of the country, the front line between armed groups. The conflict between anti-balaka and ex-Seleka is thus now compounded by a conflict between armed communities. In areas with frequent intercommunal clashes, the link between armed groups and communities is strong: ex-Seleka combatants are seen as the protectors of Muslims and anti-balaka fighters as the defenders of Christian communities. By contrast, communities in other parts of the country are keeping their distance from armed groups.

The current approach to disarmament, which was formalized by the agreement signed at the Bangui Forum last May, underestimates both the extent to which the conflict is now communal, and the criminalization and fragmentation of armed groups. In western CAR, following the withdrawal of ex-Seleka fighters and the flight of the region’s Muslim communities, the militarily and politically unorganized local armed groups known as the anti-balaka, have begun preying on local communities. The Seleka coalition in turn has splintered into several movements over leadership rivalries, financial squabbles and disagreements about strategies to adopt toward the transitional authorities and international forces. The fragmentation and criminalization of CAR’s armed groups makes negotiations much more difficult.
In this context, the rushed organization of elections risks exacerbating existing intercommunal tensions, undoing the country’s indispensable reconstruction efforts and postponing indefinitely the resolution of crucial issues like the disarmament of militias and communities.

The outstanding issues to be addressed by CAR’s transitional authorities and international partners require replacing the current disarmament program with a comprehensive policy that engages not only militiamen but also communities, and which includes real opportunities and effective sanctions. This means maintaining a capacity to restrain armed groups – in other words re-evaluating the planned withdrawal schedule of the French Sangaris forces and reducing armed groups’ financing abilities – among other measures. This would lessen the appeal of the militia economy for CAR’s youth.

It is also imperative to avoid the electoral process adding fuel to the fire. To do so, the transitional authorities should reaffirm Muslims’ equal rights, register them to vote, demonstrate the government’s concern for populations in the northeast, and diversify recruitment in the public service. The country’s international partners and transitional authorities focus too much attention on the electoral process in isolation from other issues: they should prioritize these other issues in their conflict resolution strategy, as elections alone will change very little in a country which today has ceased to function as a state.

RECOMMENDATIONS

To begin the process for the disarmament of combatants and armed communities before elections

To the Central African Republic (CAR) government, the UN and CAR’s donors:

1. Implement a disarmament policy which provides effective and sustainable reintegration opportunities by:
   a) Financing and extending labor-intensive public works projects and supplementing these projects with vocational training programs;
   b) Linking disarmament, demobilization and reintegration (DDR) programs and community violence reduction programs to reconstruction and developments projects of the World Bank and the European Union;
   c) Supporting job creation or internships with the Central African Republic Inter-professional Business Association for young people who have taken part in the training programs.

2. Make DDR credible by:
   a) Opening up DDR to the combatants of non-signatory armed groups by establishing strict policies regarding the surrender of functioning war weapons as a condition to access the program, and organizing short cantonment phases without cash distribution during the demobilization;
   b) Entrusting financial execution of the DDR program to the international partners instead of to the CAR government.

To MINUSCA and France:

3. Regain control of the main gold and diamond production sites by deploying international forces and CAR civil servants and revive the Kimberley Process certification scheme for diamonds originating from these controlled areas. An investigative unit addressing diamond, gold and ivory trafficking, as well as militarised poaching should also be integrated into MINUSCA.

4. Review the departure date of the French operation Sangaris in order to maintain the capacity for military pressure to induce armed groups to disarm.

5. Arrest those militia leaders who refuse to disarm

To CAR’s transitional authorities:

6. Within the framework of the upcoming constitutional referendum, include a question concerning whether or not the leaders of armed groups should be permitted to enter the civil service and be allowed to participate in the next elections.

To the UN, CAR’s donors and CAR’s transitional authorities:

7. Secure communities and proceed to their disarmament by:
   a) Ensuring the selection and the training of the future security forces reflects community diversity;
   b) Deploying gendarmerie and professional police units representative of different communities in areas where intercommunal tensions remain high;
   c) Increasing the crowd management capacity of MINUSCA in the cities where intercommunal tensions are high in order to prevent popular protests from escalating;
Identifying community opinion-makers and setting up awareness campaigns for the disarmament of communities.

*To reduce the community divide before elections*

**To the transitional authorities:**

8. Address the representation gap of the Muslim minorities by diversifying recruitment within the public administration on geographical and community basis, but reject religious quota policy.

9. Reestablish dialogue with the populations of the north-eastern part of the country by multiplying visits by government officials in this region and symbolically organizing the next National Day celebration there on 1 December.

**To the National Elections Authority and the UN High-Commissioner for Refugees:**

10. Promote inclusive elections by ensuring that CAR’s Muslims living in refugee camps are registered to vote and that the registration procedure is monitored by civil society organisations and political parties.”


In the vast Democratic Republic of Congo more than 60, often splintered, militias and guerilla groups remain, engaged in numerous small wars, killing, injuring and displacing many noncombatants. With a weak government unable to exert much power in rural areas, the fighting has spread to include a war between the Bambote forest dwellers and the Luba tribal group, that began over an extramarital affair in 2014. The fighting in Congo is likely to intensify if there is an election related crisis, which annalists say could occur in the near future (Jeffrey Gettleman, "In Congo, Wars Are Small and Chaos Is Endless," The New York Times, April 30, 2016, http://www.nytimes.com/2016/05/01/world/africa/in-congo-wars-are-small-and-chaos-is-endless.html?ref=todayspaper).

"Ethiopia Cancels Concession for Karaturi Land Grab," Cultura; Survival, January 25, 2016, https://www.culturalsurvival.org/news/ethiopia-cancels-concession-karaturi-land-grab, reported, "On December 28, 2015 Ethiopia’s Agricultural Ministry revoked their contract with Karuturi Global Limited, an Indian company who in 2010 won a concession for 100,000 hectares of land to be developed for industrial agriculture for export in the Gambella region of southern Ethiopia, home to the Indigenous Anuak, Mezenger, Nuer, Opo, and Komo peoples. The Agricultural Ministry’s land investment agency cancelled the concession on the grounds that by 2012 Karuturi had developed only 1,200 hectares of land within the initial two year period of the contract.

Since 2013 the company began spiraling out of control, when it was found guilty of tax evasion in in a similar land grab venture in Kenya, and the following year had its operations was taken over by Stanbic Bank.

Karuturi’s Managing Director Sai Ramakrishna has challenged the Agricultural Ministry’s project termination in Ethiopia, telling Bloomberg Business, ‘I don’t recognize this cancellation,’ and is seeking arbitration. If international arbitration is granted, Karuturi will advocate for the continuation of the company’s commercial agriculture plan. Ethiopian officials have dismissed their claims. Karuturi Global’s project failure resembles that of many foreign investors who have purchased land under the Ethiopian government’s push to lease Indigenous lands to foreign investors, in what many term “land grabbing”. According to Bloomberg, none of these farms in Ethiopia have reported any success in exporting crops."
Ethiopia’s land leasing plans were described as a roadmap to development. Called ‘villagisation’, the plan involved removing the Indigenous Peoples who sustain themselves from their lands practising farming, hunting, gathering, and pastoralism, and grouping them into established villages, with the idea that the land would be used to produce large scale industrial agriculture to sustain the population’s food needs. Jobs would be created, turning Indigenous Peoples into wage workers who could then buy foods. But Karaturi’s plans were different- aiming to export grains for sale abroad rather than selling them locally, despite Ethiopia’s ban on the export of cereal crops.

The socio-economic transformation promised by the regional government was never realized. Rather, villagisation has meant the forced removal of Indigenous Peoples from their ancestral lands and the creation of an aid-dependant food source. Obang Metho, Anuak human rights activist from Gambella, explained in a video with local media Ethiopian Satellite Television, “This was not empty land. People have been living on this land for generations. When I grew up we didn’t have an office job to earn wages, people depend on land. Our supermarket is going to the field. The field was our bank. When you take away our lands, you are taking away our livelihood, our futures.”

On a morning in late 2010 the Anuak peoples living in the province of Gambella were met by regional government officials and soldiers. Without their knowledge or consent the Ethiopian government had sold an estimated 42% of Anuak land to foreign investors. The Anuak people were forced to leave their only known livelihoods, including essential food sources, and move to government sponsored “villages” which soon turned into refugee camps. In 2012, Human Rights Watch published its report, “‘Waiting Here for Death’ Forced Displacement and “Villagization” in Ethiopia’s Gambella Region” documenting the “forcible moving tens of thousands of indigenous people in the western Gambella region from their homes to new villages under a ‘villagization’ program.”

“In their old village there was a school under a mango tree. In the new village, donor money had paid for a new school building. The children, however, were too hungry to attend, roaming instead in the forest looking for food... but now the government can show the world there is a ‘school’” -- Anuak refugee displaced to the Dadaab Refugee Camp in Kenya (from The Guardian’s article, Ethiopia's rights abuses 'being ignored by US and UK aid agencies'.)

Since their displacement in 2010 the Anuak have become refugees - many having turned to the crowded refugee camps in South Sudan and Kenya. As a result of their forced displacement many of the Anuak, and other Indigenous Peoples of the southwest, have endured scores of human rights violations including documented cases of rape, torture, extrajudicial imprisonment and famine, while these conditions were ignored by donor agencies USAID and DfID.

Now, Ethiopia, USAID and DfID have a chance to right their wrongs, and return the lands to the Indigenous Peoples turned into development refugees. But the Agriculture Ministry has said that the rest of the land will return to a “land bank” for future re-investment.

The UN Declaration on the Rights of Indigenous Peoples clearly states in Article 28.1 Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

For the survival of the Indigenous Peoples of Gambella, International aid agencies must take an active role to bring these displaced communities access to lands and a means of sustainable livelihoods.

"New Conviction of Human Rights Defender Unveils Violation of Freedom of Expression in Cameroon," Cultural Survival, January 25, 2016, https://www.culturalsurvival.org/news/new-conviction-human-rights-defender-unveils-violation-freedom-expression-cameroon, reported, "Environmental activist and human rights defender Nasako Besingi was handed another sentence by local courts in Cameroon last week on January 21st, 2016, adding to the judicial harassment prompted by his work organizing against a massive palm oil plantation in south western Cameroon. Besingi was convicted of unlawful assembly and sentenced to pay US $575 in fines or face one year in prison. The charges pertain to peaceful meetings he organised to protest the plans of agribusiness company Herakles Farms.
to establish a huge palm oil plantation on forested land near his home village of Mundemba. 'This is Besingi’s second conviction within three months and is a serious attack on freedom of expression and a clear intimidation message for the communities fighting for their land and livelihoods.' Said Irene Wabiwa, Senior Campaign Manager for Greenpeace Africa.

A coalition of national and international organizations have denounced Cameroonian authorities’ repression and harassment of Besingi, as well as the harmful environmental and social impacts that the palm oil plantation would have on local communities.

Greenpeace reported in a press release:
"This judgment is part of a series of court cases against him by the company seeking to silence any voice denouncing this destructive project. Last November, he was found guilty of several charges including defamation and was threatened with 3 years in jail if he did not pay a huge fine and legal costs. An appeal was filed by his lawyer.

No matter the threats and the intimidation against me, I will continue my peaceful struggle for the rights of my community who fight for our forests," said Besingi.

The project has been pushed through despite the opposition of local communities and civil society, and the evidence that it will destroy tracts of dense rainforest that are home to endangered wildlife including the chimpanzee. 'These series of convictions are worrying. Without the courage of Besingi and local NGOs such as SEFE, the rights of local communities will continue to be flouted.' Said Wabiwa. 'The Cameroonian government needs to take concrete measures in order to ensure the protection of community rights, the independence of the judiciary and freedom of expression.'

Nasako Besingi is the director of the organization SEFE (Struggle to Economize Future Environment) which has been fighting alongside local communities to protect ancient rainforests of southwestern Cameroon from plans for a massive palm oil plantation. Since 2010, U.S. investors Herakles Farms have repeatedly violated communities’ rights to give Free, Prior, Informed Consent as they moved forward with clear cutting rainforests that communities have traditionally used for small scale agriculture and foraging. Beginning in 2013, Nasako has been pursued many times with legal charges brought by Herakles Farms, for alleged offenses of the publication of false news and holding an undeclared public meeting, among others. Besingi was awarded the 2012 TAIGO prize for non-state actors and was nominated in 2014 as one of the most notable human rights defenders by the Jeune Afrique newspaper."

Since large scale protests, in late 2015, against the Ethiopian government by the Oromo people across their sizable region that surrounds Ethiopia's capital, Addis Abba, the government has undertaken a massive crackdown with "lethal force," killing over 300 people, wounding thousands, and arresting tens of thousands, according to a report by Human Rights Watch. Life in the region has been greatly disrupted, closing schools and preventing meetings of more than a few people. The Oromo complain that while Ethiopia has reported double digit economic growth over the last 10 years, members of the Oromo, the country's largest ethnic group, have been marginalized as the government displaced small framers, suppressed local languages, and leased communal land to outside investors (Jacey Fortin, "Lethal Government Force Paralyzes an Ethiopian Region," The New York Times, June 17, 2016).


Rougier is described as an “integrated forest & trade company” and a large “forest operator” in a WWF press release and report. It is felling trees in an estimated 600,000 hectare area, which is more than is permitted under Cameroonian law.

Rougier has also been denounced by Friends of the Earth for its activities in Cameroon, which have included illegal price-fixing, illegal logging outside a concession, felling more trees than authorized, and illegally exporting rare timber.
WWF has stated that it would never partner with a company operating on indigenous land without the consent of the indigenous people. In entering this partnership with Rougier, it has violated its own policies on indigenous peoples.

Survival recently wrote to the CEO of Rougier asking whether he believed his company had acquired the Baka’s consent for the logging. In response Rougier simply said that: “Baka communities are aware of our existence and operation.”

Under Cameroonian law, the Baka are often criminalized as “poachers” when they hunt to feed their families. In a map produced by Rougier, all Baka forest camps within one concession are labelled as “poachers’ camps.”

In February, Survival filed an OECD complaint against WWF for funding abusive anti-poaching squads in Cameroon, who have used violence and intimidation to deny tribespeople access to their land.

According to a recent report produced by the EU, not a single logging company is operating legally in Cameroon. Experts say that no logging activities are being carried out at sustainable levels.

Evidence shows that tribal peoples are the best conservationists and guardians of the natural world. Despite this, WWF has preferred to partner with international corporations that destroy the environment’s best allies – tribal peoples.

Survival’s Director Stephen Corry said: “If further proof were needed that WWF is more interested in securing corporate cash than really looking out for the environment, here it is. The absurd language it has used to try and hide this partnership with a logging firm – calling Rougier a “leading producer of certified African tropical timber” – should fool no-one, and reveals a lot about the nature of this partnership. It’s a con. And it’s harming conservation. Survival is fighting these abuses, for tribes, for nature, for all humanity. Conservation organizations should be partnering with tribal peoples to protect the environment, not the companies destroying it to make a quick buck.”

Note: "Pygmy" is an umbrella term commonly used to refer to the hunter-gatherer peoples of the Congo Basin and elsewhere in Central Africa. The word is considered pejorative and avoided by some tribespeople, but used by others as a convenient and easily recognized way of describing themselves.


As Asmara seeks ways out of its long isolation, and Addis Ababa seeks to maintain and expand its role on the global stage, they and their partners would be wise to turn this new outbreak of violence into an opportunity to seek a compromise settlement to their long-running border dispute. Otherwise the risk remains of sinking into a destructive new round of conflict in which both would lose.

Details are hazy and contested, but the fighting near the border town of Tserona appears to be the most serious conventional military engagement for some time. Despite the impression of a frozen conflict since the 1998-2000 war that killed an estimated 70,000 people, there have been at least eight significant flare-ups since 2011, often involving rebel groups sponsored by one or the other of the two belligerents. Indeed, one theory for the Tserona clash is that it is a response by Addis Ababa to an armed action by the Asmara-linked Ginbot 7 group in southern Ethiopia in May.

Still, Eritrea has not always been at daggers drawn with Ethiopia, from which it won independence in 1991, especially since both post-1991 governments were led by former rebel fronts that had (mostly) fought together during the 1970s and 1980s. Recent shifts in Eritrea and Ethiopia’s international and regional standing, and relative internal vulnerabilities, may offer opportunity to end the two-decades-long estrangement.

Border Impasses

The international community has done very little to push for a resolution of the border issue since 2008, mostly because neither side has appeared to believe it is in their interest to pursue it.
Both sides actions’ have blocked international efforts to end the dispute, despite the Algiers Agreement of 2000 that ended hostilities with both parties’ agreement to binding international arbitration. The Ethiopia Eritrea Boundary Commission (EEBC) ruled in 2002 awarding gains to and extracting losses from both sides, but, in what proved the biggest obstacle to peace, awarding of the original trigger-point of Badme to Eritrea.

Ethiopia refused to implement the ruling without further consultations. Eritrea refused to talk before action on implementation. Faced with losing diplomatic good will in 2004, Ethiopia offered a “Five Point Plan” for negotiations and normalization of relations; on justifiable legal grounds, but with less diplomatic finesse, Eritrea refused. In late 2007, after Ethiopia had ceased its cooperation with the EEBC, it declared a virtual demarcation and dissolved itself. In 2008, facing increasingly hostile Eritrean deployments in the Temporary Security Zone patrolled by the United Nations Mission in Ethiopia and Eritrea (UNMEE), that too wound down operations.

Diplomats put the dispute on the back burner as other imperatives for regional peace and stability demanded attention, including the resolution of the Sudanese civil war, the Darfur conflict, the independence of South Sudan and attempts to reestablish formal government in Somalia. Nevertheless, Ethiopia and Eritrea’s rivalry has played a complicating role in all of these processes, crises and conflicts.

Even worse, Eritrea’s frustration toward what it perceived as the international system’s failure to pressure Ethiopia into implementing the 2002 border ruling led it to take unilateral initiatives to keep its rival on the back foot. This is reported to have included assistance to the Somalia’s Islamist extremist and al-Qaeda-affiliated Al-Shabaab. Global opinion soon branded Eritrea as a regional spoiler. The international community slapped on sanctions in 2009, included Eritrea in the United Nations Monitoring Group on Somalia and Eritrea in 2010 and then established a United Nations Commission of Inquiry into Human Rights in 2014; its latest report condemning Eritrea’s 'systematic, widespread and gross human rights violations' was published a week previous to the Tserona clash.

**Asmara’s Wilderness Years**

From 2009, Eritrea was regionally and diplomatically isolated by the sanctions regime, its own decision to “suspend” itself from East Africa’s regional peace and security organisation, the Intergovernmental Authority on Development (IGAD), and its parallel absence until 2011 from the new African Union, based in the capital of its Ethiopian rival.

Internally, losses in the 1998-2000 war triggered a downward spiral. High-ranking officials who criticized the conduct of the war were incarcerated without trial and systemic internal repression became the norm. The country remained on a war footing and the already shaky economy nose-dived. Mandatory and prolonged national service (beyond the official eighteen months) for those aged between eighteen and 40 became an integral part of the state regulation of daily life.

President Isaias Afwerki, a guerrilla leader once lionized by international opinion, looked increasingly belligerent and autocratic in power, with ill-health doing little to improve his humor in public. A growing number of young people chose to leave in search of economic opportunity, as in the rest of the Horn. In Eritrea’s case, youth were particularly anxious to avoid national service and used well-developed paths for refugees and diaspora forged during the 30-year independence struggle.

Ethiopia, meanwhile, was riding high. It had suffered a post-war political crisis which split the regime’s core Tigrayan People Liberation Front in 2001; disputed elections in 2005 that led to violent protest and repression; a pervasive closure of political space including restrictive legislation on non-governmental organisations. But Addis Ababa also managed to retain international support for its development agenda in support of the poor; its contribution to peacekeeping in the region; and robust action in Somalia that fit with the U.S.-led global “war on terror”.

Latterly, Addis Ababa also delivered impressive economic growth. In Prime Minister Meles Zenawi, Ethiopia had an international star, who, with an experienced diplomatic cadre, made sure national interests chimed with those of the international community. The country sustained this balancing act even after his death in 2012.

**Eritrea’s luck turns**

In the last few years, the pendulum has swung back in Eritrea’s favour, and – against
expectations – the government has used the opportunity to regain status in the Horn that it had so completely lost to Ethiopia. Proof of support to Al-Shabaab has not been forthcoming for several years. While links with other rebel groups continue, they don’t threaten international interests. Most importantly, its dire economic isolation – despite continuing sanctions – has eased.

Revenues have been helped by the large Bisha mine, which began producing gold, silver, copper and zinc in 2011. But even though many hopes for self-reliance were staked on the new business, external factors were more important. The European Union and its member states, anxious to assist the regime in stemming the flow of migrants toward the Mediterranean, have offered renewed development assistance of €200 million in late 2015.

Then the Huthi-takeover of Yemen and the Saudi-led alliance to oust them suddenly made Eritrea’s long and adjacent Red Sea coast extremely strategic. Money that the president had periodically extracted from certain Gulf states was suddenly offered in greater quantities. The United Arab Emirates (UAE) reportedly spent hundreds of millions of dollars to lease the port of Assab, mothballed since the border-conflict ended its sole function as Ethiopia’s main entrepot. The leadership will feel vindicated that their strategic patience has paid off, and President Isais, despite reports of emergency medical interventions abroad, survives as leader.

Ethiopia – at least compared with when Prime Minister Meles was the regional first among equals – is struggling to maintain the unqualified support of the international community. Though it continues to play a vital role in regional mediation and security – including in South Sudan and Somalia – and its economy is still viewed with admiration, the longstanding criticism of its dirigiste approach to economic development and intolerance for political opposition is increasingly heard.

Prime Minister Haile-Mariam Desalegn, who occasionally makes reformist noises and whose background as a non-Orthodox Christian from a small “southern” ethnic group is testament to Meles’s vision of a new Ethiopia, leads more collectively but without the intellectual fizz and decision of his mentor. The ruling party is unusually open about its internal disagreements, corruption is a growing problem, and drought and famine have returned.

Ethnic Oromo protests that began last November and rumbled on for several months were clumsily contained; they were only half-heartedly blamed on Eritrea, an allegation that no one really believed. Ethiopia’s well trained and armed military probably knows that delivering a decisive blow against Eritrea may fatally damage the regime and risk (another) complicated civil war on its doorstep. A policy of robust containment has been pursued instead, but that looks increasingly difficult to sustain.

Tserona’s Wake-up Call

Given the reversals of fortune, and Ethiopia’s regular warnings that it would take action against Eritrea if it perceived a threat, the Tserona incident should not have come as a surprise. That it should have alarmed domestic and international observers alike is recognition that this particular fault line is not dormant and that recent seismic shifts of the plates of regional power make it particularly unstable right now.

Ethiopia, despite slightly changed circumstances, still holds most of the military, economical and political cards. It will take (uncontested) the seat reserved for African states as a non-permanent member of the United Nations security council for 2017-18, meaning sanctions on Eritrea are unlikely to ease.

However the Tserona incident could also be a wake-up call that after a decade on the sidelines, the stalemate of no peace, no war is unsustainable. The regional and international context is shifting on both sides of the equation. Ethiopia’s enduring friends and Eritrea’s renewed acquaintances should once again try to find a new diplomatic track toward resolving the border issue."

"Twenty years after Bushmen first petition UN, abuse continues 25 March 25 2016. http://www.survivalinternational.org/news/11189, reported, " March 27 will mark twenty years since the Central Kalahari Bushmen first brought their plight to the UN.

In 2006 Botswana’s own High Court ruled that the Bushmen had been evicted from their ancestral homelands in the Central Kalahari Game Reserve ‘wrongfully and unlawfully and without their consent.’

Today the government claims that only the small number of Bushmen named in court papers
have the right to return home. In a system that has been compared to apartheid-era 'pass laws,' it now forces their children and close relatives to apply for permits just to visit them, or risk seven years in prison.

The government was asked to 'clarify the matter' in 2014 by UN Special rapporteur on cultural rights Farida Shaheed. Shaheed had found that 'the fear amongst affected people is that once the elders have passed away, nobody will be entitled to live in the reserve.'

Earlier this month, Botswana’s Foreign Minister reportedly told the UN Human Rights Council that Shaheed’s observations were ‘‘inconsistent with the relocation and the ruling on the CKGR case. The Government did not forcefully relocate Basarwa from the CKGR.’

Concerns have been raised by several parts of the UN for well over a decade, including two UN Special Rapporteurs on the rights of indigenous peoples, the UN Special Rapporteur on the right to food, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Human Rights Council.

The US State Department and African Commission on Human and Peoples’ Rights have both repeatedly urged the government to fully implement the court ruling.

Survival’s Director Stephen Corry said today: 'Botswana’s government thinks it can lie about the misery it has inflicted on the Bushmen, but the court judgment is clear. We hope President Khama will mark Botswana’s 50th year of independence by finally listening to the Bushmen, the UN and, crucially, to his own High Court. This is of huge importance, both for the survival of the Bushmen and for all those who care about democracy and the rule of law in Botswana.'

Timeline: Botswana criticized at the UN

March 27, 1996: Bushmen spokesmen John Hardbattle and Roy Sesana addressed the UN Commission on Human Rights in Geneva about the problems facing their people. John Hardbattle died later that year, on November 11.

In 2002, UN Special Rapporteur on the rights of indigenous peoples Rodolfo Stavenhagen visited a resettlement camp and found that the Bushmen were victims of “discriminatory practices,” and were being “dispossessed of their traditional lands.”

Later in 2002, the UN Committee on the Elimination of Racial Discrimination expressed concern at the 'ongoing dispossession of Basarwa/San people from their land.'

Over the next years, Stavenhagen and the Committee continued to raise the Bushmen’s plight with the government. In 2005 Stavenhagen expressed 'his deep concern about the forcible relocation of hundreds of Bushmen far from their traditional homes and hunting grounds in the Central Kalahari.' He also noted that the Botswana government had not responded to his comments. The government later imposed restrictions on Stavenhagen travelling to Botswana.

In 2005 and 2006, the Committee questioned the Botswana delegation to the UN over the government’s treatment of the Bushmen.

In 2007, Stavenhagen’s successor, James Anaya, and UN Special Rapporteur on the right to food Jean Ziegler wrote to the Botswana government. They had found that the High Court decision was still not being implemented, and that as a result the Bushmen 'kept facing numerous impediments in the effective enjoyment of their rights over their traditional lands and resources.'

In 2008, the UN Human Rights Committee urged Botswana to ensure that 'all persons who were relocated are granted the right to return to the CKGR (Central Kalahari Game Reserve).'

In 2009, the UN Human Rights Council carried out a review of Botswana, in which Finland urged Botswana to “ensure respect for the rights of the indigenous people living in the areas of interest to companies active in the diamond business,” and Denmark urged them to “provide access to land and support for the residents of the reserve, as specified in the United Nations Declaration on the Rights of Indigenous people.'

In 2010 Anaya slammed the government’s refusal to let the Bushmen draw water on their land, saying that as a result they “face harsh and dangerous conditions.' He urged the government to 'fully and faithfully implement' the 2006 High Court ruling and facilitate “the return of all those removed from the reserve who wish to do so, allowing them to engage in subsistence hunting and gathering in accordance with traditional practices, and providing them the same government services available to Botswanans elsewhere, including,
most immediately, access to water.'

Also in 2010, the UN Committee on the Elimination of Racial Discrimination wrote to the Botswana government, saying that: ‘In 2006 the High Court of Law ruled that their eviction was unlawful and unconstitutional... The Committee is concerned about the alleged lack of implementation of the High Court of Law’s decision.’

In 2013, during the Universal Periodic Review of Botswana at the UN, the United States expressed ‘concern at a narrow interpretation by the High Court, which prevented hundreds of [Bushman] from living and hunting on their ancestral lands,’” and the United Kingdom called the progress in negotiations between the Botswana government and the Kalahari Bushmen a “matter of urgency.” Recommendations regarding Botswana’s treatment of the Bushmen were also made by Ireland, Norway, Spain, Mexico, Finland and Congo.

In 2014, UN Special Rapporteur on cultural rights Farida Shaheed visited the reserve and noted that, 'The fear amongst affected people is that once the elders have passed away, nobody will be entitled to live in the reserve. Furthermore, insisting that people relocate outside the reserve for wildlife conservation purposes is at odds with allowing the continuation of mining and tourism activities.' Shaheed asked the government to ‘clarify the matter.' Earlier this month Botswana’s Foreign Secretary reportedly told the UN Human Rights Council that ‘the observations by the Special Rapporteur are inconsistent with the relocation and the ruling on the CKGR case. The Government did not forcefully relocate Basarwa from the CKGR.” Yet this ruling unequivocally established that the Bushmen had been evicted “wrongfully and unlawfully and without their consent.'

In 2015, Bushmen spokesman Jumanda Gakelebone voiced his concerns about Botswana’s hunting ban at a meeting of the United Nations Permanent Fund for Indigenous Issues. Botswana’s High Court ruled that banning the Bushmen in the reserve from hunting was “tantamount to condemning [them] to death’.


This is one of the main demands currently being investigated by the South African Human Rights Commission (SAHRC).

The demand for recognition, which includes the Nama, Griqua and Koranna communities was listed in a memorandum that instigated national public hearings hosted by the SAHRC in the country recently. Another key demand is the recognition and promotion of the language of the Khoi and the San to be equal to the other nine official languages of the country."


A recent 10-day journey across the Xinjiang region in the far west of China revealed a society seething with anger and trepidation as the government, alarmed by a slow-boil insurgency that has claimed hundreds of lives, has introduced unprecedented measures aimed at shaping the behavior and beliefs of China’s 10 million Uighurs, a Turkic-speaking Muslim minority that considers this region its homeland.

Driving these policies is the government’s view that tougher security and tighter restraints on the practice of Islam are the best way to stem a wave of violence that included a knife attack at a coal mine that killed dozens of people in September.”

"Mongolian reindeer herders banned from hunting in the name of ‘conservation’," Survival
International, December 22, 2015, http://www.survivalinternational.org/news/11072, reported, The Dukha are hunters not poachers, but are now being prosecuted for hunting on their ancestral lands.

The nomadic reindeer-herding Dukha tribe of northern Mongolia are struggling to feed their families after being banned from hunting in the name of “conservation.” Their land was declared a protected area in 2013 and if caught hunting they must pay fines they cannot afford, or face a long prison sentence. They are also facing restrictions on where they migrate to, and now need permission to go to distant camps.

The Dukha, who number around 500, are also known as Tsaatan. Many have been settled, but about 200 are nomadic hunter gatherers. They migrate with their reindeer and live on the taiga in canvas tents which they call alaci. The Dukha use their reindeer for transport and milk, only slaughtering their animals if they are old, or in times of desperation. For their food they rely on hunting wild animals such as deer, boar and elk, and collecting wild potatoes and berries.

The Dukha have hunted sustainably for generations, with their own strict rules governing the number of animals they can kill, and when and where they can hunt. These rules ensure that they don’t over-hunt, only taking what they need. Hunting is not just a way of getting food, it’s integral to their way of life. The Dukha ride their reindeer and use them for milk. They rely on hunting and gathering for their food.

The Dukha perform shamanic rituals to show their thanks and ask for forgiveness from the spirit of the animal after a successful hunt. An elderly Dukha hunter explains: “We say: ‘Thank you very much Mother Earth, for giving animals from your wealth. I hope all these animals return back to you even more than now.’ We also offer some of this meat to the fire, nature and the spirits before we eat it.”

The Dukha are struggling to understand why outsiders are imposing these restrictions on them in the name of conservation, when they are already so careful about how they hunt and protect their land. Evidence from around the world shows that tribal peoples are better at looking after their environment than anyone else. They are the best conservationists and guardians of the natural world.

A Dukha elder said, ‘This is our home. We have been living here for generations. We make sure that we look after and care for our home. How can outsiders come and tell us to protect it with fines and lists while we have already been doing it for centuries?’

Ellen Berry And Hari Kumar, "A Killing Tests India’s Protection of an Aboriginal Culture," The New York Times, March 13, 2016, http://www.nytimes.com/2016/03/14/world/asia/india-jarawas-child-murder.html?ref=todayspaper&_r=0, reported, "The policy is to send the Jarawas back into the 300 square miles of forest that has been set aside for the tribe, where they are expected to survive by hunting and gathering, as they have for millennia. Inspector Rizwan Hassan, whose precinct includes a “buffer zone” beside the tribe’s reserve, is under clear orders: to interfere as little as possible in the traditional life of the tribe, which India prizes as the last remnant of a Paleolithic-era civilization.

This did not prepare him for the criminal complaint that was registered at his station in November. A 5-month-old baby was dead, and witnesses came forward willingly, leaving the police, for the first time in history, confronting the prospect of arresting a Jarawa on suspicion of murder."

"Nevertheless, contact is occurring. Outreach workers visit the tribe’s camps, and Jarawas receive medical treatment in isolation wards at hospitals. Poachers strike up illicit relationships with members of the tribe, trading food for help in harvesting crabs or fish.

It is as a result of such an encounter, the police believe, that a baby boy with a lighter skin color than usual was born to an unmarried Jarawa woman last spring, evidence that alien genes had found their way into an undiluted pool."

"It is no secret that the tribe has, in the past, carried out ritual killings of infants born to widows or — much rarer — fathered by outsiders. Dr. Ratan Chandra Kar, a government physician who wrote a memoir about his work with the Jarawas, described a tradition in which newborn babies were breast-fed by each of the tribe’s lactating women before being strangled by one of the tribal elders, so as to maintain 'the so-called purity and sanctity of the society.’”

" The witnesses later found the baby’s body on the sand, drowned.
Ms. Savuriyammal filed a criminal complaint with the police, but they were in unknown territory: In 200 years of fatal clashes between tribesmen and British and Indian settlers, no member of the tribe had ever been named as a suspect in a crime.

The authorities arrested the two nontribal men identified in the criminal complaint: a 25-year-old believed to have fathered the child, who was accused of rape, and a man who gave Tatehane liquor and was accused of abetting murder and interfering with aboriginal tribes.

But they did not arrest the Jarawa man, Tatehane, even though he was accused of murder in the complaint, instead appealing for guidance from the department of tribal welfare, said Atul Kumar Thakur, the South Andaman police superintendent, who is overseeing the investigation. Inspector Hassan was not authorized to speak about the case."

"Even before the police heard of the baby’s killing, the authorities on South Andaman Island were struggling with the question of whether to allow the Jarawas, who are classified as a “particularly vulnerable tribal group,” more access to the world outside their reserve.

The top official on the Andaman Islands, Lt. Gov. A. K. Singh, said that upon taking up his post in 2013, he had encountered two schools of thought. One, held by officials and academics on the left, he said, was that 'any contact of the primitive tribe with modern civilization has been detrimental.'

The other school questioned how the government could deny the tribe the benefits of modern life. 'Mankind has progressed by leaps and bounds,” Mr. Singh said. “Are they to remain in that state? Have we given them the choice?"

Mr. Singh has introduced programs that gently nudge the Jarawas toward greater social integration: lessons in reading and writing, and the distribution of clothing in exchange for handmade baskets."

"For now, the case does not seem headed for a swift resolution. Mr. Thakur, the police superintendent, who is overseeing the case from the islands‘ capital, Port Blair, said it was straightforward enough from a constitutional perspective: 'Nobody is above the law.'

On the other hand, Indian law also accords special rights to vulnerable social groups, like castes and tribes. 'They have special status,' he said. 'We are duty-bound to protect their interests.'"

"Jungle Book: Tribes threatened with eviction as Disney movie opens," Survival International, April 6, 2016, http://www.survivalinternational.org/news/11199, reported, "As the new Jungle Book movie is released, tribes across India are being illegally evicted from their lands because they’ve been turned into tiger reserves – while fee-paying tourists are welcomed in.

One of these places is the iconic Kanha Tiger Reserve, the inspiration for Rudyard Kipling’s original novel, from where hundreds of Baiga and Gond tribespeople were illegally evicted in 2014. And forced evictions are once again being threatened in the nearby Achanakmar reserve, despite fierce opposition, and in Amrabad, among others.

Kanha markets itself as the “inspiration” for The Jungle Book, and encourages large-scale tourism on the grounds that “nowhere can you see [tigers] as often.” But few visitors or viewers of the Disney film will be aware of the violence and intimidation inflicted on tribal peoples in the home of The Jungle Book in the name of tiger conservation.

The Forest Department claims that tribes accept ‘voluntary relocation’, but in reality they are coerced into “accepting” eviction with bribes and the threat of violence. Some are moved to government resettlement camps, but others are simply pushed out and forced to live in abject poverty on the edges of their territory.

Following the Kanha forced evictions in 2014, one Baiga man said: “We were one of the last families to resist. But the people from the reserve forced us to leave. They told us they’d take care of us for three years, but they didn’t do a thing. Even when my brother was killed, no one came to help us.”

Another Baiga tribesperson said: “We are lost – wandering in search of land. Here there is only sadness. We need the jungle.”

The big conservation organizations are guilty of supporting this. They never speak out against evictions. But many Indian tribes actually revere the tiger, and have lived peacefully alongside them for
generations. There is no evidence that evictions protect tigers; in fact they’re more likely to harm them by alienating local people from conservation efforts.

Tribal peoples are the best conservationists and guardians of the natural world. They should be at the forefront of tiger conservation, but instead, they are being excluded. There is even evidence of more tigers living in areas where the people have not been thrown out.

Survival’s director Stephen Corry said: 'We hope that this film helps bring some attention to the suffering currently being inflicted on tribal people across India in the name of tiger conservation. When India’s tiger population crashed in the last century it had nothing to do with tribes. It happened thanks to rapid industrialization and the wholesale slaughter carried out by colonial hunters and Indian elites. Yet all over India, tribes are paying the price for this: They’re kicked off their ancestral land to be replaced by tourists in their thousands."


The decision to permit the refinery expansion has increased fears that the local Odisha State mining company will press ahead with its attempts to mine on the Dongria’s land itself – despite the tribe having comprehensively rejected such development.

The legal team who have supported the Dongria through years of legal processes are now helping them to challenge the expansion of the refinery and the new attempt to mine the Niyamgiri Hills. Survival led international resistance to the plans and worked with the Dongria Kondh to see that their wishes were heard.

The Dongria have been dependent on and managed the hills for generations and consider them to be sacred. Their appeal against expansion is now being considered by India’s National Green Tribunal, which mediates environmental issues in the country.

In 2013 the tribe made history when they prevented international mining giant Vedanta Resources – which owns the nearby refinery – from mining on their land.

In twelve village meetings, the Dongria unanimously rejected the mine, causing the national government of India to refuse the company the necessary clearances. The Odisha State mining company is now claiming that that decision was flawed and is taking the matter to court once again.

At their major annual festival this year, Dongria leader Lodu Sikaka stated categorically:

'We have resisted the company and the government’s efforts to sell off our land, mountains and our rivers at the cost of our lives. ... And now again the state government is conspiring against us. It is announcing that there will be another referendum. Now you judge whether that’s right or wrong. How many times will they need to do hearings? This government is playing with us – with our lives.'

Before obtaining the permission for the mine, Vedanta built the refinery at the base of the Dongria’s hills, which has been running at a daily financial loss of $643,000. Controversially, however, the company now has authorization for an expansion.

Lodu told his community: 'We are harassed by the refinery set up by Vedanta at Lanjigarh. Our forefathers were living peacefully and happily. We were also living happily till this company came up. Now we are living with great difficulty. We have told [the government] over and over again, to remove the Lanjigarh Vedanta refinery.'

Earlier, "Dongria tribe’s views to be heard in Indian Supreme Court," Survival International, April 14, 2016, http://www.survivalinternational.org/news/11211, reported, "India’s Supreme Court has blocked the opening moves in an attempt by Odisha’s state government to begin mining in the Niyamgiri hills, home to the Dongria Kondh tribe.

The Supreme Court judges directed the state to re-submit their application to allow for the Dongria’s views to be also heard in court.

In 2013 the tribe unanimously rejected Vedanta’s plans to mine their hills during a historic referendum in which all twelve villages that were consulted voted against the mine. The Odisha state is now trying to reopen the issue arguing that the 2013 referendum was flawed.

Given that the Odisha state government oversaw the 2013 referendum and apparently accepted the
tribe’s verdict, some are questioning why they are only now contesting its decision.

Vedanta recently announced that it might have to close its loss-making refinery, at the foot of the Niyamgiri hills, if more bauxite cannot be supplied."

"Attempted Murder on a Prey Lang Community Network Activist," Cultural Survival, March 31, 2016, https://www.culturalsurvival.org/news/attempted-murder-prey-lang-community-network-activist. reported, "March 31, 2016-- (Cambodia) We are the Prey Lang Community Network (PLCN), a group of Kuy ethnic volunteers who join together to protect the Prey Lang Forest, which has been part of our lives for many generations. We came from the four provinces surrounding Prey Lang, Kampong Thom, Preah Vihea, Kratie and Stung Trung and have volunteered, working together to protect Prey Lang for 16 years.

As part of our patrol routine, from March 23 to 27, 2016 activists from all four provinces traveled through Prey Lang patrol to monitor and suppress the illegal logging that is destroying Prey Lang forest. During these five days of patrol we confiscated many cubic meters of wood, 35 chainsaws, and other materials involved in logging activities. Over the past two months of 2016 we have confiscated 85 chainsaws and many more cubic of wood from illegal loggers in Prey Lang.

On the evening of March 26 we camped overnight near Ta Chuel stream, in the Bueng Char region. On March 27, between 1:30 and 1:40 in the morning, local time, a group of people slipped through our camp and attempted to kill one of our youth activists, Phan Sopheak, who was asleep in her hammock. We did not see their faces and do not know how many they were, but our activist was badly injured on her left leg. If she were sleeping the other way, they would have cut her throat. The criminal soon escaped after Sopheak yelled for help. This was clearly an act of attempted murder, with malice toward her and the rest of the activists. Sopheak is one of the young Prey Lang activists who was nominated to represent PLCN to receive an Equator Prize from UNDP in December 2015 in Paris.

Sopheak was sent to a local clinic for quick treatment on the same day and is now safe, but her left leg is seriously injured.

Sopheak is the third indigenous environmental activist to be attacked this month, the other two were indigenous activists murdered in Honduras on March 3 and 16, 2016.

We, PLCN, are in shock and are very concerned for our safety amid increased intimidation and threats on our lives like this attempted murder by illegal loggers and those supporting them. Meanwhile the level of deforestation in Prey Lang had increased dramatically since early 2016. Without support from the Cambodia government, Prey Lang will cease to exist and our livelihood will disappear. Therefore, we request the following to the Cambodia government:

Fully investigate the attempted murder on Sopheak and bring those criminals to justice.

Permanently criminalized all forms of timber trading, both legal and illegal, in the Prey Lang region.

Stop all logging activities in the Prey Lang region.

Conduct Investigations to determine who is involved in the logging business.

Help to intervene and cooperate with PLCN to protect Prey Lang.

For more information, please contact our PLCN members from all four provinces below:

Mr. Pay Bunlieng member of PLCN from Kratie at 097 611 3807
Mr. Houen Sopheap member of PLCN from Kampong Thom at 012 373 441
Mr. Chie Sokhouen member of PLCN from Stung Trung at 096 316 2866
Mrs. Phok Hong member of PLCN Preah Vihea at 012 948 682."


Daw Aung San Suu Kyi, the leader of Myanmar’s first democratically elected government since 1962, embraced that view last week when she advised the United States ambassador against using the
term “Rohingya” to describe the persecuted Muslim population that has lived in Myanmar for generations."

**International Indigenous Culture**

The film of Colombian director, Ciro Gurerra, *Embrace of the Serpent*, a story of Colombian tribes decimated by colonialism and inspired by ethnographic journals, was a nominee for an Oscar as the best foreign film in 2016 (Peter Rainer, "Artful Embrace of the Serpent traces a tense Amazon quest," Christian Science Monitor, March 7, 2016).


Until recently, he was one of only a handful of people still speaking the tribal language, also called Wiradjuri (pronounced wi-RAD-jury), which nearly died out in the 20th century, when Aborignals could be jailed for speaking their native tongue in public."

"With an anthropologist, John Rudder, Mr. Grant has breathed new life into the language. They worked together on a revision of a long-neglected Wiradjuri dictionary, “A New Wiradjuri Dictionary,” almost 600 pages in length, as well as a collection of small grammar books. Mr. Grant estimates that thousands of students have read the books and taken courses on the language, first through informal workshops held in the nation’s capital, Canberra, from the early 1990s. In December 2015, at a branch of Charles Sturt University in Wagga Wagga, New South Wales, students completed the first-ever course in Wiradjuri."

**DIALOGUING**

**INDIGENOUS ENVIRONMENTAL NETWORK AND REDOIL RESPOND TO OBAMA-TRUDEAU JOINT STATEMENT ON CLIMATE CHANGE**


In a joint statement released yesterday, President Obama and Canadian Prime Minister Justin Trudeau promised that their two countries would “play a leadership role internationally in the low carbon global economy over the coming decades.” They announced new commitments to work together to boost investment in clean energy; establish a pan-Arctic marine protection network and low-impact Arctic shipping corridors; limit greenhouse gas emissions, including methane; and pursue a number of other initiatives designed to slow global warming and speed up protection of the fragile Arctic.

Below is a response statement by the Indigenous Environmental Network and the Alaska Native network – REDOIL.

**Tom Goldtooth, Executive Director of the Indigenous Environmental Network states:**

“We welcome President Barack Obama and Prime Minister Justin Trudeau’s bilateral dialogue and joint statement on Climate, Energy and Arctic Leadership. IEN particularly welcomes the commitment to respect and promote the rights of Indigenous peoples in all climate change decision making. The stated
commitment to cut methane emissions from oil and gas operations is admirable and is a strong step towards reducing North America’s greenhouse gas (GHG) emissions. It is encouraging to hear these leaders talk publicly about reducing GHG emissions and the threat methane poses to overall climate stability.

However, we are concerned that this U.S.-Canada shared vision also promotes a business as usual approach with no further commitments to building a 100 percent clean economy by 2050 and keeping at least 80 percent of fossil fuels in the ground. It appears to rely on carbon trading and offsets as solutions, which only allow carbon pollution to continue at the expense of the communities most affected, including communities in Alaska.

The Joint Statement says the US and Canada intends to implement their INDC (Intended Nationally Determined Contributions) pledges for emission cuts as well as providing help to developing country partners. However, citizens need to know these INDCs are a farce. They will not prevent the stabilization of the global temperature to the 1.5 OC aspiration threshold cited in the Paris Agreement. Instead some scientists project that if we implement the current INDCs on the table, we could see global temperature rise by as much as 6 to 8 degrees Celsius by the end of this century.

Furthermore, IEN rejects the integration of mega-hydro power as renewable energy, as stated in the Joint Statement. IEN is reminded of the Pimicikamak Cree Nation of Manitoba, Canada whose lands are flooded by a mega-hydro dam, who are vehemently opposed to US and Canadian renewable energy standards that allow energy generated by mega hydro dams to be classified as renewable energy. This rejection also applies to agrofuel and large format biomass projects that use native and GE trees and tree plantations as energy sources for power generation. Under the Statement’s section on the acceleration of clean technology innovation, Obama and Trudeau include strengthening unconventional oil and gas and carbon capture and storage (CCS). This means more hydraulic fracturing development that many community-based Indigenous peoples are rejecting. CCS is also not supported by many Indigenous peoples, as it violates indigenous natural laws and traditional knowledge.

The Joint Statement also makes a lot of reference to the Arctic.

Faith Gemmill, Executive Director of Resisting Environmental Destruction on Indigenous Lands (REDOIL), a grassroots Alaska Native group in Alaska states:

“The Joint Statement’s mention of Indigenous sovereignty and inclusion of Indigenous rights is a particularly bitter pill to swallow for Alaskan Natives. We’ve seen our ancestral lands transferred to corporate entities created by land claims and our rights traded for profit at any and all cost. The sovereign authority of Alaska Natives continues to be undermined along with our ancestral ways of life. Business as usual with oil, gas, coal development is devastating and only compounds the effects of climate change.

“Our reality calls for our land and ecosystem to be left intact, that our rights as Indigenous peoples remain intact. We do not support any agreement, which would continue to threaten our ability to engage in our traditional ways of life. The Joint Statement does little to address this reality, but calls for false solutions such as carbon markets and offsets to somehow end the reality of melted glaciers and sea-ice, rising sea levels, and the pollution of our Arctic homelands.”

Lorraine Netro of Old Crow Agency, Yukon, Canada and Gwich’in Steering Committee board member says:

“For our people, the 15 rural communities that comprise the Gwich’in Nation of Alaska and Canada, protection of the Coastal Plain of the Arctic National Wildlife Refuge has always been an international issue. The food security and human rights of the Gwich’in are directly tied to the Porcupine Caribou Herd whose
calving and nursing grounds are on the Coastal Plain. Our Ancestral knowledge has long indicated what Western science only more recently has validated – that the Coastal Plain is the biological heart of the Arctic Refuge. We urge President Obama and Prime Minister Trudeau to take immediate actions now for further protections as we face continued threats of oil drilling for this sacred and biologically critical area.”


#NATIVEVOTE16 – INVESTING IN COAL (OR BETTER, A TRANSITION AWAY FROM COAL)

Mark Trahant*

Published with author’s permission from TrahantReports.com, May 3, 2016, https://trahantreports.com/2016/05/03/nativevote16-investing-in-coal-or-better-a-transition-away-from-coal/.

Quick point:
I thought Hillary Clinton’s conversation with a coal miner was the most interesting moment on the campaign yesterday.

Of course it’s time to “leave it in the ground.” And rethink fracking. But energy policy is far more complicated than a slogan. What will it do to reservation families if an end to fracking pushes gas prices back to $4 or $5 a gallon? How do we at the same time: reduce carbon emissions, keep energy costs affordable, and keep people working?

And how much of an investment will be required to create clean energy jobs (and help the workforce make that transition)? And how do we do that with a Congress that would rather drill & mine?

This will be an election issue in Montana’s House race between Democrat Denise Juneau and Ryan Zinke. The Republican incumbent has made this an issue, recently introducing legislation for a permanent tax credit for reservation mines. Zinke said: “We want to create as few economic burdens as possible, especially since tribal lands are subject to greater regulatory hurdles compared to private, state, or federal projects. Making the tax credit permanent will empower tribal governments by promoting economic and social growth. Coal-producing tribes, such as the Crow Nation, will have a greater capacity to create jobs and invest in critical projects like infrastructure and education.”

But a key part of that plan is the Gateway Terminal Pacific export terminal in Washington state, a project that Northwest tribes oppose because of its impact on the environment and salmon [and has been blocked by the Army Engineers refusing to issue a permit for it because it would infringe on tribal fishing rights].

My piece on the politics of leaving coal in the ground:
https://trahantreports.com/…/politics-of-leaving-coal-in-t…/[Just below]

Brookings has another idea: A carbon tax to help mining families. A key point from the piece: “What coalfield communities need now is to move on their transition before things get worse. To do that, they need funding, which a carbon tax is uniquely suited to provide.”
http://www.brookings.edu/…/26-coal-economy-workers-need-help…

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THE POLITICS OF LEAVING COAL BURIED DEEP IN THE GROUND

Mark Trahant*

Published with authors permission from Trahant Reports, January 18, 2016, https://trahantreports.com/2016/01/18/politics-of-leaving-coal-in-the-ground/.

Most Coal Now Classified as 'Unburnable"

It’s tempting to think of Indian Country as a “singular” voice. The vast majority of Native Americans agree that the United States should live up to its treaty promises. Most of us think that tribes are the best mechanism for governing our lands and people (all the while watching a steady stream of our citizens moving from reservations to cities and towns across America). And, we share a deep respect for the land, Mother Earth. Add it up and it shows that if we all vote together, our voices will represent a powerful bloc.

Except, that is, when we disagree.

That should not be a surprise. The phrase “tribal politics” earns an instant nod from folks who understand that Native people have the same divisions — philosophical, tribal, and familial — that surface in any governing structure. Generations ago this was an easy problem to resolve: Leaders who found themselves in a minority, just left camp, and followed their own way. Today tribal people who have different ideas about the future live and work in the community and use elections to determine the governing coalition.

Perhaps the greatest division within Indian Country is the debate about the environment and the extraction of natural resources. There are Native people on all sides of this question and it’s already an election issue.

Earlier this month the Crow Nation announced that some tribal employees “will have to be furloughed for some time during this quarter.” A Facebook post quoted Chairman Darrin Old Coyote saying that “because of revenues reduced by the Obama’s “War on Coal,” we are faced with a shortfall to our operating budget under the general fund. Our Cabinet Head and Directors are faced with reducing their budget to make it through this quarter. We do have funds out there but, will not be available in time. As a result, there will be wage reductions, and other steps taken to make sure the furlough will not last long.”

Crow is rich with coal — one estimate shows a reserve of 17 billion tons — and it’s the primary source of tribal revenue as well as jobs for more than 13,000 tribal members. Last year Old Coyote told a Senate hearing in Montana: “I simply desire for the Crow Nation to become self-sufficient by developing its own coal resources and to provide basic services for the health, hopes and future of the Crow people. With help from you – our historic treaty ally – in leveling the energy development playing field, we can achieve my vision and both benefit immensely.”

Obama might get the blame, but the coal industry has been collapsing on its own. Its use as an energy source in the United States is being replaced by natural gas which is both cheaper and cleaner. That leaves China as the major market for coal. But China is giving up on coal too. A report by Clark Williams-Derry from the environmental think-tank Sightline sums it up this way: “Many folks still believe that China has an unlimited appetite for coal and that the country’s industries and power plants would be delighted to buy any and all coal we send their way. But in reality, China’s coal consumption peaked in 2013, fell by about 3 percent in 2014, and fell another 4 to 5 percent over the first 11 months of 2015. All told, China’s cutbacks have totaled some 300 million tons per year—the equivalent of one-third of total coal output in the US, the world’s second largest coal producer. So while China still has a huge appetite for coal, the country has slimmed down impressively.”
The sharp decline in the Chinese stock market will likely speed up this trend.

But proponents of coal continue to promote plans that would make it easier for coal to reach Asia. Cloud Peak Energy Company has the option to lease 1.4 billion tons of coal from Crow lands. That company, and the Crow Nation, are investors in two new shipping terminals in Washington state. If completed, this would be the biggest coal export terminal in North America and account for nearly 500 sailings of ships transporting coal to Asia.

Northwest tribes are adamantly opposed to the terminal. Swinomish Chairman Brian Cladoosby told The Seattle Times last week: “Coal is black death … There is no mitigation.” He and other tribal leaders say that the project would be a clear violation of treaty fishing rights. Cladoosby is president of the National Congress of American Indians which in a 2012 resolution called for a full, transparent environmental review.

Then again, as The Times put it: “Burning coal creates pollution that harms human health and the environment. In addition to particulates, burning coal generates more carbon dioxide emissions than any other fuel, implicated as the number one source of human-caused climate change.”

The politics of coal remain a dividing line in U.S. and tribal politics. The Obama administration has stepped up environmental regulations of coal and just last week the Interior Department announced a review of coal leasing on federal lands.

“Given serious concerns raised about the federal coal program, we’re taking the prudent step to hit pause on approving significant new leases so that decisions about those leases can benefit from the recommendations that come out of the review,” said Interior Secretary Sally Jewell. “During this time, companies can continue production activities on the large reserves of recoverable coal they have under lease, and we’ll make accommodations in the event of emergency circumstances to ensure this pause will have no material impact on the nation’s ability to meet its power generation needs. We are undertaking this effort with full consideration of the importance of maintaining reliable and affordable energy for American families and businesses, as well other federal programs and policies.”

This action comes at a moment where there is a worldwide push to leave coal and other carbon-based resources in the ground as a way to hit the UN targets limiting CO2 emissions. New data from the Intergovernmental Panel on Climate Change says nearly 90 percent of the world’s coal is “unburnable.” Coal is considered the most polluting type of fossil fuel.
The implication is that any fossil fuels that would take us over-budget will have to be left in the ground,” writes Roz Pidcock for CarbonBrief. “Globally this equates to 88 percent of the world’s known coal reserves, 52 percent of gas and 35 percent of oil.”

Source: US Energy Information Administration.

So the tribal bets on coal are coming at a bad time, both in terms of market-prices and meeting international agreements to reduce emissions. Neither the Congress nor a future president can change this fact. Markets are not going to suddenly come back for coal and the rest of the world has already made a decision about the future of energy.

Of course, the Crow are not the only tribal government or Alaska Native corporation that’s sees a future in coal. The Navajo Nation purchased a coal mine in 2014. And the Tyonek Native Corporation has plans to develop the Chuitna Coal project with the PacRim Coal Company. The village corporation favors the project, while the Tyonek Native village, a tribal government, is opposed because of the mining’s impact on rivers, salmon and the community.

The impact of climate change is a huge concern for many tribes. But even before climate change the Northern Cheyenne — also a coal rich tribe — decided on a different route.
During the 1970s and 1980s, the Northern Cheyenne demanded that its trustee block leases with Peabody Coal. Then the Northern Cheyenne successfully set higher air quality standards. According to the Bureau of Land Management: “The Tribe became concerned that, because of prevailing wind patterns, air pollution from these massive plants would pollute the Reservation airshed. Under prevailing legal standards, the powerplant was not obliged to minimize such pollution … The Tribe decided to become the first unit of government in the Nation – Federal, state, local or tribal – to voluntarily raise the air quality standard within its territory to the most pristine standard under law. Specifically, the Tribal Council moved to raise the Reservation air quality standard to the highest permitted by law – Class I – a standard which theretofore applied only to National Parks and Wilderness Areas.”

When I was a young reporter, during the late 1970s, I had several interviews with the late Alan Rowland who was then Northern Cheyenne’s chairman. He joked that you cannot breathe money. He said clean air and water were essential to his tribe’s health. Jobs come and go, but not water or air. When I think back, it’s almost as if Rowland saw the challenges of climate change ahead.

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YAOUNDE: GOVERNMENT AND CIVIL SECTOR OFFICIALS DISCUSS ISSUES WITH WATER AND DEVELOPMENT IN A COUNTRY THREATENED BY CLIMATE CHANGE

Ida Sophie Winter*

In her opening ceremony remarks at a November 26-27 water management conference in Yaoundé, held in partnership with the Organization of Islamic Cooperation and United Nations Development Programme, Secretary General of Cameroon’s Ministry of Employment and Vocational Training Jeanne Aimée Ekotto set a challenging tone.

“Meetings are nice…Trainings are nice,” said Ekotto. “But jobs, education and health are essential.”

Ekotto saw tangible human development results as the main goals of the conference. She cast water management as a human development issue, saying it can directly benefit the marginalized populations of Cameroon.

A focus on the environment must be part of this management, however, due to the dire effects of climate change on Cameroon’s population. Through the conference, the government and its partners aimed to connect environmental sustainability and human development, but also to solve another issue considered, by some, as the most pressing obstacle to development work in Cameroon: a lack of communication among government and civil sector organizations, leading to a deficiency in funding from the government to sustain development projects.

This funding grows more crucial each year in Cameroon: despite a national GDP, in 2014, of $32.55 billion (the World Bank ranked Cameroon as the 98th of 194 countries in terms of GDP in that year), roughly 40 percent of Cameroonians live in poverty. In 2006, 19.3 percent of children were underweight. Child mortality rates have increased over the past two decades. Health is restricted by little access to drinking water, which affects 26 percent of the population and increases the risk of impure water-borne diseases like cholera. Due to these factors, average life expectancy in Cameroon is 55 years.
Each region faces different challenges, many of which are exacerbated by climate change. In regions like the western coastal Bakassi, residents lack electricity and have limited access to potable water and health services. In the south, waterborne diseases are spreading due to prolonged rainfall and flooding.

In northern Garoua, meanwhile, residents must manage water usage closely or face looming shortages, as average temperatures increase and annual rainfall drops. Without action, these climate effects will probably worsen over time, drying up streams and lakes important to livelihoods and increasing land desertification. Through salination and inadequate fresh water supply, climate change also threatens agriculture, one of the country’s most important revenue sources and a sector on which 70-75 percent of the population depends for survival.

Government workers and civil sector employees connected with each other on these issues throughout the conference. First, they trained together in facilitating participatory development at the local level under Dr. Yossef Ben-Meir, president of the Moroccan-American NGO High Atlas Foundation. Through their training, participants learned how to help communities lead environmentally sustainable improvement in living standards. Participants then shared their own regional struggles with environmental sustainability and human development.

Jean Jacques Kamsu Tchumenteu, a water and sanitation advisor with the NGO Plan International, concentrated on the burden women and girls face in gathering drinking water due to a lack of widespread hydraulic infrastructure. The water gathering process can sometimes take several hours, he said, and decreases educational opportunities by diverting time and energy from school. He also indicated that many reservoirs in Yaoundé are not functional, causing mud to mix with water normally used for drinking.

Sylvie Ndongo, a hydraulic engineer with the Ministry of Agriculture and Rural Development, pointed out that many women and girls suffer from illiteracy and poor math skills, which hinder their ability to engage in most skilled work.

Chief of Service of Pasture and Pastoral Management Kilian Asongwe, part of the Ministry of Livestock, Fisheries and Animal Industries, indicated that herdsmen from Nigeria are moving into Cameroon due to the threat of terrorist group Boko Haram, increasing tensions regarding limited potable water supply and agricultural land.

Alain Temegne Seutchieu, an engineer with the Ministry of Economy, Planning and Regional Development, presented information on agricultural conflicts among hundreds of people in the west regarding water-intensive rice cultivation and the linked deferral of water from those farther downstream toward the end of the dry season, when fresh water is in short supply.

The Ministry of Scientific Research and Innovation’s Patrick Mounoumeck discussed the issue of communication between governments and NGOs, indicating that, while many organizations are working on the same development issues, the government could more efficiently direct those organizations’ resources if it was informed of their activities.

Multiple participants said that due to this ignorance and flawed or nonexistent project reporting on the local level, the government is not financing rural development as widely as is needed.

According to some, this issue is part of a much larger problem with development in Cameroon, namely a lack of communication between the government and civil sector, and little sustained development effort.

The Cameroonian government has taken steps to pursue ecologically friendly development. In 1996, the Cameroonian government created the National Environmental Management Plan, a strategy that outlines
the pursuit of sustainable development through a variety of measures, including implementation of training programs, dissemination of development methods and information exchange, all topics highlighted throughout the conference.

According to a 2002 assessment of the NEMP by the International Institute for Sustainable Development, though, coordination of activities among civil society actors is a “major challenge” in development, as is the government’s suspicion of legislative input by those outside of the government. The assessment pointed to these factors as responsible for largely excluding civil society from project monitoring and policy making. According to a 2011 study by the Organization for Economic Co-operation and Development and the African Development Bank, the government’s lack of sector-focused programs, regular action focused on climate change and a system to collect project information.

One reason for a purported lack of sustained focus on climate issues may be the government’s abiding concern with other, seemingly more immediate concerns. The OECD and AfDB write that the Government of Cameroon shows greater interest in job creation and combating poverty as compared to efforts linked with climate change. The organizations indicates that climate change is “not a priority” and “unlikely to become so in the near future” due to limited awareness throughout the country and a lack of capacities within ministries to implement climate-focused programs.

They write that projects focused on development and climate change have therefore largely been the work of NGOs, which, according to the NEMP assessment, are troubled as national NGOs lack influence due to disorganization, inexperience, and insufficient human and financial resources. Furthermore, international NGOs tend to implement programs based on their externally determined priorities rather than basing them on knowledge of the hosting communities and their needs.

In the conference, participants began formulating solutions to issues in development and promoting greater communication through cross-sectorial contacts. They also learned how to facilitate community meetings at the local level, thereby allowing community-led development to spread throughout rural and urban Cameroon.

The conference highlighted the national government’s interest in enhancing its own development capacity and its willingness to partner with the civil sector to focus on climate and related development issues. It is not clear, however, how far-reaching that official interest and its effect on marginalized Cameroonians will be.

For now, though, perhaps the Government of Cameroon can spark solutions to climate change and social issues by focusing on environmental preservation through a human development lens.

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BERNIE SANDERS CAMPAIGN STATEMENT:
"EMPOWERING TRIBAL NATIONS"


“Time and time again, our Native American brothers and sisters have seen the federal government break solemn promises, and huge corporations put profits ahead of the sovereign rights of Native
communities. As President, I will stand with Native Americans in the struggle to protect their treaty and sovereign rights, advance traditional ways of life, and improve the quality of life for Native communities.” – Bernie Sanders

Native Americans are the first Americans, yet they have for far too long been treated as third class citizens. It is unconscionable that today, in 2016, Native Americans still do not always have the right to decide on important issues that affect their communities. The United States must not just honor Native American treaty rights and tribal sovereignty, it must also move away from a relationship of paternalism and control and toward one of deference and support. The United States has a duty to ensure equal opportunities and justice for all of its citizens, including the 2.5 million Native Americans that share this land. It is no secret that this isn’t the case today.

THE STATISTICS ARE STAGGERING.

Native Americans continue to face appalling levels of inequality and systemic injustice. One in four Native Americans are living in poverty and the high school graduation rate is 67 percent, the lowest of any racial demographic group. The second leading cause of death for Native Americans between the ages of 15-24 is suicide. One in three Native women will be raped in her lifetime; most of the offenders are non-Native. Most federal programs for tribal nations are underfunded, which has led to inadequate housing, healthcare, education, and law enforcement. Native Americans have a much lower life expectancy and higher uninsured rates than the population at large, and even those who have health insurance often have difficulty accessing the care they need.

Although Native American tribes are supposed to be sovereign nations with the right to self-governance, the United States has greatly exacerbated the struggles of Indian Country because of its failure to support basic principles of self-determination. Native Americans are more likely to be killed by police than any other racial group and the rate of violent crime against them is twice the national average. Yet, because the federal courts have chipped away at tribal sovereignty, tribal nations are often unable to prosecute criminal offenders for violent crimes that occur within tribal borders. Tribal governments are distinct sovereigns, and should be recognized as such – they must have the autonomy and authority to protect their own peoples.

IN CONGRESS, BERNIE HAS WORKED TO RESOLVE THE MANY ISSUES AND INJUSTICES FACING TRIBAL COMMUNITIES.

• In 2013, Bernie cosponsored the Violence Against Women Reauthorization Act, which expanded tribal jurisdiction over domestic violence crimes and provided additional funding for tribal criminal justice systems and victim services.
  Bernie introduced the Save Oak Flat Act with Rep. Raul Grijalva to repeal a federal lands transfer of sacred lands in Arizona to a foreign mining company.
  Bernie voted to make the Indian Health Care Improvement Act permanent, and to expand healthcare services for Native Americans.
  Bernie voted in 2008 to formally apologize to Native Americans “for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the U.S.”
  In 2014, Bernie sent a letter with other Senators urging the NFL to rename the Washington D.C. football team.
  As the Chairman of the Senate Veterans Affairs Committee, Bernie passed the most comprehensive veterans’ health care legislation in modern history – improving care for Native Americans who serve in our military at the highest rate of any ethnic group in the United States.
  Bernie included a provision in the Affordable Care Act that doubled funding for community health centers across the country, including many health centers in Indian Country.
  Bernie championed the Older Americans Act, which provides funding for home-delivered and
congregate meal programs, transportation, disease prevention, and caregiving services to more than 250 tribal organizations.

- Bernie has led the fight against the Keystone XL Pipeline since Day One. He is also the only presidential candidate to publicly oppose the tar sands oil Alberta Clipper pipeline in Minnesota, the fracked oil Sandpiper line in Minnesota, the fracked oil Bakken pipeline in Iowa, and the aggressive use of eminent domain for corporate gain in Nebraska for Keystone.

- Bernie’s proposed Climate Justice Resiliency Fund, which is paid for by a tax on carbon, would make climate adaptation investments in low-income and minority communities, including tribes, to help build resilience to the extreme impacts of climate change.

- Bernie’s Low Income Solar Act of 2015 would invest $200 million in loans and grants to offset the upfront costs for solar on community facilities, public housing, and low-income family homes including Native Hawaiian, Alaska Native, and federally recognized tribes.

- Bernie has committed to provide universal early childhood education programs and tuition-free college for all students willing to work hard to get a higher education.

Bernie is proud to have earned more than 80 percent of the votes cast in the Meskwaki Settlement near Tama, Iowa. He was also favored by voters in caucuses on and near reservations in Nevada.

SIGN UP

AS PRESIDENT, BERNIE WILL FIGHT TO STRENGTHEN TRIBAL NATIONS BY:

Supporting Tribal Sovereignty and Tribal Jurisdiction: Tribes must have the ability to prosecute non-Native people who commit crimes on tribal land, and have greater jurisdiction over prosecuting all crimes, including family disputes. Bernie will fight to provide Tribes with the resources for effective law enforcement and tribal courts. He will work to streamline tribal retrocession from P.L. 280 for those tribes that wish to do so, and will encourage the continual development of the U.S. Department of Justice Tribal Access Program for National Crime Information to provide tribes with access to national crime information systems for both civil and criminal purposes.

Upholding the Trust Responsibility: We must honor the treaties and federal statutes that are the foundation of the trust relationship. Bernie will maintain a White House Policy Advisor for Native American Affairs to ensure that tribal issues are consistently addressed and coordinated throughout the federal government. Bernie will also create a position within the Office of Management Budget to ensure adequate subject matter expertise and sufficient coordination between federal agencies. Bernie will appoint senior level tribal appointees with access to executive agency leaders to promote meaningful consultation with Native Americans. Bernie is committed to the principles of trust modernization to update antiquated trust practices to better serve tribal nations.

Improving Housing: Bernie will fight for increased local control over the administration and operation of tribal housing programs. He will also fight for full funding of the Indian Housing Block Grant Program.

Strengthening Education: In order to create economic opportunities, we must invest in education from early childhood through higher education. Bernie will fight to fully fund the Bureau of Indian Education and strengthen self-determination to enable culturally tailored learning, unique to each tribal nation, and help to retain qualified teachers for Native youth. Bernie will build upon the “all of government,” integrated work of the Generation Indigenous initiative to ensure that every Native American child can reach their full potential. Moreover, Bernie’s College for All plan allows students to refinance federal debt, lower interest rates, triples federal work-study jobs, and provides for free college tuition at all public colleges and universities.

Improving Health Care: Bernie believes that healthcare is a right, and he supports a Medicare-for-all system.
that would complement the healthcare provided by the Indian Health Service. Critically, Bernie will work to fully fund the Indian Health Service, strengthen regional management and recruitment of committed IHS health care personnel, direct his administration to audit IHS operations, and ensure that Native Americans have adequate, safe, and affordable access to primary care providers, including oral health and mental health practitioners and substance abuse treatment options.

**Restoring Tribal Lands:** All tribes must have the right to protect and restore their lands. Bernie will fight to streamline the land-into-trust process and work to reverse the Carcieri Supreme Court decision that resulted in an unjust two-tier system of tribes.

**Advancing Economic Development:** Bernie will advocate for economic development in Indian Country by investing in infrastructure. His Rebuild America Act would make a historic $1 trillion investment to upgrade our roads and bridges, drinking water and waste water, freight and passenger rail, and electric, telecommunications and broadband networks, and more. This effort will create and maintain at least 13 million jobs across the country – and will be targeted to areas of highest unemployment, like Indian Country. The investment would go a long way to addressing the “digital divide,” because lack of internet access means Native American communities are at risk of falling even further behind in their ability to access employment, educational, and other opportunities made available by modern information technology. Lastly, all federal grants open to state and local governments will also be open to tribes.

**Protecting Sacred Places and Native American Cultures:** Native Americans must be empowered to maintain and pass on traditional religious beliefs, languages and social practices without fear of discrimination or suppression. Native children are the future of tribal nations; the Indian Child Welfare Act is critical to survival and must be enforced with the original intent of the law. Further, tribal cultures, sacred places, religious practices, and landscapes must be federally protected.

**Expanding Consultation:** Bernie will reexamine Executive Order 13175 “Consultation and Coordination with Indian Tribal Governments,” to ensure that consultation means more than mere listening sessions. Moreover, all voices — tribal leadership and grassroots alike — must be heard. Bernie will expand the annual White House Tribal Nations Conference that brings tribal leaders, cabinet members and the White House together to find solutions to common problems.

**Promoting Voting Rights:** Bernie will stand with Native Americans to fight for Indian voting rights, just as he will defend the franchise in minority communities across the country.

**Fighting Racism:** Bernie will be an ally in ending the scourge of bias and discrimination against Native peoples. A good place to start is by eliminating offensive school and sports mascots that reflect outdated stereotypes and perpetuate racism against Native Americans.

**Fighting Climate Change and Promoting Environmental Protection:** Bernie’s climate change plan will transition away from fossil fuels to a 100 percent clean energy system. Bernie believes that we must provide a just transition for workers, so his plan includes $41 billion to provide benefits and training for oil, gas and coal workers as they transition in to clean energy jobs. In the first 100 days as president, Bernie will convene a climate summit with the world’s best engineers, climate scientists, policy experts, activists and indigenous communities to chart the best strategy against climate change. Bernie’s climate plan calls for an end to fracking for natural gas and mountaintop removal coal mining. Bernie will fight for other critical environmental laws and policies like the Clean Water Rule.

“It is no secret that Washington faces a serious debt problem, but last time I checked, it was not
because we are spending too much on Indian housing, healthcare or education. It is not because we are spending too much on addressing the scourge of diabetes in Native communities, improving crumbling infrastructure or creating jobs in Indian Country. It is not because we are spending too much supporting Native American veterans who put their lives on the line to defend our nation, or creating economic opportunities for Indian youth. It is profoundly hypocritical that the United States, year-after-year, decade-after-decade, does so little to honor its trust responsibilities to Native peoples. It’s time for real change.” – Bernie Sanders

GROWING TOGETHER: HILLERY CLINTON’S VISION FOR BUILDING A BRIGHTER FUTURE FOR NATIVE AMERICANS


Hillary Clinton believes the United States has a sacred trust with Native Americans. She is committed to strengthening and building on the government-to-government relationship between the United States and Indian tribes, and believes the United States should fulfill its treaty obligations and trust responsibilities to Tribal Nations. She believes we need to break down all the barriers that hold Native Americans back and build ladders of opportunity for all Native American people. That includes removing obstacles that contribute to addiction, high unemployment and poverty rates on many reservations. At the core of Clinton’s agenda is a simple idea: every child in America should be able to live up to his or her God-given potential.

As President, Hillary will:

**Ensure Meaningful Tribal Consultation and Empowerment:** Hillary will build on President Obama’s effort to engage in productive dialogue with Tribal officials by continuing to host the White House Tribal Nations Conference annually and commit to regular and meaningful consultation with Tribal officials in the development of federal policies that impact tribes. She believes Native Americans should be represented in the federal government to properly reflect their needs and views and will work to appoint Native Americans to key positions in federal agencies and nominate qualified judges who understand Tribal sovereignty and the government-to-government relationship.

**Protect Tribal Assets and Resources and Resolve Long-standing Disputes:** Hillary will continue to work with tribes to settle litigation over breach of trust and mismanagement claims over trust assets and natural resources and to resolve other long-standing disputes. She will ensure that the Department of the Interior and Environmental Protection Agency work collaboratively with tribes and Alaska Native communities to sustainably and cooperatively manage fish and wildlife and protect the air, water, and other natural resources in Indian Country. And Hillary will continue to stand for Tribal sovereignty and in support of Tribal resources and sacred sites.

**Strengthen Public Safety and Justice in Indian Country:** One in every three Native American women are raped in their lifetime and the rate of aggravated assault among Native people is roughly twice that of the country as a whole. Hillary is committed to working with Tribal leaders and the appropriate federal agencies to improve public safety on Tribal lands. She supports the provisions in the Violence Against Women Act of 2013, which reaffirmed the inherent jurisdiction of Tribal courts in cases of domestic abuse within Tribal lands. She will also work to ensure that the unique needs of Alaska Native communities are adequately addressed.

**Combat Drug and Alcohol Addiction:** Drug and alcohol addiction rates for Native Americans are significantly higher than the country’s average. Hillary believes we must tackle this epidemic. That’s why she has proposed a $10 billion nationwide Initiative to Combat America’s Deadly Epidemic of Drug and Alcohol Addiction. Her comprehensive plan will empower Tribal Governments to help their own citizens by implementing preventive programming, investing in treatment and recovery, and
ensuring that all first responders have access to naloxone.

**Increase Opportunity for Youth:** Too many Native youth don’t feel like they really matter to America. Hillary will work to change that. She will continue to support the Generation Indigenous program that has made important strides in promoting new investments and increased engagement with Native American youth. Additionally, she will invest $20 billion to support new youth jobs and provide pathways of opportunity for young Americans, including Native youth. The Native American unemployment rate is nearly double the national average. With over 40 percent of the Native community under the age of 24, Hillary knows that investing in Native American youth is a critical step towards building strong communities and spurring economic revitalization.

**Ensure High Quality Education for Native Youth:** Access to quality higher education is essential for breaking down the barriers to opportunity for Native American youth, who still lag behind the national average in higher education access and completion. Hillary’s New College Compact will ensure that cost is never a barrier to education and debt will never hold any student back. The Compact will ensure access to quality education for all students, including those attending Tribally operated colleges and universities.

**Ensure Tribal Communities Have Improved Health Care:** The Affordable Care Act made permanent the Indian Health Care Improvement Act ensuring ongoing federal support for the Indian Health Service. Native Americans still face a life expectancy that is 4.2 years less than the average U.S. life expectancy. Hillary will continue to build upon the success of the Indian Health Care Improvement Act and work to reduce health disparities. She will defend the ACA, which gives Native Americans more health care choices if they choose to participate with improved insurance protections, such as no-cost preventative services, and prohibitions on denial of insurance coverage to children with pre-existing conditions. She is also committed to Urban Indian Health Centers to ensure that urban Indian populations have adequate access to health services.

**Fighting for Native American Veterans:** Native Americans have a long and proud tradition of participating with distinction in the U.S. Armed Services. Native veterans are among the highest users of VA health care services and among those with the highest rate of service-connected disabilities. Native veterans also have the lowest employment rates and highest poverty rates and suffer disproportionately from homelessness. Hillary has put forward a comprehensive and far reaching plan for veterans. It will, in part, transform the VA into an integrated health care system and care coordinator to ensure all veterans get the quality health care they’ve earned, including those who live in rural or underserved locations far from VA medical centers. It will also ensure veterans have access to a good education and good jobs when they come home. And Hillary will move decisively to end the tragic situation of veterans living homeless on the streets.

**Hillary Clinton has been a longtime advocate for the Native American community:**

- **As Secretary of State,** Hillary supported the U.N. Declaration on the Rights of Indigenous Peoples, which continues to make critical contributions to our Native American policies. The Declaration has and continues to strengthen the vital government-to-government relationship between the U.S. and tribes.
- **As Senator from New York,** Hillary sponsored and fought for legislation to give tribes greater representation in advisory groups and direct access to federal grants in a variety of ways, from health care and law enforcement, to environmental justice and infant care. She repeatedly co-sponsored legislation to improve health care for Native Americans, including breast and cancer treatment and obesity. She cosponsored the Indian Health Care Improvement Act Amendment of 2007. She also worked to improve Tribal colleges and other Native institutions and supported measures to protect Native American women from domestic violence and sexual abuse.

**As First Lady,** she worked to pass universal health care reform and sought to strengthen the health care delivery system for Native Americans. She also advocated for passage of the reauthorization of the Violence Against Women Act of 2000 that included important provisions to combat domestic violence against Native women in Indian Country. Her work to develop and pass the Children’s Health Insurance Program (CHIP) has helped to ensure access to quality health care for low-income Native American children.
A May 16, 2016 internet search did not find a policy statement by the Trump Campaign about American Indians.

THE CASE FOR REFORM: INDIAN COUNTRY AND THE BROKEN PRIMARY:
#ELECTION 16

Mark Trahant*


INDEPENDENT VOTERS ARE THE MAJORITY, YET PARTY RULES LIMIT PARTICIPATION IN PRIMARY ELECTIONS

There are a lot of failed political campaigns taking hard looks at what went wrong. Why, they ask, did Donald Trump walk away with the Republican nomination for President? What happened to the contested convention? Or the mainstream alternative that surfaced at just the right moment, where was this year’s Mitt Romney?

And those same questions are being asked about journalism. What did we get wrong? Are we too concerned about the horserace and not enough on the content of the campaigns?

The New York Times put it this way today:

But in the end, you have to point the finger at national political journalism, which has too often lost sight of its primary directives in this election season: to help readers and viewers make sense of the presidential chaos; to reduce the confusion, not add to it; to resist the urge to put ratings, clicks and ad sales above the imperative of getting it right.

I have not written a lot about the presidential primary process, choosing instead to focus most of my material on the many races where Native Americans are running for Congress or for seats in state legislatures. But I am not silent either. I did write a bit about the presidential primaries and for most part avoided the horse race aspect of who’s winning. I did write one piece, though, explaining that I thought the math favored Hillary Clinton and Donald Trump. That was back in February and nothing has changed my mind.

I also speculated that this election could see a third-party bid with Paul Ryan on a ticket. That’s still possible although it would probably not involve Ryan. I still worry about a major electoral college fail and worse the implementation of the dysfunctional 12th Amendment with the election determined by the House of Representatives. (Previous: "America and the Terrible, Horrible, No Good, Very Bad Election.")

But there is a bigger story that needs to be told over and over: The mechanism of democracy is broken. The nomination of Donald Trump and a likely nomination of Hillary Clinton is evidence that there are at least five major political movements in the United States that ought to be represented by political parties with a fair shot of winning. But we have a system that forces voters to narrow their thinking to two parties.

“The number of independents has continued to grow, as both parties have lost ground among the public,” according to Pew Research. “Based on surveys conducted this year, 38% describe themselves as independents, up from 32% in 2008 and 30% in 2004. Independents today are more numerous that at any point in the last 70 years.”
So how does a country with a rigged, two-party system, reinvent itself with multiparty democracy?

There are short-term fixes and long term, Constitutional reforms.
A few reforms that are possible now:

Indian Country should have its own primary. We are members of tribal nations that have geographical and political status. We have many more citizens than some of the territories that do have participate in Republican and Democratic primaries. In the Northern Mariana Islands primary, for example, 471 people voted in the Republican Primary and 189 on the Democratic side picking more than a dozen convention delegates.
Congress should appoint tribal representatives as Delegates. This could happen with a simple majority vote of the House.
Caucus elections are undemocratic and should fade into history. A caucus is hardly better than the smoke-filled rooms it was supposed to replace. Too many people can’t attend because they are working or traveling or ill. Or just what ever. A primary with early voting is far more fair.
And as for “Super Delegates?” Just no.
Independent voters should be treated as the majority, not just an after thought. This is where the majority is now and as a movement it continues to grow.
We need to make voting easier. Ninety-two percent of Americans own cell phones. It would be much easier to design a system around that fact, even adding in alternatives for those without phone service, than sticking with a voting apparatus that was built for another time.
This is a simple reform. If a political party wants a closed primary, then it should pay for it. If taxpayers are funding any election, it must be open to all voters. I think this principle has worked well In Washington and California with their top-two primary.
We need a better path for third parties, that starts with ballot access. Today the Green Party is only on the ballot in 20 states. And the Libertarian Party is in a little stronger shape, but still short of fifty state access. There is also the Constitution Party and it’s on the ballot in nearly 30 states.

It’s impossible to funnel the ideas of a country with 320 million people into two options.

That’s just for starters. Long term we need to rethink the Constitution: The electoral college, the Senate, the role of tribal governments, these are all critical conversations. As I wrote last August: “It’s long past time for Indian Country to have a say in how the government of the United States runs. Why? Because this country cannot be the democracy it purports to be as long as indigenous people do not have a real voice in the political conversation.”

That’s especially true for Independents, Democrats, Republicans, Libertarians and Greens. And journalists.

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#NATIVEVOTE16 – IOWA ISSUE THAT SHOULD BE ON THE TABLE: SELF-DETERMINATION

Mark Trahant*

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Iowa Is 92% White; State's American Indian Population is 0.5%, But That's Not the Whole Story

The media surrounding the Iowa caucuses reduces the story to one basic theme: Who’s winning and what does that win (or loss) mean for the New Hampshire primary? Lost in that coverage is a thoughtful discussion about issues and policies. So we get political promises that might fit better in cartoons than in governing papers.

My ideal? Presidential campaigns would focus on policy, not the politicians, and the first votes would be cast in states like Arizona, New Mexico, or even Montana, where issues that impact First Americans would get a full airing by all the campaigns. Indeed, we know so many reasons why Iowa should not vote first. The state is 92 percent white, the caucus system favors rural voters and the population of American Indians is roughly one-half of one percent. But that’s not the whole story.

There are 1,400 enrolled members of the Sac and Fox Tribe of the Mississippi in Iowa/Meskwaki Nation located in central Iowa. And in Tama County, the population of American Indians exceeds 6 percent of the population. Democrats hold their precinct caucus at the Meskwaki Tribal Center. (The Republican caucus is at the Tama Civic Center.)

There are even hot issues that ought to surface in a presidential campaign. The Iowa Senate last week enacted a resolution to end state criminal jurisdiction over Meskawaki tribal members, essentially repealing Public Law 280. The bill has been sent to the Iowa House. Tribal members have been supported such a bill for several sessions with the goal of tribal jurisdiction.

This would be a great presidential campaign discussion. We all know the United States goes through dramatic swings when it comes to federal-Indian policy. Congress enacted Public Law 280 when the idea was to break up reservations and assimilate tribal people into the states. That policy, of course, was nonsense. And eventually rejected in favor of the self-determination policies of Presidents Lyndon B. Johnson and Richard Nixon. But here’s the thing: The underlying legislation that promoted assimilation remains the law.

Congress never repealed its termination resolution, nor PL 280, but left them on the books as a legal layer that only causes confusion. That’s why the Iowa legislature is enacting a repeal; It’s ahead of the Congress on getting rid of a failed policy.

This is not the first attempt by Iowa. A similar resolution passed in 2015, but without the force of law. The Tama News-Herald says U.S. Senator Chuck Grassley, an Iowa Republican, and chairman of the Judiciary Committee, told Iowa to act first “before the federal government can act.” And, he told the paper, “A mere resolution that doesn’t have the force of law isn’t enough to allow Congress to move forward on any possible changes.”

The Iowa House will take up the legislation next. And then Congress? We shall see. But it would have been a great topic for the Iowa presidential campaign.

The only candidate to campaign on the Sac and Fox settlement was Bernie Sanders. In September he held a rally and answered a few questions about federal-Indian policy. The Des Moines Register quoted him: “The federal government, the U.S government’s relationship to Native Americans has been a disaster from day one. … Everything else being equal, we want decisions being made by the peoples themselves, not dictated by the government. There has to be a relationship, but at the end of the day I would like to see local decisions being made by local people themselves.”
The Register said Sander’s rally “won an enthusiastic response” and reported a tribal member who said his presence could translate into support on caucus night.

And for the Republicans? I mentioned that the Democrats are meeting Monday at the tribal center. The GOP is at the Tama Civic Center. One reason for that might be in 2012 not a single person attended the Republican caucus at the precinct representing the tribal community.

Watch for my live tweets on Monday night, @trahantreports and the hashtag is #NativeVote16 on Twitter.

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*--!* 
#NATIVEVOTE16 – REPUBLICANS AREN’T GETTING MUCH ATTENTION OR VOTES FROM INDIAN COUNTRY

Mark Trahant*

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Who’s winning Indian Country this presidential election season?

On social media it is an intense debate. Sen. Bernie Sanders supporters point to Iowa, Oklahoma, Michigan, Nevada, and, after this weekend, Washington, Hawaii, and Alaska, as evidence that Natives are “feeling the Bern.” But Hillary Clinton backers can look at results from Nevada and Arizona and make a case for the former Secretary of State. (Yes, you can argue Nevada either way. There is just not enough evidence for a definitive answer.)

But one thing is certain: Indian Country is voting for Democrats. In Arizona’s Apache County, for example, which is mostly Navajo, Clinton had more votes than the entire GOP field; and Sanders nearly doubled the vote tally of first-place Donald Trump.

And that makes sense for two reasons. First, it fits historical patterns where tribal communities favor Democrats by large margins. And, second, there are distinct policy differences between the two parties at the presidential level.

Sanders has incorporated Native American issues into his stump speech, including full-funding of the Indian Health Service. Unprecedented. Clinton has a track record in Indian Country that goes back a long ways, even before she was a political figure, and her administration would build on the successes of the Obama years.

And the Republican alternative? Chaos. Imagine a government as crazy as the primaries.

We don’t know much about any of the Republican plans for Indian Country. Except these shared themes: Government is bad, Keystone XL pipeline is good, and there would be a new military emphasis on defeating Daeish in Syria and Iraq.

But what if the Republican nominee is not Donald Trump, Ted Cruz, or even John Kasich?
Oklahoma Rep. Tom Cole raised the possibility of a Paul Ryan candidacy last week. He said it’s far more likely that one of the three remaining presidential candidates will be nominated, but if there is no consensus, then Ryan would be the logical choice.

“He’s already been vetted, he’s been on a national ticket, millions of people have already voted for him,” Cole said in an interview on C-SPAN. “Frankly, he does represent the kind of vision and values that as a Republican you would want to put forward.”

Ryan is Speaker of the House, and as such, chair of the Republican Convention. The only way he could win the nomination would be in Cleveland after the delegates failed to nominate one of the current candidates. (After the first ballot, delegates are free to wheel-and-deal.) Cole put it this way” “If you can’t win it outright before you get there, I don’t think anybody’s got it in the bag once you arrive. It’ll be very tumultuous. There will be multiple ballots unless somebody’s just literally inches away.”

Cole is a member of Oklahoma’s Chickasaw Tribe and a senior House Republican. (Previous: How a third-party candidate can win one state and the presidency.)

Ryan has proposed a radical rethinking of federal programs, including those that serve American Indians and Alaska Natives. He supports the repeal of the Affordable Care Act and has suggested it would be better to send money to states for Medicaid as a block grant. In 2014 as House Budget Chairman, Ryan published a full review of federal programs that address 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.” His idea was to reshape the way government delivers programs and roll them together to save money.

So Ryan’s War on Poverty review lumped Indian Health Service funding in with other social programs. “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.” As I wrote at the time, what Ryan calls a “federal initiative,” I call a treaty obligation.

In general, a Ryan presidency would mean substantially less money for federal programs, including those that serve American Indians and Alaska Natives.

However Cole has in the past disputed that grim assessment. He told Indian Country Today Media Network: “This idea that a Ryan budget means cuts in Indian programs is simply not true. We have evidence that while it lowers overall government spending, it also allows us to reprioritize where the money goes. And on the House Appropriations Subcommittee for Interior and Environment, where I sit, there’s a bipartisan commitment to increasing funding in Indian country well beyond what the White House has asked for. We have a lot of people on both sides of the aisle who recognize the Indian country has been historically underfunded.”

Ryan also has a track record for reaching across the aisle and making a deal. The 2013 budget agreement with Washington Sen. Patty Murray provided at least some relief to the harsh budget measures found in the sequester.

Some relief? That’s hardly a winning campaign slogan.

*Mark Trahant is the Charles R. Johnson Endowed Professor of Journalism at the University of North Dakota. He is an independent journalist and a member of The Shoshone-Bannock Tribes. On Twitter @TrahantReports.*
**THE PROCESS CONCERNING THE WAYS TO ENABLE PARTICIPATION OF INDIGENOUS PEOPLES' REPRESENTATIVES AND INSTITUTIONS IN RELEVANT UN BODIES ON ISSUES EFFECTING THEM:**

**ADDENDA TO THE 3rd DRAFT COMPILATION OF 27 MAY 2016:**
**DISCUSSION PAPER FOR THE CONSULTATION MEETING ON 30 JUNE, 2016**

The Process Concerning the Ways to Enable Participation of Indigenous Peoples' Representatives and Institutions in Relevant UN Bodies on Issues Effecting them: Addendum to the 3rd draft Compilation of 27 May: Discussion paper for the consultation meeting on 30 June

Based on the third draft compilation (dated 27 May 2016) of views on possible measures necessary to enable the participation of indigenous peoples' representative institutions in relevant United Nations meetings on issues affecting them, and of good practices within the UN regarding indigenous peoples' participation, to form the basis for a draft text to be finalized and adopted by the General Assembly at its seventy-first session, we ask delegations to consider the following issues:

A. Keeping in mind the status and territorial integrity of States as set out in the Charter of the United Nations as well as in article 46 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), we observe that most responses have in principle indicated the need for enhanced forms of participation for Indigenous Peoples' representative institutions in UN bodies and processes affecting them, although some other responses have expressed concerns about moving in that direction and proposed rather that the existing means of participation should be strengthened.

B. As the consultation process is not aiming at altering the exclusive right of Member States of the United Nations to membership in the General Assembly or other UN bodies or the status and territorial integrity of States as set out in the UN Charter as well as confirmed in the UNDRIP, at least the following options are available for consideration:

1) Indigenous Peoples' representative institutions - on the basis of certain criteria determining their accreditation under a process to be determined – might be entitled to participation at the UN General Assembly in matters affecting them, including in the dialogue with the Special Rapporteur on the Rights of Indigenous Peoples in the Third Committee of the General Assembly.

2) Indigenous Peoples' representative institutions might be entitled to participate in UN conferences convened by the General Assembly.

3) The Human Rights Council might be invited to enhance the participation of Indigenous Peoples' representative institutions, including in the dialogue with the Special Rapporteur on the Rights of Indigenous Peoples during the Council’s annual discussion on Indigenous Peoples (every September session of the HRC).

4) ECOSOC might be invited to enhance participation of Indigenous Peoples' representative institutions.

5) UN programmes, funds and specialized agencies might be invited to enhance participation of Indigenous Peoples within their respective bodies.

6) The specific forms of participation would include the right to speak and other rights endowed to observers in the General Assembly, but not for instance the right to reply, right to vote or right to take initiatives. The modalities for participation should not fall below that of ECOSOC-accredited NGO's.
7) There needs to be established an accreditation procedure; such a procedure could be an international accreditation council composed of members appointed by both Indigenous Peoples and States.

8) The indigenous representative institutions that would be entitled to enhanced participation would be confined to indigenous governance institutions, including governing councils, parliaments and traditional authorities?

The enhanced participatory rights of Indigenous representatives institutions would not impair or affect the established right of other entities' such as NGO's with ECOSOC consultative status to participate in UN meetings or those indigenous peoples, groups and individuals who participate in EMRIP and PFII meetings.

INDIGENOUS UNDER ATTACK IN HONDURAS

Brigitte Gynther

Dear Supporter,

Last Friday, I stood near the Lenca people's sacred Gualcarque River with Tomas Gomez, who has assumed the coordination of the Council of Popular and Indigenous Organizations of Honduras (COPINH), following last month's assassination of Berta Cáceres. We tried to figure out how to get everybody in the Gualcarque River to safety amidst a violent attack occurring just up the hill above us. Armed men affiliated with DESA, the company building the Agua Zarca Project, were swinging machetes, throwing rocks, and punching COPINH leaders and attendees of the International Encuentro “Berta Cáceres Lives” as they peacefully walked back to their buses following an Indigenous ceremony on the edge of the Gualcarque River remembering Berta and her struggle.

The violent men were searching for Tomas, yelling “we must attack him, he's the one who's left.” They also made references to having murdered Berta Caceres and that the people there were all that were left. COPINH leaders Sotero Chaverria, Jose Asencion Martinez, and Marleny Reyes Castillo were all attacked and injured. A TeleSur journalist was hit and threatened and Vitalino Alvarez, long-time leader of the Bajo Aguan campesino movement, was punched in the face so badly he could barely open his mouth. An international accompanier was punched and knocked down. Several other Encuentro attendees were also injured.

Notably, the US-funded and supported Honduran National Police in the area did not disarm the men nor stop the violence. In fact, earlier in the day, they refused to disarm the men as they threatened the Encuentro participants who arrived to walk down to the river. After intense pressure from COPINH leaders, the police assisted those still down at the Gualcarque River to get past the group of armed men, but released them not far from the armed men, who started coming after them. The police refused to disarm those swinging machetes and punching the Encuentro attendees. The Honduran military was also in the region, but they were deployed at entrances to DESA's installations, showing once again their role is to protect corporate interests.

Among the DESA-affiliated men identified by local residents was a known hitman with a murder in his police record who had previously threatened to kill 10 COPINH members, including Berta. Just two weeks before her death, Berta had denounced that this man was working for DESA and had been released from police custody despite having a murder in his file after DESA's head of security moved money around. Other men are reported to be paid by DESA or the local government to intimidate COPINH and provoke violence.

This attack is just the latest in a long line of violence against COPINH members who defend the Gualcarque River. They have been attacked with machetes, murdered, hospitalized, criminalized, threatened
with death, and shot at since they started blocking construction of the dam in April 2013. The Honduran military murdered Tomas Garcia, shooting him multiple times at close range at a protest against the dam. With the second attempt to build the dam in 2015-2016, the threats and violence have increased. On March 2, 2016, Berta Cáceres was assassinated after years of threats. 24 hours after Berta's death, 4 men with high-caliber weapons appeared just before midnight near the home of Berta's close colleague, Tomas Gomez. Francisco Javier Sanchez, President of the Indigenous Council of Rio Blanco, the Lenca community opposing the dam, has been followed, and the National Police took away the bus the Rio Blanco residents were traveling as they tried to go to the protest demanding justice for Berta. Mysterious people have appeared taking pictures near COPINH's installations.

The US has a direct responsibility for the repression occurring in Honduras. When Hillary Clinton was Secretary of State, she legitimized the 2009 SOA-graduate led military coup. Clinton refused to call it a military coup, meaning US aid could continue, and instead of demanding the coup regime allow the return of the democratically elected President, she sought to bring about elections carried out by those who had just seized power and which of course simply gave them a hold on power. The coup and subsequent regimes unleashed intense repression against social movements, human rights organizations, lawyers, journalists, LGBTQ persons, and anyone who speaks out. The $750 million approved by the US Congress for the “Alliance for Prosperity,” known as the Plan Colombia for Central America, will only make things worse, providing a huge influx of funding to the repressive Honduran regime with a lethal combination of support for the security forces and exactly the type of privatization and corporate projects that social movements are being murdered for opposing.

A year before her assassination, Berta Cáceres met with US Congresspeople and asked them not to fund the Alliance for Prosperity and to cut off all military and security aid to Honduras. Unfortunately, that did not happen. The powers at be tried to silence Berta's voice by assassinating her but her call has been taken up by people across Honduras and the world. Before more amazing leaders are killed, we must take action and demand the US cease its devastating role in the repression occurring in Honduras and cut the Alliance for Prosperity and all security funding to Honduras.

Brigitte Gynther
SOA Watch

P.S. The violent conditions in Honduras are forcing people to flee and to risk the dangerous trip to the United States, where they are confronted by a highly militarized border, more violence and racist immigration laws. From October 7-10, 2016, just before the November elections, SOA Watch is calling for a Border Convergence, to demand justice for all those impacted by US policies and to end the US militarization of the Americas. Mobilize your community and take a stand for justice for the people of the Americas: http://SOAW.org/border.

SOCIETY FOR THE ANTHROPOLOGY OF LOWLAND SOUTH AMERICA'S OPEN LETTER TO BRAZIL PRESIDENT DILMA ROUSSEFF


Carbondale, Illinois, USA,
18 February 2015
Dilma Rousseff
Presidente da República Federativa do Brasil
Dear Madame President:

We, members of the Society for the Anthropology of Lowland South America (SALSA), an international professional association of anthropologists specializing in lowland regions of South America, write this letter to denounce the Brazilian state’s systemic disregard of the rights and well-being of indigenous peoples. We outline below some of the most egregious breaches of indigenous and human rights, noting that these represent only a small portion of the many affronts indigenous peoples of Brazil now face. We address legal, economic, infrastructural, and territorial threats. Our examples are gathered from documented reports on events occurring among the Munduruku, Guarani, Xavante and Yanomami. In particular, we condemn the Proposed Constitutional Amendment 215 (PEC-215), a recent legislative proposal threatening the demarcation of indigenous lands, and several infrastructure projects, including the Belo Monte hydroelectric project that is already before the Inter-American Court of Human Rights. We strongly urge you and Brazilian authorities to immediately correct the systemic disregard of Brazil’s indigenous citizens and wish to impress upon you the ethical and legal urgency of doing so.

Background

Native peoples in Brazil are recognized in the national constitution as the original occupants of territory in the Union, residing in 654 demarcated and registered indigenous territories (Terras Indígenas). These lands amount to about one million square kilometers, constituting 12% of the national territory. Rights to indigenous lands in Brazil are guaranteed by the Brazilian Constitution of 1988, Section 231, which confers exclusive inalienable usufruct rights to indigenous peoples on the basis of nontransferable, “original” rights. Moreover, the rights of indigenous peoples are guaranteed by international documents to which Brazil is signatory. These include The Convention 2 on Indigenous and Tribal Peoples (ILO 169/1989) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007). Brazilian law stipulates that, as titular owner of indigenous lands, the nation-state must protect these territories. A federal Indian affairs agency, the National Indian Foundation (FUNAI), is charged with securing these lands on behalf of the indigenous inhabitants, and may call for legal or juridical enforcements if federally-protected rights are violated. With the recent withdrawal of federal funding, assistance, and resources for oversight in indigenous areas, we have observed an increase in both egregious and quotidian violations of indigenous lands and persons. When enforced, the legal protections afforded indigenous territories provide a level of “excludability” not found in other forms of protected areas, such as extractive reserves or national forests. As a result, indigenous citizens have historically played a significant role in preserving Amazonia’s biodiversity in contexts of relentless pressure from mining, logging, ranching, and export agriculture. Numerous studies show that indigenous territories are more effective than other protected area types in maintaining standing forests and sequestering carbon. According to a 2007 study (Saatchi et al. 2007), biomass on indigenous lands accounts for 30% of total carbon stocked in the Brazilian Amazon (47 PgC). In the context of Brazil’s promised contribution to lower global greenhouse gas emissions (INDCs), made to the United Nations Conference on Climate Change in Paris in December 2015, the key role played by indigenous peoples in protecting forests, water, biodiversity and climate has become increasingly critical.

Concerns: Threats to Indigenous Peoples

1. **PEC-215.** An immediate threat to the integrity of indigenous lands, Proposed Constitutional Amendment (PEC) 215/2000, which must yet pass through several stages of approval, would prohibit the future expansion of demarcated indigenous territories and provide for the indemnization of land-owners who have unlawfully entered demarcated indigenous areas. It would transfer the power to register all protected areas, including indigenous and quilombola lands as well as environmentally protected areas, from the
executive branch to National Congress. The proposal, sponsored by the bancada ruralista, an informal bloc made up of representatives who defend agribusiness, would modify the constitution to benefit agribusiness and other commercial activities such as mining, at the expense of traditional inhabitants, without honoring their constitutional rights to these territories. If it were to pass, this proposed amendment would effectively end the process of demarcating indigenous lands -- a major concern, as an estimated 225 (45%) indigenous territories have not yet been demarcated. Many pending cases are stalled and are yet to be resolved. For example, residents of more than 50 indigenous areas in Mato Grosso do Sul have long awaited demarcation, and face lethal conflict in this regard. Among them are the Guarani-Kaiowá, who over 500 years were repeatedly displaced from their traditional lands to make way for nonindigenous settlers, and are currently experiencing untoward pressure from large-scale ranchers and farmers to vacate their properties. Among the Xavante, claims in Sangradouro, Areões, Etaáirebere, Norotsurá, Isou'pa, and Hu’hi have been suspended since 2006, as a result of interventions from the Governor of Mato Grosso state and the 3 Ministry of Justice. T.I Wedezé, which was delimited on December 26, 2011 in Depacho no. 676/PRES/2011, is the most recent case. The proposed law severely constrains indigenous rights to their lands and resources, countering guarantees to these in the Constitution of Brazil, the UNDRIP, and ILO 169.

2. Assassinations and suicides.

Breaches against the human rights of the Guarani-Kaiowá are recognized as among the worst in the Americas by the United Nations and the Indigenous Missionary Council of Brazil (CIMI). A pattern of longstanding conflict and violence between indigenous communities and agribusinesses has led to the killing of over 390 Guarani and Kaiowá individuals since 2003 (UN 2015). CIMI cites no less than 138 murders for the year 2014 alone. Moreover, the suicide rate among the Guarani is one of the highest in the world. Between the years 2000 and 2014, approximately 707 Guarani have committed suicide, exceeding 2% of the total Guarani population and twenty times the national rate. Currently, in the Guarani village of Dourados, the data show one homicide every twelve days and one suicide every seven days. Guarani children as young as nine years old have taken their own lives. With a population of 45,000, the Guarani-Kaiowá are one of the largest indigenous populations of Brazil. Yet the population occupies only 30 hectares of their traditional territory. (By comparison, Mato Grosso do Sul’s 23 million cattle occupy 23 million hectares of land.) According to data from the federal government, if all the areas claimed by the Guarani-Kaiowá as indigenous territories were to be demarcated they would represent merely 2% of Mato Grosso do Sul’s total area. In a context of land shortages, in July and August of this year, federal courts demanded the eviction of over 6,000 Guarani. In response, and pursuant to a Guarani complaint brought to her office, the United Nations Special Rapporteur on the Rights of Indigenous People, Victoria Tauli-Corpuz, urged the Government of Brazil “to ensure that the human rights of the Guarani and Kaiowá indigenous people are fully respected, in strict compliance with international standards protecting the rights of indigenous peoples” (UN 2015).

3. Preventable and treatable diseases.

Assassinations and suicides dramatically represent the critical situation of indigenous health in Brazil. Less visible, but equally devastating, are preventable and treatable diseases. Xavante people, for example, are suffering a serious and inexcusable health crisis. Xavante infant mortality is exceedingly high. In 2014, one Xavante child died every three days. This number represents 15% of the total infant deaths in all Brazil. In 2014, no other ethnic group in Brazil suffered such high morbidity among children under the age of 5. Preventable diseases are the principle cause of death. Xavante are also suffering a diabetes epidemic with rates far above the national average. In the Indigenous Territories of Sangradouro and São Marcos, 28.2% of the population is diabetic. Xavante suffer the disease more than 3 times the national rate of 7.6%. This epidemic is the direct result of radical transformations in the diet and lifestyle caused by sedentization, environmental destruction, and state policies that, beginning in the 1970s, mandated industrial rice cultivation in Xavante areas.
4. Invasions and violence.

Federal agencies are not only remiss in protecting indigenous lands, they are openly putting indigenous lives at risk. With the absence of federal oversight, invasions into indigenous lands by renegade loggers and miners have prompted violent responses involving indigenous peoples and state agencies. Recently, in the states of Maranhão and Pará, indigenous peoples have been drawn into violence by the combined increase in illegal logging on indigenous land, the withdrawal of federal resources for FUNAI, and the informal provisions of arms or ammunition by various agents, including government representatives. In one case, a Ka’apor leader, Eusébio Ka’apor was murdered after opposing illegal logging. Government agencies, including the Federal Police as well as FUNAI, must be counted upon to carry out their federallymandated function of protecting indigenous peoples and lands, rather than placing them in danger. In cases like these, where local and state agencies fail to protect indigenous people and lands and uphold the law, the federal government must step in. The purpose of government presence in indigenous lands is to protect, not endanger, the inhabitants.

5. Threats to isolated groups.

Invasions into remote indigenous territories by miners and loggers occur with impunity. In September of 2015, the Hutukara indigenous association reported the invasion of wildcat miners into Yanomami lands, announcing, “The [federally-demarcated] Yanomami indigenous territory is overrun with illegal gold miners. There are more of them each day, and they are ruining the forest, polluting the rivers... and causing irreparable damage to our health and culture.” Along with the Indigenous Missionary Council (CIMI) and the Diocese of Roraima, Hutukara reported that the prospectors had invaded a portion of the territory occupied by the isolated sub-group known as Moxi Hatêtêa. The threat of prospectors in the vicinity of relatively uncontacted, vulnerable populations, is a serious concern. In what became known as the “Massacre of Haximu” in the late 1980s and early 1990s, illegal miners in the same territory caused the deaths of approximately two thousand Yanomami. Besides bringing contagious diseases for which the isolated groups may have no immunity, the illegal activities of the miners also result in damages to the forest and rivers, causing irreparable harm to the region and to the health and culture of the Yanomami. The newest incursion occurred at a site where a FUNAI post had recently been closed due to lack of resources. If FUNAI is to abandon its role of territorial protections, there must be an adequate replacement; dereliction by protective entities could prove fatal.


A number of state infrastructure projects encroach upon indigenous lands. These projects proceed in open violation of Articles 231 and 232 of Brazil’s Constitution, and the international charters ILO 169 and UNDRIP, all of which guarantee indigenous and traditional inhabitants the right to consultation regarding infrastructure projects. For example, the Brazilian government has plans to build more than 60 large dams in the Amazon Basin over the next 20 years, and also has plans for numerous small hydroelectric dams. In the Tapajós Valley of Pará state, the traditional territory of the Munduruku will be directly affected by the construction of seven hydroelectric plants. If built, the Tapajós Hydroelectric Complex would partially flood the traditional territory, 5 inundating several villages, productive lands, and sacred sites utilized by hundreds of Munduruku families. The Munduruku say that they were not consulted, as is guaranteed them by ILO 169 and UNDRIP. They accuse the government of breaking an agreement with the Munduruku assuring them “free, prior, and informed consent” be gained before any dam project can proceed (ISA 2015). Furthermore, FUNAI recommended in September 2013 that Munduruku lands be demarcated as an indigenous reserve, a process that was halted, due in part to conflicts stemming from the Ministry of Mines and Energy. The area that will be affected by the hydroelectric projects also includes two national forests (FLONA Itaituba I and II), under the supervision of the federal environmental agency, Instituto Chico Mendes. In an unprecedented act, the federal government sent military troops into the region in 2013 to accompany analysts conducting
environmental impact studies, a prerequisite to auctioning construction bids for the dam projects. This action not only violates the human rights of the Munduruku people, but demonstrates that the federal government is willing to use military force to protect the interests of elites rather than enforce the rights of indigenous peoples. The Belo Monte Dam, currently under construction on the Xingu River, one of the Amazon’s few clearwater tributaries, would be the world’s third-largest hydroelectric project. It would divert the flow of the Xingu, displacing over 20,000 people, devastate an extensive area of the Brazilian rainforest, and threaten the survival of indigenous people whose lives depend on the river for food, transportation, and fresh water (International Rivers Network 2015). Representatives of the Juruna, Xikrín, Arara, Xipaia, Kuruaya, Kayapó and other ethnic groups who live in this region have conducted long and public opposition to the dam. They, along with local non-indigenous riverine populations, have addressed repeated complaints to Presidents Luiz Ignácio Lula da Silva and yourself regarding the legal irregularities in construction procedures and the lack of adequate consultation with affected populations. In December 2015, the office of the Federal Public Prosecutor (MPF) initiated legal proceedings into the “deliberate and repeated non-compliance” with required mitigation and compensation measures mandated by prior environmental licenses. The federal public prosecutors announced their findings that the Brazilian government's development policies and practices are promoting the destruction of the social organization, customs, languages and traditions of the indigenous peoples of the Xingu basin. That same month the Organization of American States’ Interamerican Commission on Human Rights acted upon a four-year review and opened a case against Brazil, asking the government to respond to allegations of human rights violations stemming from the Belo Monte hydroelectric project. Indigenous peoples also suffer serious adverse consequences from transportation infrastructure, such as highways that traverse or run adjacent to their lands, especially where commercial traffic is heavy. For example, with the rapid expansion of commercial traffic on BR Highways adjacent to Xavante territories (e.g., BR-070 and BR-158), Xavante increasingly suffer injury or death, often while engaged in subsistence activities such as hunting and gathering. Already this year, in January 2016, a truck ran over and killed a youth inside T.I. Sangradouro on BR-070. This situation prompts leaders to demand the implementation of speed limits, overpasses, and other safety measures. Safety measures and free, prior, and informed consent are essential to all transportation infrastructure in or near indigenous areas, including the Central-West Integrating 6 Railroad (Ferrovia de Integração do Centro-Oeste) EF-354. SALSA has already expressed at length its concern with the planned Twin Ocean Railroad (http://www.salsatipiti.org/news/salsa-statement-on-the-twin-ocean-railro...).

Conclusion and request for actions

As scholars who work with the indigenous peoples of Brazil and who possess intimate, detailed knowledge of their situation, we are extremely concerned by the disregard and even animosity of some Brazilian authorities against the nation’s indigenous population. It is clear that the guarantees and protections for native peoples in Amazonia and beyond have deteriorated cruelly. In view of this, and of the rights awarded to indigenous people by the Brazilian Constitution, ILO Convention 169 (1989), and the United Nations Declaration on the Rights of Indigenous Peoples (2007), SALSA declares that it is imperative that the rights of the indigenous peoples of Brazil, as the original inhabitants of the Union, be recognized and protected. We urge you and other authorities to reject PEC-215; it is a destructive constitutional amendment that would harshly exacerbate the erosion of the rights and ways of life of indigenous Brazilians, for the benefit of agribusiness and commercial interests. We for a redoubling of federal efforts to demarcate territories in wait, to protect territories in existence, and to respect indigenous peoples’ rights to free, prior, and informed consent regarding development projects. This would include restoring and expanding funding for the work of the National Indian Foundation (FUNAI), and the cessation of the parliamentary investigations and other political obstructions to the struggles of FUNAI and the Indigenous Missionary Council of Brazil to defend indigenous rights in Brazil. We condemn the culture of impunity that has often benefited the perpetrators and architects of homicides, attacks, and land invasions against indigenous peoples in Brazil, and urge authorities strengthen institutions that defend and protect the rights of indigenous peoples.
Respectfully, Jonathan D. Hill President, Society for the Anthropology of Lowland South America


OPEN LETTER TO U.S. ANTHROPOLOGISTS KIM HALL AND ROBERT S. WALKER

Indigenous Organizations, "Open letter to U.S. anthropologists Kim Hill and Robert S. Walker"


Indigenous organizations across South America have condemned as “dangerous and illegal” calls by U.S. anthropologists Kim Hill and Robert S. Walker to forcibly contact highly vulnerable uncontacted tribes.

We the undersigned organizations wholeheartedly reject the proposal of U.S. anthropologists Robert Walker and Kim Hill to forcibly contact uncontacted tribes.

The proposal is both dangerous and illegal, and undermines the rights that indigenous peoples have fought long and hard for.

The anthropologists claim that uncontacted tribes are unviable, but this dangerous myth plays into the hands of those who wish to invade and exploit tribal people’s ancestral homelands.

The real threats against uncontacted tribes’ futures are genocidal violence, the invasion of their lands and theft of their natural resources, and prevailing racist attitudes.

Walker and Hill say that if uncontacted tribes knew contact “would not lead to massacre and enslavement” they would not choose isolation. But today indigenous people across the globe are subjected to slavery, violence, and eviction while the destruction of their lands and livelihoods is increasing. They have the right to decide themselves whether to make contact.

International law guarantees tribal peoples’ right to collective ownership of their lands. If this right is upheld, and the boundaries of their territories are protected from the invasion of outsiders – including missionaries, illegal loggers, gold-miners, poachers, and researchers – there is no reason why uncontacted tribes cannot continue to thrive today and far into the future.

We call on Robert Walker and Kim Hill to retract their statement, and instead, support tribal peoples’ rights to remain on their lands without the intrusion of outsiders.

AHHBN (Huni Kui Association of the Henê Bariá Namaki indigenous territory) – Brazil
Apinajé-Pempjà Communities’ Association – Brazil
Aty Guasu Guarani Association – Brazil
COIAB (Coordinating Body of Indigenous Organizations of the Brazilian Amazon) – Brazil
FENAP (Aché organization) – Paraguay
FEPAHC (Huni Kui Federation of Acre state) – Brazil
Hutukara Yanomami Association – Brazil
OPIARA (Organization of Indigenous Peoples of Acre, north-western Rondonia and southern Amazonas states) – Brazil
OPIT (Ayoreo-Totobiegosode organization) – Paraguay
ORPIO (Peru East Amazon organization) – Peru
ARTICLES

As IPJ is a refereed journal, articles may be posted on a different schedule from the rest of the journal. We will send out an e-mail announcement when the next set of articles are posted when they are not posted with a regular new journal, and they can be downloaded as a pdf file. Current articles are available with list on line at: http://www.indigenouspolicy.org/ipjblog/. The Special Feature Articles: Indigenous Sovereignty are posted in separate pdf files.

RESEARCH NOTES

U.S.-FUNDED CONSERVATION IN AFRICAN RAINFOREST IS RESOUNDING FAILURE: REPORT

NEW REPORT FINDS "CURRENT APPROACH TO PROTECTING RAINFORESTS IS NOT ONLY UNFAIR ON LOCAL COMMUNITIES, BUT INEFFECTIVE IN PROTECTING NATURE"

Nadia Prupis, Common Dreams Staff Writer


An international effort by the U.S., the European Union, and other donors to protect Africa's equatorial rainforests is failing and requires a radical change to conserve wildlife and protect surrounding communities, a new report has found.

Despite the high cost of the project, which received hundreds of millions from international donors, conservation efforts in the Congo Basin have not stopped biodiversity from dwindling or militaristic "guns and guards" from threatening the livelihoods of local populaces, the UK-based Rainforest Foundation (RFUK) revealed on Thursday.


They found that poaching remains persistent despite increased restrictions on protected areas and security patrolling by eco-guards, which has led to mammal populations such as elephants, bongos, gorillas, and chimpanzees declining at an 'alarming rate."

Meanwhile, there is consistent neglect or violation of mechanisms in place to safeguard the surrounding communities' rights to "lands, livelihoods, participation, and consultation as well as fundamental rights and freedoms, including in the context of conservation," the group found. Communities in several protected areas reported abuse and other human rights violations, particularly by park rangers.

"The current approach to protecting rainforests is not only unfair on local communities, but ineffective in protecting nature," said RFUK executive director and report co-author Simon Counsell. "A new, more sustainable, form of conservation is needed in Africa's rainforests which works with local people to secure their rights and protect their environment, rather than working against them. International donors need to carefully consider whether their support to strict forest preservation is currently effective."
The biggest of those donors is the U.S. Agency for International Development (USAID), which gave at least $110 million between 2004 and 2010, and has pledged to give $50 million more from 2013 to 2018. USAID is closely followed by the EU, which gave $118m between 1992 and 2010.

"Taking into account all the money that has come through organizations such as WWF and WCS (Wildlife Conservation Society) from private donations and foundations, we calculate that probably $400m has been spent on these protected areas in the last 15 years or so, and quite possibly as much as $500m," Counsell told the Guardian.

In light of these systemic problems, RFUK recommends "a shift away from the conventional people-free parks philosophy to one that could approach the remaining Congo Basin rainforests not as pristine nature to be saved from humans, but as biocultural landscapes where local communities are part of the equation."

That includes adopting "a common position committed to rigorously upholding the relevant national and international laws, standards and norms concerning respect of indigenous and community rights in their funding for conservation programs in the Congo Basin," among other recommendations.

Counsell said, "We are calling on those directly involved in protected area management in the Congo Basin to ensure that conservation projects in the region do not cause the displacement or abuse of the rights of some of the poorest people on the planet."

#NATIVEVOTE16 – DONALD TRUMP IS GOOD NEWS, OR REALLY GOOD NEWS, FOR NATIVE DEMOCRATS

Mark Trahant*


Latino Voter Registration Is Growing Fast

Let’s start with an understatement: Donald Trump is not the usual Republican Party nominee for president. There is no script for the months ahead; Trump is as much a reality show as a legitimate politician. His rallies are chaotic. His issues are all over the map in terms of ideology. And he strikes fear into many Republicans running for other offices because of his rhetoric, especially about Mexicans, Muslims and women.

Nowhere does this craziness surface more than in Arizona’s 2nd Congressional District.

Victoria Steele is no longer running against incumbent Martha McSally. Now she’s running against the Trump/McSally agenda. (Previous: Six Native Candidates can Win to Flip Congress. And: How little dollars could turn the world of politics upside down.)

A recent Steele campaign email put it this way:

“It was an easy question for Martha McSally. Do you or do you not support Donald Trump? After ducking the question for weeks, her team finally responded … but with the ‘Washington two-step’ Martha McSally’s spokesman said this: “We’re in the middle of a nomination process, and Martha is interested in seeing that process play out. Right now she is focused on doing the best job she can to represent the people of Southern Arizona and make sure their voices are heard.”
I did not see anything in there about if she supports Donald Trump, do you?”

Now that GOP primary process is over and Trump is the presumptive nominee? McSally’s web site makes no mention of Trump. Nor is she speaking out about Trump (as few other Republicans have done).

“It feels like such good news,” Steele told me last week. “It’s either bad for Martha McSally or really bad. She’s been given many opportunities to speak out and renounce his horrible statements, what he has said about women, Mexicans, immigrants, Muslims. Her silence speaks volumes.”

Steele says it’s one thing for McSally to not endorse Trump, but she is campaigning as a “moderate” and that’s why she should call out Trump on his hateful statements.

Trump could be a significant problem in Arizona’s 2nd Congressional District. There are some 528,000 eligible voters in the district and of that number, more than 113,00 are Latino. That’s about 1 out of five voters. And that number could grow. Significantly. According to Pew Research Hispanic Trends report nearly 58 percent of the Latino electorate is eligible to vote. There is data to suggest that already more Latinos are registering to vote because of the fear of a Donald Trump presidency.

But the extraordinary thing about Trump is that he could also inspire other voters to register and turn out. Against him, that is. Trump has a range of controversial statements from his call to ban all immigration by Muslims to how he describes women.

One recent Gallup poll shows that seven-out-ten women have an unfavorable opinion of Trump. So Steele is not the only Native American candidate who could benefit from Trump as the Republican Party’s standard-bearer.

Other Native American Candidates Impacted by Trump

Joe Pakootas in Washington state is running in the 5th district against Cathy McMorris Rodgers. McMorris Rodgers has a position similar to House Speaker Paul Ryan, saying she’s not ready to endorse the presumptive nominee. She told the Spokane Spokesman-Review that she would like to question Trump about some of the statements he has made about women in the past. (Spreadsheet, fusion table: Eight Native Americans running for Congress.)

Washington’s 5th district is about 6.2 percent Latino. But that is an underrepresented group because only about 4.1 percent are registered to vote. So a registration push could bring new voters into the process.

The numbers are interesting for the Native American candidates running as Republicans. In Oklahoma, Incumbent Representatives Tom Cole and MaryWayne Mullin are running in districts that are increasingly Latino. Cole’s district now shows 6 percent Latino voters and 9 percent of the district’s population. Cole told The Daily Oklahoman last year that Trump’s problem is “he has is he has very high negative ratings, both among Republicans and more importantly among the general electorate as a whole.”

And Arizona’s 1st Congressional District has almost as many Latino voters as Native American voters, 17 percent to 22 percent. (Previous: Big money targets Arizona’s first congressional.) And that’s likely to be an added factor in the November election. Bad news for any Republican, including Shawn Redd or Carlyle Begay. Neither Redd nor Begay have any references to Trump on their web sites.

It will be interesting to see if, and how, the Native American candidates running as Republicans defend or even champion Donald Trump.
Back to the Arizona 2nd District.

If Trump at the ticket is not good news enough for Victoria Steele, several publications have reported that McSally could be on Trump’s list for potential running mates. The Fiscal Times makes that case: “Arizona Representative Martha McSally is not only a woman but a retired Air Force colonel who flew combat missions, a triathlete and a member of the Armed Services and Homeland Security Committees. She could help bolster a Trump ticket’s bona fides on national security and the fight against ISIS.” Remember the idea of Trump being bad news for McSally or really bad news?

McSally as a potential vice presidential candidate is either good news or really good news for Steele. It’s good news for her opponent to be so closely linked to Trump even is she’s not picked. And if McSally is the choice? Then Victoria Steele has only the Democratic primary to worry about in order to win a seat in Congress.

- Update April 24, 2016: Update:
  After looking at this week’s campaign finance reports, it’s clear that there are now just seven active Native American candidates for Congress. (Two people I have been following in Arizona have not filed campaign documents or financial reports.)

  I will have a new post on Sunday about money, but wanted to post an update about the number of candidates.
  Here is my spreadsheet, via Google’s Fusion Tables. The interactive spreadsheet has three functions, a spreadsheet, a tab for individual cards for each candidate, and a map showing the location of each race.
  https://www.google.com/fusiontables/DataSource?docid=1YfWfYb2wx7uqe-EF7KOzoj161XBNSljmmqt-lVqd#map:id=17

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#NATIVEVOTE16 – NATIVE NORTH DAKOTA

Mark Trant*

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North Dakota now has three Native American candidates running for statewide office. Chase Iron Eyes was nominated recently by the state’s Democratic Party as their candidate for the state’s only seat in Congress. Now this week Ruth Buffalo filed for the post of Insurance Commissioner. And Marlo Hunte-Beaubrun will seek a seat on the three-member Public Services Commission. Both Buffalo and Hunte-Beaubrun are running as Democrats (technically representing the North Dakota Democratic-NPL Party). Count ’em: Three statewide campaigns.

Buffalo is a member of the Three Affiliated Tribes. She has been a Bush Fellow, identified as a leader bringing expertise to finding “sustainable solutions to the tough problems that face Native people and nations.” She has also directed the United Tribes Wellness Center, coached men’s and women’s basketball and taught other wellness-related activities. North Dakota Business Watch named her as a “40 under 40 leader” in 2010. She holds a BS in criminal justice from Huron University and a master’s in management from the University of Mary. The commissioner post manages the state’s insurance department.
Hunte-Beaubrun has filed to run against the current chairman of the Public Service Commission, Julie Fedorchak. According to the Nueta Hidatsa Sahnish College Facebook page, Hunte-Beaubrun is director for the college’s new Entrepreneurship Center. She has also been executive director of the Great Plains Economic and Commerce Association and is a Standing Rock Sioux tribal member.

The Public Service Commission regulates the oil and gas industry as well as telecommunications, weights and measures, and pipelines. In January the agency approved the Dakota Access Pipeline. (Previous: Pipelines, rail cars, and the price of oil.)

In addition to the statewide races, longtime educator David Gipp is running for the North Dakota Senate. Most recently Gipp has been chancellor of the United Tribes Technical College and is one of the founders of the school. Gipp is Standing Rock Sioux. He would represent the Mandan area.

Another Three Affiliated Tribal Member, Cesar Alvarez, is running for the State House of Representatives. He wrote on his Facebook page: “Paperwork is all filed and have been certified by the ND Secretary of State’s Office to be officially placed on the June 14th North Dakota Primary Election Ballot for the office of District 4 House of Representatives as the Democratic-NPL candidate! It’s full speed on to the primary! I need each and every one of your vote and support on June 14th and November 8th!”

Sen. Richard Marcellais, Turtle Mountain Chippewa, is not up for re-election until 2018

Update:

Two more ND legislative candidates who are enrolled members of federally recognized tribes:

District 32 House candidate Cheryl Ann Kary (Standing Rock Sioux Tribe)

District 22 Senate candidate Steve Allard (Turtle Mountain Band of Chippewa Indians)

(Native state office candidates across the U.S. spreadsheet here: https://docs.google.com/spreadsheets/d/1lEJ_C-Imy8rENZFD0riAKbA-6CeAN81d5mv6DokkXo/edit?pref=2&pli=1.)

It’s been said that this is an outsider’s election. And I’ve written before that you cannot get any more “outsider” than running a Native American candidate. North Dakota is putting these two ideas to the test.

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#NATIVEVOTE16 – TRIBES WEIGH IN, POWER OF ENDORSEMENTS

Mark Trahant*

Published with author's permission from Trahant Reports, April 24, 2016, https://trahantreports.com/2016/04/24/nativevote16-tribes-weigh-in-power-of-endorsements/.

Tribes in Montana and North Dakota went on record last week “endorsing” candidates.

The Salish Kootenai Tribe endorsed Denise Juneau’s bid for Congress. Juneau is scheduled to visit all
of Montana’s reservations during the month. (Previous: Denise Juneau, It’s Really Good To be Here.) Tribal chairman Vernon Finley said on Montana Public Radio that it’s not common for the tribe to endorse political candidates. However Juneau is “a viable candidate and she represents all of the issues that we find important,” he said.

North Dakota’s Three Affiliated Tribes endorsed Chase Iron Eyes for Congress, Cesar Alvarez and Kenton Onstad for seats in the North Dakota House of Representatives, and Ruth Buffalo for North Dakota Insurance Commissioner. The MHA Times reported that the candidates made a pitch to the tribal council. “Following the presentations, Chairman Mark Fox gave each of the councilmen an opportunity to speak to the three candidates. The individual councilmen affirmed their support of the three politicians, praising them for their accomplishments, and wishing them good luck,” the Times said.

Do political endorsements from tribes matter? Absolutely. At a meeting of Montana Democrats last month Sen. Jon Tester urged to tribes to endorse candidates because “when it comes to national fundraising,” he said.”It counts a lot.” One reason why it matters is that it sends a signal that candidates who earn endorsements understand what’s important to Native Americans.
(In the April 16, 2016 report, Trahant reported, "Two newspapers, Lakota Country Times and Native Sun News, have endorsed Democratic presidential candidates Bernie Sanders and Hillary Clinton.")

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#NATIVEVOTE16 – LITTLE DOLLARS COULD TURN THE WORLD OF POLITICS UPSIDE DOWN

Mark Trahant,*

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Congressional candidate Victoria Steele leads in the Little Money race. What would it take to make that a competitive metric? (Campaign photo)

Measuring Contributions of $25 or Less

Let’s turn the world upside down.

A “normal” political story might examine finances for political candidates starting with who raised the most money, where it came from, and what that means for their prospects at the ballot. Money equals success.

I am not going to do that. Instead I am going to start by reporting who’s winning the battle for little dollars. Which one of the seven Native American candidates for Congress are getting money from people who might be giving up a dinner out. Then sending $25 or less to a candidate for Congress. And “sending” isn’t the right word. It’s investing.

Let’s measure how American Indians and Alaska Natives are investing in our our candidates, in our future, in ourselves.
We can’t control who gets the money from Political Action Committees, casinos, or even many tribes. But we can decide for ourselves who is worthy of our investment.

So who does well using this measure? Victoria Steele in Arizona. Of the seven active Native Americans running for Congress she has the most small donors, 86 to be precise, who invested $1,924.00. That’s not a lot of cash. But what if that idea could be expanded across Indian Country? What if our values, and then our actions, rewarded candidates with lots of little donors?

Of course this is exactly what happened on the presidential level. First, Barack Obama, and now Bernie Sanders, showed that you could raise tens of millions of dollars from small amounts.

Indian Country could do the same thing. If even a small fraction of American Indian and Alaska Native voters sent money to Native American candidates the total could be significant.

So, borrowing an idea from my manager days, I am going to start capturing this data. (You change what you measure.) Starting with the April 15 Federal Election Commission filing, I am charting on a spreadsheet [https://www.google.com/fusiontables/DataSource?docid=11_t2HBzEoBWMOo59akRTusk95o3qkSeBIstCTLeO] which Native candidates earn the most support at $25 or less.

For now I am just looking at the reports for congressional candidates, but the principle ought to be for every candidate for every office. Especially those running for state legislatures. (Previous: The hidden history of why Native Americans lose elections and what to do about it.)

Over the years I have heard from so many candidates who said they did not get any financial support from the Democratic or Republican Party or even wealthy individuals who give to just about everybody. (The Washington Post recently reported that half of all Political Action Committee donations come from just 50 people.)

But it doesn’t have to be that way. We can take that authority away from the parties, tribal enterprises, casinos, even fat cats, all by sending little dollars. (There are even easy third-party online tools to send money in small amounts, such as ActBlue for Democrats, or ActRight for Republicans.) As I have written before it would be great to see a Native American version of these kinds of groups that bundle, report, and pass along donations to candidates and causes.

Big Money Is Important Too

I don’t want to discount candidates who are raising serious money. Kudos to Rep. Tom Cole, R-Oklahoma, who’s raised more than a million dollars, or MarkWayne Mullin in the same state. Both incumbents have primary challengers. Cole is Chickasaw and Mullin is Cherokee.

Montana’s Denise Juneau is breaking fundraising records for Democrats in her state. She has raised $626,741 as of March 31. Most of her money has come from Montanans and about a third has been in increments of less than $100. “From farmers and nurses to software engineers and teachers, the excitement and momentum for our campaign comes from every corner of Montana,” Juneau said. “Montanans are ready for a leader who puts them first, and they know I’ll be that leader in Congress.”

But Juneau is also resetting the bar higher in terms of donation from a wide cross-section of Indian Country. She has received donations from tribes and tribal enterprises, including from Barona Band of Mission Indians, the Lummi Indian Nation, Oneida Indian Nation, Puyallup Tribe of Indians, Quinault Indian Tribe, Sault Ste. Marie Tribe of Chippewa Indians, Shakopee Mdewakanton Sioux Community, Squaxin

Arizona Republican Carlyle Begay has already raised $39, 906 in his bid for the first congressional district. He has few individual contributions, but his report shows contributions from the Mississippi Band of Choctaw, Barona Band of Mission Indians, Fort McDowell Yavapai Nation and the Porch Band of Creek Indians.

One of the challenges for Native American candidates is that they need to reach a minimum level of funding before they will get financial help from the national political parties.

Joe Pakootas is the former chairman of the Colville Confederated Tribes in Washington. He is now a candidate for Congress in Washington’s 5th District. He remembers when politicians would approach the tribe for donations. “We’d interview them and make sure they were going to support the issues that were important to us. That happened and we would throw some dollars at them,” Pakootas said. “Well, when I got into this race in 2014, I thought, this is going to be easy. I can go around and talk to all the tribes, I am Native American, and one of them, and maybe they will support me graciously, handsomely. I was completely wrong on that issue.”

Pakootas said he received about $39,000 from tribes. He said he thought it was a lot until he talked to some of the other candidates, non-Indians “who let me know he had received $80,000 from tribes. It was kind of disappointing.” He said this time around he hopes to change that, even if dollars aren’t flowing in just yet. The national party has not helped the Pakootas campaign. He said when he started running he was told he would need to generate about $500,000 in revenue before the Democrat’s congressional committee would help him raise more money. (Previous: Six seats Natives can win to flip Congress.)

One of these days we will find a way to reduce the role of money in political campaigns. I have long thought we should come up with a better alternative, such as taxpayer-funded campaigns, that level the playing field. But that kind of reform is far off.

“It’s sad that money plays such a huge role in winning these races,” said Denise Juneau. “We have to raise money to make sure we get the message out about my record of accomplishment, my ideas for moving forward, how I am going to include everybody in the path that goes to Congress.”

Juneau said you don’t always need a lot of money to win. Sometimes even selling t-shirts helps a campaign. “It doesn’t take a lot of money to make a significant difference. Because, just like votes .. we gather up every little vote in Montana and it comes in aggregate and we win.”

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#NATIVEVOTE16 – HOW DRAWING NEW LINES ON A MAP OPENS A PATH TO NATIVE AMERICANS WINNING MORE OFFICES

Mark Trahant*

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Independent Commission Looks Beyond Politics

The toughest challenge for any democracy is making certain that the rules of voting are fair. How fair? A system that allows voters to toss politicians out of office. Every politician in the world proclaims that’s how it ought to be, and then, often silently, accepts or promotes rules that favor one political point of view. Or, more important, supports rules designed to keep an incumbent in power.

That very idea is like a concrete wall when it comes to increasing voter participation by American Indians, Alaska Natives, or any other disenfranchised constituent group. The more we vote, the more we change things. And we elect people like us, new voices, so that means those in power have a great deal to lose. So many state legislatures cook the books. Here is how it works: Win an election shortly after the Census and you can rig the election rules for the next decade. Draw district boundaries so they are not competitive. At the beginning of the 20th century there were 357 seats in Congress, many of them multi-district seats. But by 1968 all of Congress had been replaced by districts where the combination of geography and demography limited competition. State legislatures drew maps that created “safe seats.” Or as Ballotpedia puts it: “Incumbency is king and gerrymandering has left only a few handful of districts truly competitive.”

Fair Vote says more than 85 percent of U.S. House seats “are completely safe for the party that holds them, and only 4 percent will be true toss-ups in 2016.” And what would it take to flip the House from Republican leadership? Fair Vote says the Democrats would have to roll up at least a 12 percent margin of victory in the presidential race. (A landslide is one antidote to a rigged system).

So in Massachusetts congressional districts favor Democrats who win all 9 of the state’s seats when about 40 percent of the people votes for Republicans. Before 2000 Arizona was not quite the opposite story because Democrats could win in Tucson, but every other district was tilted to favor Republicans.

Arizona Voters Pick a Different Route

But the thing is: Voters want fair elections even if politicians don’t. So an Arizona initiative was passed in 2000 to strip politics from the process of redistricting. The new law created a five-member Independent Redistricting Commission to take over the task from the legislature. The mission: “The concept of one-person, one-vote dictates that districts should be roughly equal in population. Other factors to be considered are the federal Voting Rights Act, district shape, geographical features, respect for communities of interest and potential competitiveness. The state Constitution requires the commissioners – two Republicans, two Democrats and an independent chairwoman – to start from scratch rather than redraw existing districts.”

I have written a lot about how Arizona’s 1st Congressional District has the highest percentage of Native Americans in the country. Norm DeWeaver, who does fantastic demographic work as a consultant to tribes and tribal organizations, pointed out “that this did not happen by accident.”

DeWeaver said the Independent Redistricting Commission conducted a public hearing process that included voices from Indian Country, including several meetings on tribal lands.

“The Navajo Human Rights Commission was there and very vocal during that long process,” DeWeaver said. “Staff and consultants were there at every one of the many, many meetings. They made strong efforts to consult every tribe … And they got nearly everything they wanted.”

DeWeaver’s point: “Good things don’t happen for Indian Country without a really strong effort.”

A really strong effort in Utah (and by strong effort, I mean litigation) pressed San Juan County to redraw county commission and school board districts so that Navajos would be the majority in two of the three seats. In February a federal court agreed and ordered new districts. One interesting twist in this case: The Court acted on constitutional grounds rather than the Voting Rights Act citing the Equal Protection clause.
It’s hard to understate the importance of redistricting to the success of Native Americans at the ballot box. In Arizona, Montana, and other states where the tribal vote is effective, there is a match between geography and demographics. Basically a reservation or a community votes together, as a bloc. But not every state does that. Alaska Natives are underrepresented because the district boundaries dilute their vote.

That’s a lot of background, but that brings me back to the news, last week’s Supreme Court’s ruling about Arizona’s redistricting process.

This was the second such case involving Arizona and the focus was on how equal each district must be in terms of population. The plaintiffs argued that the commission packed more people into Republican districts than Democratic ones (by a variation of 4 to 8 percent). The commission did this to specifically group minority voters, including Native Americans.

Indeed one of the districts debated in the case is Arizona Legislative District 7. This district is “underpopulated by 4.25 percent” and one reason for that is the district does not include Flagstaff because of different community interests, not politics. There are three Navajo candidates running to represent District 7 in the Legislature; Jamescita Peshlakai in the Senate and Wenona Benally and Eric Descheenie for the two House seats. (Previous: A Record Year for Candidates?)

Political districts are not just lines on a map, but a reflection of a community, and making certain that every community has a voice. And the opportunity to win.

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#NATIVEVOTE16 – MONTANA DEMOCRATS SAY ‘MARGIN OF VICTORY’ IS INDIAN COUNTRY

Mark Trahant, "#NativeVote16 - Montana Democrats Say 'Margin of Victory' Is Indian Country:

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Doubts About Voting? Just Think Montana

When someone tells you that your vote doesn’t matter, quietly say, “Montana.” Or if someone says that politicians don’t listen and that nothing will change, smile, and then say “Montana.” And, when you want proof that the Native vote works, evidence can be found in Montana.

American Indian voters are registered to vote in Montana at a higher rate than any other ethnic group. And, more important, especially during presidential years, Native American voters are more likely to turnout and vote.

Montana Democrats have figured this out and acknowledge that the Native vote is the key to their success as a party, in recent elections winning five of the six statewide offices. At a meeting Saturday of the Montana Indian Democrats Council, candidates ranging from governor to state auditor showed up to make their pitch. And it was not just about winning the election ahead, but it’s about
making certain that the state’s policies align to serve Native communities.

Gov. Steve Bullock pointed out that the expansion of Medicaid in Montana never would have happened without the Native vote. Seventy-thousand people are now eligible for Medicaid insurance, including some 15,000 Native Americans. That’s important because Native patients with insurance have access to medical care that would not be immediately available through Indian Health Service funding alone. He also cited the success of a new water compact with the Confederated Salish and Kootenai Tribes. He said he has appointed more Native Americans to state jobs, boards and commissions, and praised the idea of regular, government-to-government communications between tribes and the state of Montana.

But while policy remains the end goal, Saturday’s meeting was about politics. Bullock recalled a Native community that voted for him something like 213 to zero. “I might have made up that number,” he joked. “But it was was an awful lot to none.”

“It’s really critical that we have a proactive Native vote,” said Sen. Jon Tester, who is not up for election this year. “We know you are on our side, but we need tribal council endorsements because when it comes to national fundraising it helps a lot.”

Denise Juneau is running for Montana’s only congressional seat. “We get one voice for one million Montanans. And that voice ought to be someone who really reflects our population,” she said. “I am going to be heavily committed to making sure the Native vote program happens. I know that when Indian Country votes, Democrats win. I need them to vote in humongous numbers.”

If she wins, Juneau would be the first American Indian woman to serve in Congress. Ever.

Juneau is a Mandan Hidatsa member and of Blackfeet descent. She grew up in Browning. She currently is the state’s Superintendent of Public Instruction and has won two statewide offices. In that post, her initiative, Graduation Matters, has helped raise the state’s high school graduation rate from 80 percent to 86 percent.

She said she will visit each of the state’s reservation communities next month making sure that people are registered to vote. “It’s winnable and the margin of victory can be Indian Country.”

Of course it’s one thing for politicians to make a pitch on Indian issues to a group as the Montana Indian Democrats Council. That sort of thing happens in virtually every state. But what makes Montana unique is that same message is carried to every forum, whether or not Indians are present.

I heard Gov. Bullock speak to a group of academics on Friday in Missoula and some of the first words out of his mouth were about the importance of government-to-government relations with tribes and why Native voices are so important to the state. Same message at a meeting of Young Democrats in Helena.

And Saturday night at the Democratic Party’s Mansfield-Metcalf dinner, several state officials, legislators, and party activists referenced the importance of Native people to the state’s future. The Democrat’s message in Montana is clear: Native votes matter.

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Presidential candidate Bernie Sanders is paying attention to Indian Country. That does not often happen in national elections.

Last week he met with Native Americans in Kansas, Minnesota, and Michigan. Sanders won caucuses in Kansas and Minnesota and Michigan voters will weigh in on Tuesday. A story by Levi Rickert in Native News Online said that Sanders’ stump speech had a portion “devoted to the mistreatment of Native Americans, who Sanders referred to as this country’s “first peoples.” The post quoted Belinda Bardwell, a former tribal councilor of the Little Bay Bands of the Odawa Indians and current Masters of Public Administration student at Grand Valley State University saying: “He brought tears to my eyes. No candidate ever mention us in their campaign speeches.”

Indeed. This is inspiring politics. Think about the history of the United States and all that’s gone wrong. And yet in 2016 a presidential candidate is making the case that the country can do better. That message also reflects the difference in style between the Sanders campaign and that of Hillary Clinton. Sanders is drawing crowds and stirring pride; Clinton is methodically building a delegate lead. On Saturday Sanders won Kansas and Nebraska, but Clinton netted more delegates by winning Louisiana.

I think we journalists over emphasize the horse race – who’s winning? – and I don’t want to spend much time on that point. But just know that Sanders has to do two things to ace his nomination test: He needs to start winning big states, such as Michigan, and he needs more Democrats to vote. Voter turnout so far this season has been mediocre. That could be a troubling sign for either Democrat this fall.

There is another win for Indian Country that comes from the Sanders candidacy. My bet is that he will be a better advocate going forward. If you look at all 100 members of the Senate, Sanders would not have been the go-to-member for any tribal issues. Indian Country was not his passion. But that was also true for then-Sen. Barack Obama. Until he ran for the White House.

That’s also what happened with George McGovern. He had a reason to be a voice for Native Americans. He represented South Daktoa. And he won his Senate seat in 1962 by 597 votes; a victory he credited to the Indian electorate.

McGovern was one of the first in the Senate to reject termination, the failed policy that set out to pretend that treaties did not matter and to eliminate federal programs on reservations McGovern even proposed a new federal Indian policy in 1966. “The foremost characteristic of our Indian policy should be self-determination for the people it serves,” McGovern said. “Too often in the past the federal government has done what it has thought best for Indians, with minor regard for the hopes and aspirations of the Indians.” As I have written before, and in my book, The Last Great Battle of the Indian Wars, McGovern was making an early pitch for tribal self-determination. But he also said any new policy ought to focus on self-help, be consistent, have enough resources to be successful and allow for innovation in Indian country. The Senate passed McGovern’s resolution, but it failed in the House.

McGovern was also part of the liberal-Nixon coalition in the Senate that outmaneuvered Democratic Party leaders over the return of Blue Lake to the Taos Pueblo.
But there remained many questions about McGovern on Indian issues. “McGovern’s Indian critics discuss his absenteeism from regular Senate subcommittee working sessions on pivotal reform Indian legislation, and his frequent absences during critical floor votes in the Senate,” Richard LaCourse wrote for the American Indian Press Association. “They question whether he has used his chairmanship on the Indian affairs subcommittee to its fullest in serving the legislative needs of Indians.” LaCourse said that even in South Dakota there was “some disenchantment” with McGovern. “Indians who believe that once he won his Senate seat he lost his working concern for Indian needs and, instead devoted himself to ‘national issues.’ Consequently,” LaCourse wrote, “he has a credibility problem with the Indians at home.”

On the 1972 campaign trail, however, McGovern was a reformer and called for a new answer to the role of American Indians in society. He promised that the Bureau of Indian Affairs would be restructured either as a White House operation or as a cabinet-level agency. “It is still shamefully true that the Indians of the United States are not free.

The first order of business is to clear the way, fully, quickly, and without equivocation, for them to secure for themselves every freedom enjoyed by other Americans,” McGovern said. (More on the McGovern campaign from a piece I wrote for Indian Country Today Media Network).

The point here is that campaigns change people. McGovern was a much better Senator after his failed campaign. Win or lose I expect Sanders will be someone who champions Indian Country issues in a new way from now on.

It’s also worth mentioning that so much of the modern ideas about Indian Country and presidential elections stem from that campaign. Detailed position papers from each side (in this case, McGovern and Nixon) outline their priorities for Indian Country. That’s true today for both Hillary Clinton and Bernie Sanders. (Somehow I don’t expect one from Donald Trump or Ted Cruz.)

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REPORT OF THE [UN] SPECIAL REPORTEUR OF THE HUMAN RIGHTS COUNCIL ON THE RIGHTS OF INDIGENOUS PEOPLES ON THE IMPACT OF INTERNATIONAL INVESTMENT AND FREE TRADE ON HUMAN RIGHTS OF INDIGENOUS PEOPLES


Summary

The present report is submitted to the General Assembly by the Special Rapporteur on the rights of indigenous peoples pursuant to her mandate under Human Rights Council resolution 27/13. In the report, the Special Rapporteur provides a summary of her activities since her last report to the General Assembly. She dedicates the thematic section of the present report to an analysis of international investment agreements and investment clauses of free trade regimes and their impacts on the rights of indigenous peoples. She views the present report as the starting point for that issue, which she intends to be of continuing importance throughout the course of her mandate.
As a starting point for her ongoing work on international investment and free trade regimes, the report discusses a number of areas of concern, relating both to direct violations of the rights of indigenous peoples and the systemic impact of those regimes on their lives and communities.

The Special Rapporteur contends that investment clauses of free trade agreements and bilateral and multilateral investment treaties, as they are currently conceptualized and implemented, have actual and potential negative impacts on indigenous peoples’ rights, in particular on their rights to self-determination; lands, territories and resources; participation; and free, prior and informed consent. That is not to suggest that investments are inherently destructive. Future studies will focus on how investment agreements can be equally beneficial for indigenous peoples and investors.

The present report highlights her analysis of the unjust elements of the prevailing system of global economic and financial governance and the constriction of the protective capacity of States and local governance systems. It discusses how indigenous peoples, as some of the most marginalized in the world, bear a disproportionate burden of a system that contains systemic imbalances between the enforcement of corporate investors’ rights and human rights. The report concludes that both a more thorough review of implications of international investment and free trade agreements and deeper policy and systemic reforms are needed to ensure the respect, protection and international investment and free trade regimes and their impact on the rights of indigenous peoples.

II. Activities of the Special Rapporteur

A. Participation in international and national conferences and dialogues

3. As part of the fulfilment of her mandate, the Special Rapporteur has participated in a number of international and national dialogues and conferences, for example:

(a) The Special Rapporteur participated in the twentieth session of the Conference of Parties of the United Nations Framework Convention on Climate Change, held in Lima in December 2014, where she took part in the efforts to get human rights, particularly indigenous peoples rights, in the Lima Conference of the Parties’ decisions. She held meetings with the Vice-Minister for Intercultural Affairs of Peru and several representatives of indigenous peoples from Peru and other countries;

(b) The Special Rapporteur coordinated closely with the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples, including reporting at the plenary sessions and holding parallel meetings with indigenous peoples and organizations during those sessions. While in Geneva and New York she also held direct dialogues with various Permanent Representatives to the United Nations of 10 Governments from Latin America, North America and the Pacific;

(c) During the fourteenth session of the Permanent Forum on Indigenous Peoples, held in April and May 2015, the Special Rapporteur shared her views on indigenous peoples’ right to self-determined development and related economic, social and cultural rights and how they relate to the post-2015 development agenda;

(d) In January 2015, she participated in the international expert group meeting on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples. In February 2015 she did the same at the
expert group meeting on cultural heritage and indigenous peoples’ rights of the Expert Mechanism on the Rights of Indigenous Peoples;

(e) The Special Rapporteur was a panellist on the Human Rights Council high-level panel on human rights and climate change in March 2015;

(f) In April 2015, she took part in the World Bank Global Dialogue with indigenous peoples, where she made opening remarks and held meetings jointly with indigenous leaders and the president, executive directors and senior management of the World Bank;

(g) In July 2015, she delivered the keynote speech at the first session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights;

(h) In September 2015, she took part in the World Conference on Indigenous Peoples and spoke at a panel addressing coherence among the United Nations bodies, programmes, agencies and funds in relation to indigenous peoples’ issues.

B. Country visits

4. Between 20 and 28 November 2014, the Special Rapporteur visited Paraguay. In her end-of-mission statement she noted that the country had ratified all the core international and regional human rights standards, but observed a number of issues related to the violations of the rights of indigenous peoples. She observed that the foremost concern of indigenous peoples remains the security of their rights to lands, territories and resources. She discussed how Paraguay has experienced an exceptional rate of economic growth but how that had come at the expense of large-scale environmental destruction and some violations of indigenous peoples’ rights and has not led to significant reductions in the poverty levels of indigenous peoples. She also commented on the lack of social services available to indigenous peoples as part the absence of the State within some indigenous communities, as well as significant barriers faced by indigenous peoples when seeking access to justice.

C. Report on the rights of indigenous women and girls

5. The Special Rapporteur reported to the thirtieth session of the Human Rights Council. Her thematic report (A/HRC/30/41) was on the rights of indigenous women and girls, where she highlighted how they suffer from a complex spectrum of mutually reinforcing and interconnected violations of their collective political, civil, and economic, social and cultural rights. Collectively, those rights violations constitute a form of structural violence against indigenous women and girls, which reinforces other forms of violence they commonly experience. She recognized the slight increase of attention to the rights of indigenous women and girls within some United Nations agencies and mechanisms and asserted that both a paradigm shift and a multidimensional approach is needed to improve the situation of women and girls. In the report, the Special Rapporteur made a series of recommendations to both Member States and United Nations organizations.


III. International investment and free trade agreements A. Background

6. The increase in foreign investment related to indigenous peoples’ lands, waters and the extraction of natural resources such as minerals and metals, oil, gas and timber, among others, continues to be a matter of grave concern to the Special Rapporteur. It has compelled her to look more deeply into international investment regimes and how they interact with the respect or violation of the human rights of indigenous peoples. International investment treaties or agreements are instruments that primarily provide legal protection to
foreign investors in relation to their investments in host States. Indeed, trade and financial liberalization have been central to many developing countries’ economic development strategies and can create economic opportunities and growth. However, their impact on the human rights of citizens within countries hosting investment projects cannot be assumed to be exclusively or even predominantly positive.

7. The Special Rapporteur has become increasingly concerned about the actual and potential detrimental impacts of international investment and free trade agreements on the rights of indigenous peoples. While the present report aims to provide a general assessment of the key impact that those agreements have on indigenous peoples and the implementation of their rights under the United Nations Declaration on the Rights of Indigenous Peoples, she intends to dedicate ongoing attention to the subject throughout the remainder of her mandate. The following report will broadly frame the Special Rapporteur’s concerns in relation to international investment agreements and treaties, and investment protection chapters of multilateral and regional free trade agreements, and set the framework for her ongoing work in the area. In that regard, the Special Rapporteur plans to send questionnaires to Member States and civil society organizations and organize a series of regional consultations to gain further insight into the issue.

8. In the development of the present report and her ongoing work in the area, the Special Rapporteur recognizes the work of other special procedures mandate-holders and United Nations mechanisms. The Special Rapporteur has consulted the report of the Independent Expert on the promotion of a democratic and equitable international order to the thirtieth session of the Human Rights Council (A/HRC/30/44) on the adverse human rights impacts of international investment agreements, bilateral investment treaties and multilateral free trade agreements on the international order. She is also aware of the upcoming report produced by the Independent Expert for the seventieth session of the General Assembly on the human rights implications of State-investor dispute settlement mechanisms.

9. The Special Rapporteur also consulted the report of the Special Rapporteur on the right to food to the Human Rights Council (A/HRC/19/59/Add.5), which provides guiding principles for Member States on ways to ensure that the trade and investment agreements they conclude are consistent with their obligations under international human rights instruments; and the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to the sixty-ninth session of the General Assembly (A/69/299), which includes analysis of the impact of investment agreements on the right to health. In addition, in 2015, 10 mandate holders expressed public concern about the impact of investment and free elements on human rights.

B. Overview of international investment and free trade agreements

10. International investment tends to be managed through treaty-based provisions within international law. There are a number of different mechanisms, known collectively as international investment agreements. International investment agreements are designed to protect foreign investors and their interests within States hosting investment projects. The three main types are:

(a) Bilateral investment treaties, which are signed between two States and focus on investment;

(b) Regional investment treaties that are signed between multiple countries within a region and also focus on investment;

(c) Provisions within multilateral and plurilateral trade and investment agreements which contain clauses on both investment and free trade, such as the North American Free Trade Agreement, the General Agreement on Trade in Services and the Energy Charter Treaty.
11. Those legal mechanisms, which constitute a primary source of public international law, first came into force in the late 1960s, before growing exponentially in the 1990s. At the end of 2014, there were 2,923 bilateral investment treaties and 345 other investment agreements in force, making the total number of international investment agreements 3,268. The volume of bilateral investment treaties is decreasing, but the number of international investment agreements overall remains fairly stable owing to recent trends in investment provisions, equivalent to those commonly found within bilateral investment treaties, increasingly being included within broader free trade agreements. For example, the United States of America is concluding negotiations with countries from Asia for the Trans-Pacific Partnership Agreement, which includes investment features commonly found in bilateral investment treaties. The inclusion of investment management provisions within free trade agreements demonstrates the close links and shared neoliberal intellectual foundations of international investment and free trade.

12. The majority of investment treaties are negotiated between developing and developed countries. For example, 75 per cent of bilateral investment treaties are estimated to be between developing and developed countries. However, the proportion of South-South investment agreements is growing. Developing countries enter into the agreements to open up their markets to foreign investors because of the expectation of jobs, investment and growth in gross domestic product (GDP).


Such expectations are linked to dominant development paradigms, which identify foreign direct investment (FDI) and trade liberalization as strong drivers for GDP growth.

13. International investment agreements seek to provide substantive rights to investors that protect against expropriatory, unfair and discriminatory conduct by States hosting investment projects. While there is some variety among the agreements, international investment agreements often take a fairly standard format and many countries have model bilateral investment treaties that they use as a basis for negotiating such agreements. The standard terms within investment and free trade agreements include provisions relating to stabilization, expropriation, fair and equitable treatment and non-discriminatory treatment:

(a) Stabilization provisions are “choice of law” clauses that commonly stipulate which country’s laws will govern the parameters of investment projects. The provisions also commonly including language indicating that any future changes in such laws cannot be retroactively applied in a way that disadvantages the investor;

(b) Expropriation clauses seek to limit the impact of Government agencies taking property for public purposes from foreign investment projects. Investor agreements tend to specify that any expropriation undertaken relating to investment projects must be in the public interest, non-discriminatory and compensated for at a market rate;

(c) Fair and equitable treatment clauses are a core part of investment agreements. They are broad provisions that have been interpreted to compel States to act “consistently, transparently, reasonably, without ambiguity, arbitrariness or discrimination, in an even-handed manner, to ensure due process in decision-making and respect investors’ legitimate expectations”. Fair and equal treatment clauses have, for example, been used to
challenge taxation increases and Government attempts to regulate harmful products such as tobacco (see A/HRC30/44, paras. 25-27);

(d) Non-discriminatory treatment clauses specify that foreign investors from the home country should be guaranteed treatment that is equal to nationals from the host State and other third-party nationals.

14. Alongside the investor-State dispute settlement mechanisms, discussed below, the provisions collectively convey a strong set of rights to investors, which have significant and varied implications for indigenous rights and also affect the related protective capacities of States.

C. Investor-State dispute settlements

15. One significant feature of investment and free trade agreements are provisions which provide for the establishment of investor-State dispute settlement mechanisms. Those allow investors to challenge States for perceived violations of their rights under international investment agreements within binding arbitration mechanisms. There is a range of arbitral forums, each with their own rules,

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See Fair and Equitable Treatment, UNCTAD Series on Issues in International Investment Agreements II (United Nations publication, Sales No. E.11.II.D.15).

available to investors, including the International Centre for Settlement of Investment Disputes, the United Nations Commission on International Trade Law (UNCITRAL), the Stockholm Chamber of Commerce and the International Chamber of Commerce.

16. Investors have direct access to such mechanisms with regard to any dispute that may arise within the context of international investment agreements, and, under provisions in international investment agreements, are not obligated to exhaust domestic remedies beforehand, thereby eliminating any form of judicial review. The non-judicial tribunals can award compensation to investors if the State is judged to have violated clauses in the investment treaty. There are no limitations on the financial awards that can be made. The United Nations Conference on Trade and Development (UNCTAD) reported that in 2014 a State was compelled to pay $50 billion to a corporation relating to three closely linked cases. Such decisions cannot be appealed and are strictly binding upon States parties. Retroactive compound interest can be charged to States, at commercial rates, from the date of the measure that is being challenged within an investor-State dispute settlement case. It is reported that in one instance, a State party was instructed to pay $589 million in interest as part of a billion dollar award to a corporation.

17. The majority of investor-State dispute settlement proceedings are bought against developing countries. Some 78 per cent of the known 608 investor-State dispute settlement claims bought against 101 countries have been against less developed countries. However, recent trends have shown that a growing proportion of investor-State dispute settlement cases are being brought against developed countries. In 2014, 40 per cent of new cases were against such States. Cases against developed countries are predominantly brought by investors in other economically advanced countries, such as those in North America and the European Union.7 As at the end of 2014, the most common States to be challenged in investor-State dispute settlement cases were Argentina, the Bolivarian Republic of Venezuela, the Czech Republic, Egypt, Canada, Mexico, Ecuador, India, Ukraine, Poland and the United States. While there is a mixture of developed and developing countries in that list, tribunal proceedings do not affect them equally. For example, the United States has used its legal and financial resources to fight investor-State dispute settlement cases, and it has never lost and been required to award compensation to an investor8
18. Investors who brought investor-State dispute settlement cases in 2014 were predominantly from developed countries. The most common home States were the United States, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, Germany, France, Canada, Italy, Spain, Switzerland, Turkey, Belgium and Austria. That follows long-term trends that show 80 per cent of claims are brought by investors from highly developed countries within North America and the European Union.6

19. The majority of recent investor-State dispute settlement proceedings have been brought under bilateral investment treaties; 30 of the known 42 cases in 2014 were brought under such treaties. Overall, however, the majority of investor-State dispute settlement cases have been brought under free trade agreements, with the North American Free Trade Agreement and the Energy Charter Treaty as the most frequently invoked standards. Investors sometimes bring claims under both free trade agreements and bilateral investment treaties in situations where both are in place between the host and home States. In 2014, the most challenged State practices under investor-State dispute settlement proceedings were cancellations or alleged violations of contracts or concessions and revocations or denials of licences or permits. Other practices challenged include legislative reform, discrimination against foreign investors, water tariff regulation, measures relating to taxation and environmental issues.

IV. International investment, free trade and the human rights of indigenous peoples

20. The impact of free trade and international investment agreements on human rights is broadly recognized as including issues such as land rights, environmental degradation, poverty, the State’s regulatory and protective capacity, democratic deficit and challenges to the rule of law in relation to the development and enforcement of such agreements and the Government’s ability to provide services such as health and water. Those issues have been recognized within the human rights and business agenda. The issue was discussed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, and is included within principle 9 of the Guiding Principles on Business and Human Rights. The principle articulates that “States should maintain adequate domestic policy space to meet their human rights obligations when pursuing business-related policy objectives with other States or business enterprises, for instance through investment treaties or contracts”.

21. The following section will look more specifically at both direct and systemic effects of investment and free trade regimes on the human rights of indigenous peoples. The two categories are deeply interrelated and mutually reinforcing, but it is valuable to look at them separately as it provides insight into the multilayered ways in which free trade and investment agreements and their enforcement, as described above, affect the human rights of indigenous peoples. Data about the impacts are limited owing to the complex, diffuse and opaque nature of such regimes. Therefore discussion of the issues of concern will summarize both available information and areas for further exploration by the Special Rapporteur during the implementation of her mandate.

A. Direct impacts on the rights of indigenous peoples Rights to lands, territories and resources

22. A strong link to lands, territories and natural resources is a characteristic commonly associated with indigenous peoples. As outlined in, inter alia, articles 8, 25, 26, 29 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples have the right to the lands, territories and resources
that they have traditionally owned, occupied or otherwise used or acquired, as well as the right to own, use, develop and control such resources. Article 1 of the International Covenant on Civil and Political Rights, which establishes collective and individual rights to own property, complements the provisions within the Declaration.

23. Both non-discriminatory and expropriation clauses within investment and free trade agreements have significant potential to undermine the protection of indigenous peoples’ land rights and the strongly associated cultural rights. Non-discriminatory clauses, as discussed above, entitle foreign investors to equal treatment to that afforded to nationals and other third parties. In practice, it means that if the rights of indigenous peoples are not explicitly included as exceptions to such provisions, then any special protections of their lands, either under customary law or even through specific indigenous land rights legislation, could be rendered obsolete in the context of investments.

24. Expropriation clauses within investment agreements also have the potential to be a significant barrier to indigenous land claims. If, in order to implement the Declaration and other human rights standards, host Governments with international investment agreements in place take positive measures to redistribute customary lands taken by foreign investors back to indigenous peoples, they could be required to provide compensation at commercial market rates. Investor-State dispute settlement tribunals have enforced that need for compensation at a market rate, even when land expropriation was for a legitimate public purpose or to redress an unjust appropriation of indigenous peoples’ lands and territories.

25. Moreover, the cost of reclaiming land in order to fulfil the rights of indigenous peoples may also be a barrier. States have historically faced challenges in finding the resources to pay for indigenous land. The application of the expropriation clauses within international investment agreements, without the mitigation of compensation, can only significantly increase those difficulties. Many governments, including local and indigenous governments, may simply not be able to afford the costs of reclaiming indigenous lands, even where they are protected, despite the provisions within the Declaration and other human rights treaties.

26. The complex tensions between the land and resource rights of indigenous peoples and the provisions of international investment agreements are exemplified by a number of cases, as discussed below.

27. In Ecuador, there has been a very long and complex legal dispute over environmental damage to indigenous land. Texaco, which became a subsidiary of Chevron in 2001, was accused of severe pollution of the rainforest and rivers between 1964 and 1992. Subsequently, two groups of indigenous peoples launched class action suits. In 2011, a judge ruled that Texaco/Chevron should pay $8.6 billion in damages or $18.6 billion if they failed to publically apologize. Texaco/Chevron has claimed the judgements are based on bribery and fraud and appealed the ruling in a number of Ecuadorian courts. During the ongoing legal processes, the damages increased to $18 billion. The Supreme Court of Ecuador upheld the judgement in 2012 but halved the increased damages to $9.51 billion.


Texaco/Chevron has made several attempts to pursue damages under the bilateral agreement between the United States and Ecuador. Arbitration is ongoing.10

28. In 2007, the Government of Peru authorized a Canadian mining company, Bear Creek Mining Corporation, to operate the Santa Ana silver mine. Indigenous groups were concerned about the impact on Lake Titicaca and held a series of strikes and blockades. Following that action, and the deaths of six protestors
when police fired on mostly indigenous protesters opposing the project, the Government was forced to repeal the mining company’s authorization in 2011. At the same time, the Government gave local indigenous communities the power to approve or deny any mining or drilling operations in the area. The investor is now suing the Government of Peru under the investment chapter of the Canada-Peru free trade agreement and appears likely to claim expropriation of its investment. There are indications that the Government may allow the mine to restart to avoid a costly legal battle.\(^\text{11}\)

29. Local indigenous peoples in the Plurinational State of Bolivia opposed a mining project in the area of the Mallku Khota because of its impact on sacred lagoons. Following strong social protest and recognition by the Government that the project violated a number of the provisions of the United Nations Declaration on Rights of Indigenous Peoples and the Indigenous and Tribal Peoples Convention (No. 169) of the International Labour Organization (ILO), the Government reversed the investor’s concessions. The investor sued under the United Kingdom-Bolivia bilateral investment treaty, alleging a violation of the fair and equal treatment clauses and expropriation, among other provisions. The Government is trying to bring consideration of human rights, including the Declaration, into the investor-State dispute settlement case, including by claiming that the investor violated human rights, including those contained within the Declaration.\(^\text{12}\)

30. Given the multitude of mining and petroleum projects, agribusiness investments, special economic zones, tourism developments and infrastructure projects taking place across almost all of the world’s continents, often on indigenous lands, whether demarcated or not, conflicts between land rights and investment and free trade agreements are likely to become increasingly common. Indigenous peoples are vulnerable to experiencing a disproportionate burden of such conflicts, not only due to the frequency with which their lands are used for investment-related projects but also as a result of the additional loss of the cultural, non-economic benefits that indigenous people often derive from land.

Free, informed and prior consent

31. The right to free, informed and prior consent is included within the United Nations Declaration on the Rights of Indigenous Peoples and the right to consultation in ILO Convention No. 169. Despite those provisions, only


representatives from national Governments negotiate, draft and agree on investment agreements, which are often conducted in strict privacy. The Special Rapporteur is not aware of representatives of indigenous peoples and/or officials from recognized indigenous self-governing structures being invited to participate in the formal negotiation and drafting of investment and free trade agreements that will have direct impacts on them. Given that such agreements are formally binding on all levels of government and that many investment projects have significant impact on indigenous peoples, that situation is, in and of itself, a violation of the rights to free, informed and prior consent, participation, consultation and self-determination.
32. The free, prior and informed consent of indigenous peoples has not been obtained in many projects funded by foreign investors within the framework of international investment agreements. Good faith consultations with indigenous peoples should be completed when undertaking all investment projects that directly affect them, as required by articles 19 and 32, paragraph 2, of the United Nations Declaration on the Rights of Indigenous Peoples and article 6, paragraph 2, of ILO Convention No. 169. The application of those articles to investment and free trade agreements provide opportunities to integrate the needs and perspectives of indigenous peoples into the provisions of the agreements, and prevent future abuses of their human rights. When such opportunities are lost, the chances for conflicts, discontinuation of projects and loss of profits increase.

33. The violations are exacerbated by the fact that there is the potential risk for financial liability for damages awarded against the State party to be passed on to indigenous governments. For example, some national Governments, including Canada and Mexico, have sought to reclaim the costs of damages awarded to corporations through withholding funds from local governments. In Mexico, a municipal government refused to give a permit for a toxic waste dump and the state government declared the area a special ecological zone. The Government of Mexico was subsequently sued by a United States investor under the North American Free Trade Agreement and required to pay $16 million. The Government of Mexico attempted to withhold federal funds from the state-level authorities who had withheld the permit in an effort to force them to accept financial liability for the investor-State dispute settlement award. The state-level authorities challenged that and the Supreme Court of Mexico found that the national Government could not claim the damages back from the state-level authorities. While that case demonstrates that States cannot automatically pass the financial liability of investor-State dispute settlement awards to local authorities, there are other cases in which such agencies have had to pay damages relating to investment and free trade agreements. While the Special Rapporteur is not aware of any States passing on financial liability to autonomous indigenous governments, it is a potential issue of serious concern in relation to the right to free, informed and prior consent.

34. Violations of the right to free, informed and prior consent also have the potential to contribute to further abuses of the rights of indigenous peoples in the context of international investment and free trade agreements. Application of the principle of free, informed and prior consent to investment and free trade agreements provides an opportunity to integrate the needs and perspectives of indigenous peoples into the provisions of such agreements and investments and prevent future abuses of their human rights. When such opportunities are lost, the potential preventive effect of respecting the right to free, informed and prior consent remains unfulfilled.

35. There are a number of ways that the potential effects of investment and free trade agreements could undermine the cultural rights of indigenous peoples. First, the severe implications of investment and free trade agreements on the land and territorial rights of indigenous peoples are compounded by the cultural significance of indigenous lands and territories. As discussed above, links to land and waters are integral to indigenous culture and identity. Therefore, barriers to indigenous land ownership created by international investment agreements and free trade agreements are also an assault on the cultural rights of indigenous peoples. Furthermore, the displacement commonly caused by the loss of land and territory can further undermine the cultural integrity and protections of indigenous communities. Any undermining of indigenous self-governance mechanisms caused by international investment agreements and free trade agreements will also further degrade cultural rights protections.

36. Attempts by indigenous peoples to challenge harmful practices relating to cultural appropriation could also be compromised by the provisions of international investment agreements. One example is a legal challenge brought by indigenous peoples against the Washington Redskins football team regarding the harmful connotations of its name. Since then, six United States federal trademark registrations for the Washington Redskins have been cancelled. The decisions are still subject to appeal, with the sports team claiming large losses following its investment into the trademark. While the legal proceedings are not taking place within investor-State dispute settlement tribunals, that type of trademark cancellation could be challenged under international investment agreements if the trademark belonged to an investor from another country.

**Self-determination, poverty and economic and social rights**

37. As discussed above, indigenous peoples are not included in the negotiations and drafting of free trade agreements. However, the provisions of those agreements bind their self-governance arrangements and the use of their lands, territories and resources. For example, the United States model bilateral investment treaty is strictly binding on all levels of government, including political subdivisions and other entities that exercise regulatory, administrative or other governmental authority delegated by the national Government. Not having the ability to contribute to the drafting of powerful legal agreements that affect them is a violation of indigenous peoples’ right to self-determination, as provided for in article 3 of the United Nations Declaration on the Rights of Indigenous Peoples, and the right to development. Article 32, paragraph 1, of the Declaration says that “indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories”.

38. A specific effect of that imbalance in the role of indigenous governments and the denial of the rights to self-determination within the development of international investment agreements could be restrictions on the levying of taxes. A variety of types of taxation, including value added taxes, excise taxes on cigarettes, tax stamps on cigarettes, corporate income taxes and natural resources taxes, have been challenged under the fair and equal treatment clauses in international investment agreements. A tax imposed only on non-indigenous people (which can include foreign investors) could violate national treatment provisions, for example the provisions within the United States bilateral investment treaty model.

39. The threats to the right to self-determination and self-governance posed by investment and free trade agreements compound long-standing and systemic violations of the rights of indigenous peoples. The violations have included gross and sustained assaults on the cultural integrity of indigenous peoples; the denigration and non-recognition of customary laws and governance systems; a failure to develop frameworks that allow indigenous peoples to exercise their right to development and self-governance; and practices that strip indigenous peoples of autonomy over their lands and natural resources. It is in that sense that international investment agreements are contributing to the perpetuation of colonial and post-colonial power structures that have caused the systematic racism and discrimination towards, and the marginalization and exploitation of, indigenous peoples.

40. Such unequal power relations between indigenous peoples and corporations and States also contribute to endemic levels of poverty among indigenous peoples. Indigenous peoples account for 5 per cent of the world’s population, while representing 15 per cent of those living in poverty. As many as 33 per cent of all people living in extreme rural poverty globally are from indigenous communities. Those figures are particularly alarming given the wealth of natural resources that are located within indigenous territories. That degree of poverty is a violation of indigenous peoples’ rights to development, as well as of their economic and social rights to an adequate standard of living, housing, food, water, health and education.

41. The violations of indigenous peoples’ rights to self-determination and other economic and social rights are strongly linked to indigenous peoples’ historical experiences of marginalization, dispossession from and environmental destruction of their ancestral lands and lack of self-determination over development pathways.
The impacts of investment and free trade agreements exacerbate all of those factors. In addition, the systemic effects of such agreements, discussed below, also contribute to the causes of poverty and the denial of the right to self-determination among indigenous communities.

42. International investment agreements also have the potential to negatively affect the realization of a number of the economic and social rights of indigenous peoples. The costs borne by States in defending themselves in investor-State dispute settlement cases and in paying awards when defeated can be extremely high. That diverts public resources, which could limit the ability of States to invest in the realization of economic and social rights. International investment agreements can also drive and maintain the practice of privatizing public services and goods, including health care and water. For example, expropriation and fair and equal treatment clauses could make it prohibitively expensive for Governments to revoke private contracts for the provision of public health services. Given the private sector’s poor track record of catering to the needs of the most marginalized and vulnerable, demonstrated, for example, by the privatization of water, the impact on the economic and social rights of indigenous peoples is significant.

43. In addition, as discussed in the upcoming report of the Independent Expert on the promotion of a democratic and equitable international order, investor-State dispute settlement tribunals have been used to challenge measures to improve public health. As cited in the Independent Expert’s report, in the Philip Morris (Switzerland) v. Uruguay (2010) case, the multinational tobacco company sued Uruguay under the Switzerland-Uruguay bilateral investment treaty claiming that the Uruguayan anti-smoking legislation devalued its investments. The same company also filed a claim against Australia for its efforts to curb tobacco. Public health issues, such as smoking, are currently increasing in indigenous communities, and the prevalence of such problems can be higher than in non-indigenous populations. Therefore, such investor-State dispute settlement claims have the potential to disproportionally affect indigenous peoples.

B. Systemic effects of investment and free trade regimes

44. International investment and free trade have a number of direct impacts on the human rights of indigenous peoples, as discussed above. While that is highly alarming in itself, it is also important to consider the systemic implications of the collective impact of such agreements and practices at the national and international levels. As some of the most historically marginalized groups within the international system, those systemic impacts strongly affect the human rights of indigenous peoples, who are already often highly vulnerable and bear a disproportionate burden of the overall effects of investment and free trade regimes.

Asymmetry between the State and private actors

45. International investment and free trade agreements confer upon foreign investors and transnational corporations very strong rights and enforcement mechanisms. However, the rules governing the responsibilities of private actors are often contained in so-called “soft” international law. The standards, which include a number of voluntary or non-binding standards or recommendations, fall short of legally binding instruments that allow for achieving balance in the rights and responsibilities of those actors. While investors are therefore able to access a strong and arguably disproportionate form of remedy, States and/or indigenous peoples are often unable to effectively legally challenge corporate practices that severely undermine the realization of human rights. That contributes to a dangerous accumulation of power among international corporate actors, which impedes States’ abilities to act as an effective regulator and protector of human and indigenous peoples rights.

Constriction of the policy and legislative space of States

46. Provisions within international investment and free trade agreements can constrict the policy and legislative space in which Governments operate. That has been referred to in literature about international
investment agreements as a “chilling effect” whereby the State becomes constrained in its ability to rule in the public interest owing to a wish to avoid sometimes billion-dollar arbitration and settlement costs. As described by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standards of physical and mental health, “international investment agreements and investor-State dispute settlement systems benefit transnational

47. Fair and equal treatment clauses have also been a very successful way for investors to sue Governments in disputes under trade and/or investment treaties. A high proportion of cases won by investors have invoked fair and equal treatment clauses. Some sources estimate that 81 per cent of cases won by investors cite fair and equal treatment violations.14

48. Concerns about that constriction of the policy and legislative space of Governments have a further direct impact on indigenous communities. The “chilling effect” of investment and free trade agreements could reduce the often already-low political will of States to take actions to fully implement the rights of indigenous peoples. For example, in 2010 in Guatemala, the Government suspended operations at the Marlin mine following protests from indigenous peoples and recommendations by the Inter-American Commission on Human Rights and ILO. However, press reports suggest that Government documents obtained through the freedom of information policy of Guatemala revealed that the State’s fears that closing the mine down permanently could give rise to an investor-State dispute settlement case under its United States free trade agreement investment chapter played a role in allowing the mine to stay open.15

49. Concerns about the “chilling effect” have been expressed in the context of the new Trans-Pacific Partnership agreement between the United States, Canada and several Asia-Pacific countries. The Waitangi Tribunal is a body that was set up in 1975 in New Zealand to investigate grievances of the Maori against the Government of New Zealand. The tribunal established an urgent inquiry into the Government’s actions in relation to negotiating the Trans-Pacific Partnership. A law professor asked to give evidence on the inquiry noted that the imposition of new conditions could have a negative impact on initiatives to protect indigenous rights. Potential scenarios she cited as breaching fair and equal treatment clauses in the Partnership could even include efforts to gain the prior consent of a local tribe before drilling, and the decision of a local board to refuse to issue a land-use licence after hearing evidence of Maori concerns.16

Loss of public funds

50. The “chilling effect” could be exacerbated by the practical impact of the loss of public funds during investor-State dispute settlement hearings and the costs of Governments defending themselves within tribunals. As described above, some tribunal awards can be valued at billions of dollars, and there are inevitable legal costs associated with fighting investor-State dispute settlement claims. Awards are binding and ultimately have to be paid with funds from taxpayers. The loss of public funds to private actors on a large scale diminishes the amount of public funding available to broadly promote the public good, and human and indigenous rights more specifically.

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51. The injustice of that is accentuated by the fact, discussed above, that historically the majority of countries who have been sued under investor-State dispute settlements are developing countries. As many indigenous peoples live in developing countries and are among the most marginalized within those States, they are highly vulnerable to the effects of the loss of public funds. That vulnerability is compounded by the specific risk, discussed above, of autonomous indigenous governments losing funding in the context of national Governments trying to recoup resources lost in investor-State dispute settlement hearings through withholding funding to local authorities, which can include tribal governments or other indigenous governing bodies.

Democratic deficit and weakened rule of law

52. The processes governing international investment and free trade agreements can be at odds with a human rights approach in many ways.

53. There is a lack of transparency, social dialogue and legislative oversight during the negotiation and drafting process of international investment agreements. Indigenous peoples and formal representatives are not commonly, if ever, included in negotiation and drafting processes despite the fact that the resulting agreements are legally binding upon their jurisdictions.

54. Judicial oversight in relation to international investment agreements is also extremely lacking, thereby undermining the rule of law. As discussed above, investors have direct access to investor-State dispute settlement mechanisms and do not have to exhaust national remedies first; therefore, judicial review of international investment agreements is completely circumvented. The absence of any judicial oversight raises many procedural concerns relating to how investor- State dispute settlements are implemented, including the lack of an appeals process, the diffuse nature of proceedings owing to the lack of any form of coordination and oversight body, the opacity of proceedings and the lack of comprehensive and publically available information about all rulings. In addition, there are serious concerns about bias and conflict of interest among legal professionals involved in cases. As stated by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, “the dispute settlement is controlled by a small clique of arbitrators and lawyers, and the same person may be counsel, arbitrator and adviser to an investor or State at different times. Many arbitrators share close links with business communities and may be inclined towards protecting investors’ profits” (see A/69/299, para. 62).

55. Given the public interest and human rights concerns involved in international investment agreements and their enforcement, as well as the huge sums of public money sometimes at stake, the lack of legislative oversight and judicial review is indefensible. Practices that systematically undermine democratic principles and the rule of law progressively limit the ability of States and local authorities to protect human and indigenous rights.

Perpetuation of international power imbalances

56. Investment and free trade regimes can increase inequality between different countries, as imbalances inherent within international power structures can influence the negotiation and enforcement of such mechanisms. As discussed above, international trade and investment regimes more acutely affect developing countries. The majority of international investment agreements are between developing and developed countries; most investor-State dispute settlement cases have been brought against less developed countries, while investors are commonly from developed States.

57. The international investment regime for the protection of the rights of foreign investors has led to many disputes between investors and host States. The decisions and the strong enforcement mechanisms of such regimes can have dire consequences for the realization of human rights generally and indigenous peoples’ rights in particular.
58. Questions have also been raised about whether international power structures have influenced the outcome of investor-State dispute settlement tribunals given that developed countries seem to be better able to insulate themselves from their negative impacts. For example, the United States has never lost an investor-State dispute settlement case. It is unclear if that is because developed countries are more able to access resources to defend themselves against cases or if there is a systemic bias favouring the most economically and geopolitically powerful countries.

59. By perpetuating the international power imbalances in the international system, free trade and investment regimes compound the related inequality in the resources available to countries. That lack of resources consequently negatively affects the capacities of less developed countries to protect the most vulnerable, including indigenous peoples.

Exclusive national economic growth

60. International investment and free trade can promote economic growth at the national level through the promotion of FDI and, it is hoped, by raising GDP. However, such economic growth is not often the type that facilitates poverty reduction amongst the most vulnerable citizens, including indigenous peoples. Rather, experience has shown that growth driven solely by trade liberalization, FDI, Government austerity and weak regulation exacerbates inequality and often comes at the cost of large-scale environmental destruction. Those negative secondary effects often undermine a broad range of indigenous peoples’ rights, such as land rights, the right to self-determination over development pathways and the rights to health, food and an adequate standard of housing.

V. Key challenges and promising practices

A. Challenges

61. There are a number of closely related and mutually reinforcing challenges to achieving effective reform of international investment and free trade agreements and related improvements in the promotion and protection of indigenous peoples’ human rights. Those challenges are discussed in the section below.

Dominance of neoliberalism and focus on extractive activities

62. The liberalization of international trade, the opening of markets to foreign investors and the development of international legal mechanisms have been strongly driven by neoliberal economic theory. Neoliberalism is an economic paradigm that champions the power of market forces and argues that, if left unregulated, markets will deliver global development. Neoliberalism grew in dominance in the latter part of the twentieth century and infiltrated many elements of development policy. Neoliberalism contains many tenets relating to international investment and free trade, including support for trade liberalization, the privatization of public services, a limited regulatory role for States and a link between increased FDI and growth in GDP.

63. Such tenets are consistent with, and therefore legitimize, the provisions of international investment and free trade agreements. Indeed, many leading international financial institutions endorse neoliberalism as a coherent economic theory that, if adhered to, will bring development to all. Yet that unquestioning discourse has obscured the vested interests and important human and indigenous rights implications of international investment and free trade regimes. It has contributed to a model of development that is measured by overall growth figures and gives little weight to whether that leads to a reduction in inequality or alleviates poverty, including among indigenous peoples. Moreover, the widespread and unquestioning endorsement of that economic theory, and its legitimization of free trade and investment agreements, can act as a barrier to cultivating the political will necessary for reform.

64. In parallel to neoliberalism, the development path many Governments have taken and continue to focus on is extractive activity. Extractive activity refers to economic activities focused on removing large quantities of
natural resources to be used mainly for export. The natural resources being extracted include minerals, metals, oil and/or gas, water and products from forestry, farming and fishing. Many of the foreign investment projects that directly affect indigenous peoples include extractive activities. The competition between host States to attract foreign investment often leads to a race to the bottom in terms of social and environmental protection.

Lack of coherence within international law

65. International investment and free trade law regimes have been developed as a separate strand of international law from human and indigenous rights standards. Despite the strong public interest issues at stake within international investment agreements and the customary legal status of many human rights principles, there are no formal enforcement mechanisms to ensure that trade and investment agreements uphold human rights. Furthermore, as discussed above, the free trade and investment regime itself is diffuse, complex and opaque. There are many different arbitration mechanisms, rules and agreements, and a general lack of transparency. That undermines the abilities of policymakers and legislators to gain a systemic picture of international investment and free trade regimes and their effect on human and indigenous peoples’ rights in order to develop effective options for reform.

Concerns about international competition

66. UNCTAD has identified States’ concerns about international competition as a barrier to significant reform to free trade and investment regimes. States that are seen to prioritize the rights of indigenous peoples within their countries could therefore become less attractive for foreign investment, which could cause them to suffer in benefits that investment projects can bring. Until the playing field is levelled among States, there are strong disincentives to enact significant reform. That highlights the importance of collective action on the issue of free trade and investment agreements and human rights.

B. Promising practices

67. While the Special Rapporteur believes that fundamental reform of the international management of corporate activities is necessary, she is also interested in how current mechanisms can be modified to achieve greater protection of the rights of indigenous groups. UNCTAD has noted that while almost all countries are parties to one or more international investment agreements, many are dissatisfied with the current regime and have concerns relating to the development impact of international investment agreements, the balance of rights and obligations of investors and States, investor-State dispute settlement mechanisms and the systemic complexity of the international investment agreement regime. Those concerns among States present an opportunity for a collective forum on free trade and investment mechanisms. Current promising practices, illustrative examples of which are below, should be built upon to utilize the opportunity for positive change.

Exception clauses to protect the rights of indigenous peoples and promote sustainable development

68. Exception clauses have the potential to protect indigenous peoples from any adverse impacts on their rights in the context of international investment and free trade agreements. For example, indigenous land could be exempted from non-discrimination and expropriation clauses. Available information about exception clauses to protect the rights of indigenous peoples and their effectiveness is very limited and is an area that the Special Rapporteur plans to include in her ongoing engagement with Member States.

69. There have also been examples of clauses included in international investment agreements to promote sustainable development, which could be helpful in promoting the economic and social rights of indigenous peoples. A review by UNCTAD of the 13 international investment agreements concluded in 2014 for which
texts are available (7 bilateral investment treaties and 6 other international investment agreements) showed that most of those recent treaties include sustainable development-oriented features. Of the agreements, 11 have general exceptions; for example, for the protection of human, animal or plant life or health, or for the conservation of exhaustible natural resources. Eleven treaties contain a clause that explicitly recognizes that the parties should not reduce health, safety or environmental standards in order to attract investment. Of those 11 treaties, 9 refer

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that aim to more broadly preserve States’ regulatory space and/or minimize exposure to investment arbitration supplement those sustainable development features. Provisions include clauses that exclude certain types of assets from the definition of investment, clarify State obligations under international investment agreements to narrow the scope of investor challenges, contain exceptions to transfer-of-funds obligations and more carefully regulate investor-State dispute settlement processes. Each of those types of provisions might be useful mechanisms for protecting the rights of indigenous peoples within the international investment agreement context.

Constitutional reform

71. There are examples of Latin American countries taking legal steps to protect themselves and their citizens from the impacts of international investment agreements. For example, as outlined by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Ecuador amended its Constitution to prohibit entry into instruments that waive its sovereign jurisdiction in the arbitration of disputes with private individuals or corporations. Ecuador, the Plurinational State of Bolivia and the Bolivarian Republic of Venezuela have also withdrawn from the Convention on the Settlement of Disputes between States and Nationals of Other States (see A/69/299, para. 70).

Multilateral efforts to increase transparency

72. There have been some important multilateral efforts recently to increase transparency within international free trade and investment regimes. They include the development and coming into force of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration and the adoption of the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration, which opened for signature in March of the present year.

VI. Conclusions and recommendations A. Conclusions

73. It is clear that international investment and free trade agreements have significant potential to contribute to violations of the rights of indigenous peoples. The threat posed by current regimes lies both in their direct impact on indigenous peoples rights and their contribution to systemic injustices and imbalances, which tend to disproportionately impact indigenous peoples as some of the most globally marginalized. For that reason the Special Rapporteur intends to dedicate ongoing attention to the issue during the fulfilment of the mandate.

74. The human and indigenous rights implications of international investment agreements constitute a complex and multifaceted issue that requires sustained and multilateral attention from United Nations Member States in close them to account for any human and indigenous rights violations are voluntary and/or have a weak standing in international law cannot be allowed to continue. Furthermore, indigenous peoples continue
to bear an unequal share of the burden that situation creates, and suffer from a spectrum of severe rights violations within the context of corporate activities and the related management of the globalized economy.

75. The need for wholesale and collective change is not, however, at odds with more immediate and incremental reform. The Special Rapporteur is also interested in the potential of emerging positive practices in relation to international investment agreements and believes that there are immediate steps States can take individually to better protect the rights of indigenous peoples.

76. More States are becoming increasingly dissatisfied with the injustices of free trade and investment regimes. At the same time, key stakeholders are become more fully sensitized to the deeply interrelated imbalances in the enforcement of corporate and human rights. Those trends provide an important opportunity to improve the protection and promotion of human and indigenous rights and to transform the international system of global economic management in such a way that it becomes significantly more just and equitable.

B. Recommendations

77. Concerning the reform of investment and free trade practices, the Special Rapporteur recommends that:

(a) Based on the principle of free, informed and prior consent, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169, Member States explore, jointly with affected indigenous peoples, participatory mechanisms that will allow them to take part in or at least comment on the negotiation and drafting of all relevant investment and free trade agreements. That should be included as part of broader efforts to increase the level of social dialogue involved in the negotiation and drafting of such agreements;

(b) In addition to improving the level of social dialogue, the negotiation and drafting of international investment agreements be subject to parliamentary oversight and consultation with all levels of government. All indigenous self-governance structures should be formally included in decision-making relating to international investment agreements;

(c) In accordance with the guiding principles on human rights impact assessments of all trade and investment agreements developed by the Special Rapporteur on the right to food, States undertake robust human rights impact

(d) Member States ensure that gender considerations are adequately integrated into the development of such human rights impact assessments and that its intersecting relationship with other sources of discrimination be analysed so that the specific vulnerability of indigenous women to the effects of investment practices is considered;

(e) Member States involve indigenous representatives, including women, in the negotiating process for all investment and free trade agreements when human rights impact assessments have identified potential issues relating to indigenous peoples;

(f) In consultation with indigenous peoples, Member States consider including exception clauses to protect the rights of indigenous peoples, including to ancestral land, related resources and autonomous government, within all relevant free trade and investment agreements;

(g) Member States ensure that references to the duties of both Governments and businesses to respect human rights, in accordance with the Guiding Principles on Business and Human Rights, are included in all new and renegotiated international investment agreements;
(h) For as long as investor-State dispute settlement tribunals take place, Member States routinely ensure that international human rights law, including all specific provisions on indigenous peoples, are used as a source of law in dispute arbitrations;

(i) Member States publish the results of all arbitration decisions made in investor-State dispute settlement cases, including any specific information on dimensions relating to the rights of indigenous peoples;

(j) Member States include analysis of the impact of investment and free trade agreements on indigenous peoples’ rights and legal and policy responses in the development of national action plans on business and human rights and the implementation of the Guiding Principles on Business and Human Rights;

(k) Member States ratify the Convention on Transparency in Treaty-based Investor-State Arbitration, which opened for signature in March;

(l) Member States invest in targeted monitoring, research, and evaluation that develops understanding of the impact of international investment agreements on indigenous peoples and prepare reports on the effectiveness of policy and legal interventions to mitigate that impact.

78. Concerning deeper systemic reform, the Special Rapporteur recommends that Member States:

(a) Act collectively to consider ways to achieve better balance between investor and corporate rights and the human rights of all citizens within investment and free trade regimes;

(b) Participate actively in the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, established by the Human Rights Council in its resolution 29/6, to elaborate on a legally binding instrument and develop ways to strengthen legal accountability and remedy for corporate violations of human rights;

(c) In the context of the post-2015 development agenda, reconsider development paradigms that do not lead to sustainable and inclusive development and poverty reduction amongst all groups, including indigenous peoples, and ensure that the agency of indigenous peoples as development actors is recognized in the reconceptualization of economic development.

79. The Special Rapporteur recommends that the United Nations and related organizations:

(a) Provide any required technical support to Member States on immediate reform to investment and free trade agreements, as well as broader, longer-term systemic reform;

(b) Ensure the mainstreaming of human rights standards, including all those relating to indigenous peoples, within all United Nations and related agencies that work on issues relating to investment and free trade agreements, including UNCTAD, the World Trade Organization and the World Bank;

(c) Contribute to the base of evidence on the impact of investment and free trade agreements on the rights of indigenous peoples through targeted consultation and research;

(d) Take a leading role in coordinating Government efforts to increase transparency and oversight related to international investment agreements;

(e) Develop tools and guidance that Member States can use to ensure that protection for the rights of indigenous peoples is included within all investment and free trade agreements.
INDIGENOUS PEOPLES OF AYUTLA DYING OF NEGLECT

Kau Sirenio Pioquinto*


Alicia was rushed from La Concordia only to die in Ayutla.

Her small town has neither medicine nor doctors, so her parents took her to the nearest hospital—in Ayutla, Guerrero—after three weeks of a fever that would not break. In La Concordia, children routinely die of tuberculosis, like Alicia, and of measles, diarrhea and other illnesses that have long since ceased to claim lives in most societies.

The community health center closes at three o’clock on Fridays. The doctor and nurse leave the community on the weekends. Respiratory and gastrointestinal diseases are common in La Concordia.

On Nov. 22, Minerva took her daughter to the hospital in Ayutla. Without being able to speak Spanish, and with no translator available, she checked her daughter in to be treated. The medical staff told the distraught mother it would be impossible to save her little girl’s life. Alicia died just hours later. That same day another worry began to creep in—Minerva now needed one thousand two hundred pesos to return to La Concordia and pay for the funeral.

La Concordia, an indigenous ñuu savi town, lacks virtually all basic necessities: medicine, potable water, transit, phone service, food. The inhabitants must make the trek down to Ayutla to buy their basic needs. They leave at five in the morning and come back at two in the afternoon. Those are the only times they can get a ride on the trucks that go down to the plaza.

“It has been two months since the Chikungunya contingency ended. We ran out of aspirin, but they still won’t provide us with more. We don’t have any medicine,” said nurse Luis Antonio, who attends to at least five other communities besides La Concordia.

He adds, “What we need most is medicine. People come in, but we don’t have any medicine to offer them or supplies to treat them with.”

Persecution takes many forms

In the indigenous region of Ayutla de los Libres, persecution against community leaders has intensified since 1998. On April 15, 1998 and July 11, 2001, fourteen Me’phaa (Tlapaneco, in Spanish) men from El Camalote were sterilized by an itinerant health brigade. Run by the doctor on duty, Ernesto Guzmán León, the medical outreach worker Rafael Almazán Solis, and the nurse, Mayra Ramos Benito, they promised the men government aid such as a clinic and a doctor for the community, medicine, groceries, clothes, blankets, stipends and grants for those who accepted being sterilized.

This is not the only case. The Center for Human Rights of the Mountain Tlachinollan documented similar cases in the communities of La Fátima, Ojo de Agua, and Ocotlán. In the municipality of Ayutla de los Libres, another sixteen indigenous Na Savi men (Mixteco, in Spanish) were coerced into receiving vasectomies using similar bribes and promises.

In the community of El Charco, on the July 7, 1998, soldiers from the 48th Infantry Battalion murdered ten Na Savi natives and one student from the National Autonomous University of Mexico (UNAM), including
several leaders and police commissioners from the community. The soldiers claimed that those who attended the community school were members of an armed group.

Since the El Charco massacre, more than twenty indigenous community leaders have been murdered, three have been imprisoned, and thirty sterilized.

In February and March of 2002, soldiers in the 41st Infantry Battalion raped two native Me’phaa women—Inés Fernandez Barranca Bejuco and Valentina Rosendo Cantú—in their community of Barranca Tecuani. Their cases went all the way to the Inter-American Court of Human Rights, which confirmed the crime and called for justice and reparations.

On Feb. 13, 2009, Raúl Lucas Lucía and Manuel Ponce Rosas were abducted by three men armed with assault rifles identifying themselves as “police.” Their bodies appeared eight days later with evidence that they had been tortured before they were executed.

Another community leader, Raúl Hernández Abundio, was arrested during a police operation by the Federal Investigation Agency on April 17, 2008 and imprisoned in the Ayutla municipal jail. Soldiers of the 48th Infantry Battalion arrested Bernardino García on Aug. 20, 2013. Two months later, Arturo Campos was also apprehended in Chilpancingo. Both were founders of the La Concordia Community Police force, an autonomous community security force. They had complied with the all necessary requirements set forth by the Regional Coordinator of Community Authorities in the regional assembly of La Concordia, the civilian organization and justice system that oversees the force.

La Concordia held a regional assembly to create the community police force on Dec. 20, 2012. Heladio Pedro Morales says that since the establishment of the community police, public safety has been restored in the region. He notes that before, the region was occupied by the Mexican military, which made weekly rounds through the communities, but that despite the military patrols, murders and assaults were frequently committed in broad daylight.

Since the arrests of Garcia and Campos, the military no longer routinely patrols the area. “But we’re better off because now there is a security force that we implemented ourselves,” Pedro Morales says with a smile, as he gestures towards the village.

The road to La Concordia

There is only one way to get to La Concordia in the municipality of Ayutla de los Libres, and that’s on the one road that they have. The trip from where the road begins to El Paraíso takes an hour, and from there you have to take a dirt road. If you’re lucky, you can catch a ride in a truck, but if going by foot, the trip takes two hours.

In Ayutla there are local drivers who offer rides at 800 pesos a trip. The farmers sometimes pool resources to pay the fare. Sometimes they have to stand by watching and waiting, because they have to go down the mountain to sell or exchange their products for necessary goods, but they can’t always make the fare.

Ayutla has a population of 997 people; 473 men and 524 women. Only about a third of the inhabitants went to school. Two hundred and forty-nine have had no schooling whatsoever; 219 completed some grades, and 28 have primary-level formal education. The health center in La Concordia serves five other towns: El Coyul, El Coquillo, La Palma, San Felipe, and El Mesón.

When a resident gets sick, he or she has walk between one and two hours to get to a clinic. If the
doctor isn’t there, they must continue on to Ayutla. Often patients are simply given a prescription to buy medicine. They typically have to spend between two hundred and one thousand pesos on the trip, not including the cost of medicine.

“There is nothing here. You can die from one day to the next because there is no medicine or doctor,” says Heladio Pedro Morales as he sips a soda.

The residents survive off of agriculture, harvesting corn, beans and sugar cane. These crops are the primary sources of income for most families.

Morales adds, “Here we make our own living. If it weren’t for the cane fields and the beans, I think we would have already died of hunger. We earn a little bit of money selling sugar in Ayutla, but the price is really low so what we earn is a joke.”

“Here we have nothing”

Seated at the only table in the municipal police station of El Coquillo, the police commissioner, Elpidio Castro, speaks with the reporter in his native tongue. Castro never went to school to learn to read or write.

“The only new construction project was the police station in 2004. Since then we haven’t had anything. Here there is no support from the municipal, state, or federal governments. We’re abandoned here—they clear the dirt road every year, but that’s it,” he says as he stacks papers on his desk.

The only way to get to El Coquillo is to walk. It’s two hours on foot from La Concordia to El Coquillo, first through the abundant cane fields that line the path, then winding snakelike up through the foothills. On the sides of the valley, bean and corn fields grow; near the entrance of the community it smells of pine, and dense forest covers the path in shade.

In El Coquillo there are two professors who teach forty-seven children of all ages. The children arrive barefoot, in a worn-out uniform that they’ll wear every day for the entire school year.

The residents of El Coquillo have to go to La Concordia when they get sick. Depending on their luck, they might have to continue on to Ayutla from there. When they go to sell their harvest in town they have to leave home at two in the morning to get a ride to the county seat.

“We are peaceful here, we don’t need community police, and anyway, we don’t have enough to cover the costs. We already are so few, and we are divided into religious committees, school committees, and church duties,” the police commissioner says.

Here women only participate in the health committee organized by the federal charity program, Prospera. Women are excluded from participating in community decision-making. The age for marriage can be as young as fifteen, if a woman’s hand is asked for.

The youngest mother in El Coquillo is 16 years old and has a daughter. She and her husband are teen parents who married at a very young age.

“We have nothing here. There’s none of the food kitchens that the National Crusade against Hunger sets up—those are only in La Concordia. As you see, there’s no public transportation, let alone phone service, clean water, or a health center. We have two little stores that barely sell the necessities,” says the secretary of the commissary, Ignacio Juárez de los Santos, who is also our interpreter for the police commissioner.
Tuberculosis, the disease of abject poverty

María Luisa walks through the sugarfields gathering greens to cook for dinner. While she’s making her rounds, she stops to talk with this reporter in the native language they share. Nearby the song of crowing roosters and barking dogs gives life to the town of El Coyul, which has barely 200 residents. Between the shacks, the police station, the school, and the church can be seen.

In this community two women came down with tuberculosis two years ago, but they did not receive proper treatment. In the Ayutla hospital they told María Laureana de la Cruz that they didn’t have medicine, and they gave her a prescription to take to the pharmacy the next time she made the trek down to sell her beans and raw cane sugar in town.

María Luisa says that she takes care of her goats every day because they are the only thing that her family has that is of any worth, besides several hens and pigs. She turns to look at the cane and smiles, “Soon we’ll have work because it will be time to gind the cane. In a week, we’ll be making cane sugar we can sell.”

After speaking with her, we arrived at the home of Patricio Gaudencio Porfirio and we sat down to talk to him. When we mentioned medicines and doctors, a bitter smile stretched across his face and he asked the reporter to make sure that others know that in his village people get sick because there are neither doctors nor medicine.

“How do they travel to Ayutla during the rainy season?” I asked him in tu’un savi (Mixteco).

“Well, when it rains we stay in the house. Here it’s easy to die of sickness because there’s no transportation. A lot of times, the drivers don’t make the trip because the road gets really bad,” he answers in a worried tone.

María Laureana joins in on the conversation, and between coughing, tries to say that she is not the only one who has this rare disease. “Cándida Marcelina Sabino has the same cough. We went to the doctor, but they told us that we were fine even though my son’s school teacher says I have tuberculosis. Sometimes I have a fever and a headache, but with home remedies I can usually get rid of them.”

She had not yet finished her explanation of her home remedy when Patricio began speaking again. He complained of how the president of the municipality, Severo Castro Godínez, wanted to pave the road between Ayutla and La Concordia. “They started to work on the road during the rainy season, but everything they did during the day was swept away at night by the rain, and so there they were, and they never did finish paving the road,” he explained.

Minerva Emiliano Porfirio looks at the photo of her six year-old daughter, Alicia, who died from tuberculosis. “My daughter… poverty is what killed my daughter. We didn’t have money to pay for treatment and in the health center they said they didn’t have any medicine. She got much worse on Sunday so we took her to Ayutla, but it was useless—we just brought her there to die,” she says with a choked voice.

In Minerva’s house the only thing that thrives is hardship.

Here the effects of poverty cut deep. This becomes even more apparent upon listening to what Minerva’s husband, Cristino García Ceferino, has to say.

“We sold the beans and corn on time, so when it comes time for the harvest we give over everything we have because we owe lots of money. I had to sell my horses and cows. We live in miserable conditions,” he says.
Before her daughter gets forgotten in the conversation, Minerva speaks up again. She says that she herself got sick and they went to Acapulco where she was admitted and held in the hospital for ten days. At this point, Minerva runs to her room and returns several minutes later with a sheet of paper in hand. It is her medical discharge report from the hospital.

In the document it says that Minerva checked into the hospital because of a septic miscarriage and that she was also diagnosed as likely having type-two diabetes. “We spent so much money there, nearly 18 thousand pesos. My husband sold everything we had,” she says sadly.
She adds, “Because of that, we didn’t know what to do when my daughter got so sick. I sold my chickens so I could scrape together the 1000 pesos to pay a driver to take us, but my daughter couldn’t hold on. She died the same night we checked her in. Afterwards, we had to find someone who would be able to help us with the 1,200 pesos to bring her body back.

Cristino and Minerva sold everything, even the house and the land. They now live with Cristino’s brother in a house with dirt floors and no plumbing. In their tiny home they lack all basic necessities, and they now must set to work to pay off the nearly 30 thousand pesos they borrowed for Minerva’s medical bills and Alicia’s funeral.

*Kau Sirenio Pioquinto, (Cuanacaxtitlán, Guerrero), is an indigenous ñuu savi reporter. He was a reporter for El Sur de Acapulco and La Jornada Guerrero and a radio host for the bilingual program Tatyi Savi (Voice of the Rain) for Radio and Television Guerrero, and for Radio Autonomous University of Guerrero XEUAG in the tu’un savi language. He works as a reporter for the weekly newspaper, Trinchera and is a regular contributor to the Americas Updater of the Americas Program. www.cipamericas.org. Translation by Allana Noyes, Editor: Laura Carlsen.

GUSTAVO CASTRO WITNESSED THE MURDER OF BERTA CASTRO. THAT MEANS HIS LIFE IS IN DANGER. IN THE FACE OF THE SILENCE FROM WASHINGTON, THE CLINTON-BACKED COUP GOVERNMENT IN HONDURAS IS MOPPING UP ACTIVISTS FOR DEMOCRACY AND INDIGENOUS RIGHTS

Beverly Bell, "Gustavo Castro Witnessed the Murder of Berta Cáceres. That Means His Life Is in Danger. In the face of silence from Washington, the Clinton-backed coup government in Honduras is mopping up activists for democracy and indigenous rights,"


qThe sole eyewitness to Honduran social movement leader Berta Cáceres’ assassination on March 3, 2016 has gone from being wounded victim to, effectively, political prisoner.

qNow Gustavo Castro Soto may also be framed as the murderer of his long-time friend.

qMexico’s ambassador to Honduras, Dolores Jiménez, and Castro himself are worried that the Mexican national will be charged by the government for the killing, they told the National Commission of Human Rights of Honduras on March 16.

A writer and organizer for environmental and economic justice, Castro has been forbidden by local authorities from leaving the country to return to his native Mexico until April 6, at least. Since being released from several days in Honduran government custody, he has been forced to take refuge in the Mexican embassy in Tegucigalpa. The protection of the Mexican Embassy “does not mean that my life is no longer in
danger,” Castro wrote to some friends and colleagues on March 4. As long as he is on Honduran soil, he remains in peril. Ambassador Jiménez called the risk he is running “an objective fact.”

Castro — who, as the lone witness to the murder, is able to identify Cáceres’ killer — is an impediment to the plan that the Honduran government is clearly advancing, which is to pin the murder on members of the group which Cáceres founded and ran: the Civic Council of Popular and Indigenous Organizations, or COPINH. So the fraudulently elected Honduran regime may dispense with Castro by charging and arresting him.

The government may also charge COPINH members with the killing of their leader, in the hopes of eliminating them from the body politic. Authorities tried to incriminate three of them just after the murder.

Prominent COPINH organizer Aureliano Molina was imprisoned for two days on suspicion of a “crime of passion,” though he was two hours away from La Esperanza, the location of the killing, on the night of March 3. Two other COPINH leaders, Tomas Gómez and Sotero Echeverría, were interrogated for days, during which time the government denied their request for accompaniment by their lawyers. On March 15, Echeverría was threatened with arrest.

The Real Assassins

Cáceres was a tireless organizer for accountable government, participatory democracy, indigenous peoples and their territories, human rights, and women’s and LGBTQ rights. For many years, she was subject to threats, attempted violent attacks, legal prosecution for being a “continual danger to the nation,” and other persecution. During the three-month period prior to Cáceres’ murder, human rights accompaniers tracked 11 threats and attempted assaults by national and local government officials, police, soldiers, employees of the Agua Zarca dam project (which Cáceres and others were fighting), and unidentified men. And within 10 days of Cáceres’ death, Agua Zarca released incendiary public email announcements blasting the alleged “falsehoods of Berta Cáceres” and COPINH.

Those who have witnessed the price Cáceres has paid for her decades of advocacy have no doubt who is culpable in her murder. Her four grown children and mother stated publicly on March 5, “We hold DESA” — the company behind the dam — and “the international financial organizations backing the project responsible” for the “constant death threats against Berta, us, and COPINH. We hold the Honduran state responsible for obstructing Berta’s protection and for contributing to her persecution, criminalization, and murder.”

Castro’s Ordeal

Many elements of the government’s so-called collection of evidence from Castro have been irregular at best, and illegal at worst.

Beyond being inconvenient for knowing too much, the eyewitness falls into the repressive government’s category of public enemy. Like Cáceres, Castro has been a vocal opponent of dam construction on indigenous rivers, as well as of the broad powers given to transnational corporations and the local elite to undermine democracy and plunder the riches of nature.

Castro is coordinator of the group Otros Mundos/Friends of the Earth Mexico. He cofounded — and sits on the governing bodies of — many anti-mining and anti-damming networks, as well as the U.S.-based organization Other Worlds. In his interrogation, the public prosecutor asked Castro about his environmental organizing and history of activism.
Following the killing in Cáceres’ home in the town of La Esperanza, Castro was detained for days in the local public prosecutor’s office for interrogation. On March 5, having been told the questioning was complete, he was transported by the Mexican ambassador and consul to the airport in Tegucigalpa so that he could return to his homeland. As he approached the migration checkpoint, Castro was set upon by multiple Honduran police, who attempted to grab him. The Mexican ambassador stopped them.

The government has since forbidden Castro from leaving Honduras for 30 days, or until April 6. When Castro appealed the order, the judge in the case ruled against it, even while admitting that there is no legal provision for a 30-day restraint for witnesses or victims.

The judge also suspended the license of Castro’s lawyer, Ivania Galeano, for 15 days. The stated reason was that Galeano had requested a copy of Castro’s file — which, according to Honduran law, was her right.

Even in the Mexican embassy, almost three weeks after the killing, Castro continues to be interrogated by the Honduran prosecutor.

Hearing No Protest from the U.S., Honduran Government Ramps Up Repression

The U.S. State Department put out a brief, generic statement of condolence the day after Cáceres was assassinated. At the same time, according to email communications, the State Department confirmed that it is cooperating with the Honduran government in the investigation, with various U.S. agencies actively participating in it.

The Obama administration has failed to raise questions about the Honduran government’s role in the murder, despite its persistent, well-documented targeting of Cáceres over the years, and its transparent attempts at a cover-up by fingerling Cáceres’ close colleagues. U.S. military assistance to the illegitimate Honduran coup government continues to flow.

On March 17, 62 U.S. congressional representatives sent a letter to Secretary of State John Kerry calling for an independent investigation of the assassination and urging the secretary to immediately stop U.S. security funding pending a review. Representative Hank Johnson, co-sponsor of the letter along with Representative Keith Ellison, said, “It’s time for our government to leverage security assistance and multilateral loans so as to put real and lasting pressure on the Honduran government to protect its activists and pursue those responsible for these hideous crimes.”

Meanwhile, the silence from the administration has given the Honduran government a green light for repression.

That repression was aggressively escalated on March 15. On that single day, Honduran soldiers and police coordinated assaults against 10 activists from four geographic regions and three separate organizations. Nelson García, a COPINH leader, was assassinated during a violent government eviction of the community of Rio Chiquito. In the capital, three hit men shot and wounded Christian Mauricio Alegría, who works with the global peasant movement La Via Campesina. His uncle, Rafael Alegría, is a deputy in the national parliament from the opposition Libre Party, and is former secretary general of La Via Campesina. José Flores, head of the United Movement of the Peasants of the Aguan (MUCA), was temporarily arrested along with family members in the town of Tocoa.

The message was clear to all. No matter where one is or with whom one works, activists are not safe in Honduras.
From the Mexican embassy on March 15, Castro sent out a note of condolence and support to the Honduran people. He closed the missive this way: “Soon there will be justice.”

*Beverly Bell is an Associate Fellow at the Institute for Policy Studies and Coordinator of Other Worlds.

GLOBAL BOTTOM UP BY 2030?

Dr. Yossef Ben-Meir*

There is a common denominator among successful human development projects, be they in the field of education, health, economic growth, cultural preservation or the environment, namely that the project beneficiaries themselves participated in their design, management and overall control.

After decades - centuries even - of development interventions and the implementation of strategies to promote human services, the mountain of evidence accumulated worldwide clearly points to popular participation as the primary determinant of successful sustainable development.

The definition of sustainability itself has evolved since its original conception in the late 1980s. Rather than merely emphasizing untenable levels of consumption of natural resources, it has expanded to include a multiplicity of factors - economic, political, cultural, technical, financial, historic, climatic, and more - that bear on the longevity of development projects.

Participatory methodology is an inclusive approach, not only by virtue of its facilitation with local communities so that they may identify and determine projects and create action plans for their implementation, but also since it enables the consideration of the wide range of factors mentioned above.

Key strategies employed enable the broad-based catalyzing of community meetings in rural and urban settings. Fundamentally, it should be recognized that facilitators of community dialogue are essential in order to ensure that (a) local meetings are widely attended (b) all voices have the opportunity to be expressed and heard and (c) the community data thus generated is organized and made available to local people so that they may make the most informed decisions possible. Without facilitators, the vital community meetings and in situ prioritization and implementation of projects will be virtually impossible.

Given that sustainability requires participation and participation requires facilitation, the following recommendations seek to create bottom-up, grassroots participatory development movements, driven by community-owned projects and diverse partnerships.

1. Facilitators of participatory community planning may be literally anyone who has the opportunity to interact with community members and who is accepted in turn in that intermediary or third party role.

Facilitators may be - among others - schoolteachers, civil society organizers, local government technicians, locally elected representatives, dedicated women and youth, cooperative members, private sector workers, village leaders or volunteers from the Peace Corps or other organizations.

The effectiveness of facilitators is enhanced greatly when they participate in capacity building workshops involving experiential learning in community settings.

2. Community-driven development that is intended to be launched and supported across municipalities, provinces and regions will thrive to the utmost in a context of decentralization.
Morocco should be lauded for its exceptional decentralization initiative. Nevertheless, the long-term challenges remaining to its becoming a fluid, fully functioning system within the Kingdom should be borne in mind.

Decentralization is a state of mind. Even as subnational-level officials may well have the right to dedicate resources to local human development, the habit of decades of referring to Rabat has become so deeply engrained that very often they do not exercise the power they possess.

Decentralization could also have the effect of increasing inequality at the local level if the precondition of full community participation, which ensures a level social playing field, is not in place and implemented.

- Finally, decentralization could simply become a structure promulgating and regurgitating antiquated and unhelpful thinking if not accompanied by workshops focusing on self-reliant empowerment and free, creative thinking.

3. Power ought to be transferred as close to the people as possible – in Morocco this is the municipal level. The Kingdom also created a fine example in the form of its 2010 amendment of the national municipal charter, with its requirement for locally elected representatives of the people to create municipal development plans based on direct popular participation. (The activities and aims of these representatives should be focused towards genuine popular needs, as expressed in community meetings, rather than biased in favor of narrow interest groups).

Even as this legal requirement is highly progressive, unfortunately it has not been accompanied by the necessary training in order for local representatives to fulfill this important obligation. Therefore, innumerable municipal development plans have been created without awareness of intended beneficiaries or consideration of local particularities.

Without essential experiential training in the application of participatory methodology at government level therefore, both effective decentralization and the creation of workable municipal development plans will remain elusive.

It would be helpful to see that the implementation of community projects resulting from a participatory process not only advances the goals of the Post-2015 Agenda but also helps construct a decentralized system of decision-making and management.

Local communities come together to assess their needs and follow through on projects that achieve the results that are most important to them, doing so by way of diverse partnerships. In the process, they also create productive relationships and channels of communication that can and should be revisited continuously in order to advance development. These subnational pathways producing measurable benefits for local people thus constitute the decentralized system itself. Furthermore, requiring the municipal level closest to the people to create participatory plans helps form the dynamic structure and processes of decentralization.

In sum, for the Post-2015 Agenda to achieve its full potential in terms of human development and social change, it must unleash the power of the millions of villages and urban neighborhoods in our world, requiring the granting of authority to them. It necessitates the applied learning of facilitators so that they may convene community meetings and most of all it requires the funding and fulfillment of the countless plans of action that local people construct to improve their lives.

Decentralize. Train in participatory methodology. Finance community-determined projects. Know that time is of the essence!
MOROCCAN DECENTRALIZATION - CHALLENGES TO GENUINE IMPLEMENTATION

Yosser Ben-Meyer*

The Moroccan decentralization initiative bears great promise to achieve human development goals that are truly ‘of the people’. As turmoil engulfs so much of the MENA region, the Moroccan model stands out as a potential means of empowering and engaging citizens in peaceful, productive action to shape their futures. Through decentralization, local communities select and carry out to completion projects that will deliver the vital benefits in health, education, business creation and other areas of life they deem important. Furthermore, the Moroccan design is truly exceptional in that it rallies both national and regional level support to implement the determined schemes.

I have long been – and remain unabashedly - an admirer and supporter of Moroccan decentralization. Perhaps because of this, I am, too, acutely aware that the challenge to its realization to national scale may well be vast enough to ensure that implementation will be a multi-decades undertaking. I should like to offer some current examples of the gap between the theory and the reality, followed by some recommendations as to how to overcome the significant barriers remaining in order to achieve genuine, functioning and systemic decentralization.

Decentralization as a state of mind

Firstly, with regard to Moroccan public administrative culture, the habit of many decades of deferring to Morocco’s capital, Rabat, remains extremely difficult to overcome, even with the existence of decentralized structures. Provincial and regional directors oversee human service delivery or the protection of the environment over huge areas of the Kingdom. However, sometimes they cannot bring themselves to make an autonomous decision regarding a hectare or two of land, or the provision of authorization to expand an existing service within their jurisdiction, without asking their agency head in Rabat for approval – a clear recipe for dysfunction.

For example, the region of Marrakesh has the authority to make a decision regarding the expansion of the number of beds in a rural high school dormitory. Waiting for the stamp of approval from Rabat may well result in beds remaining unfilled for the duration of a full school year, while rural youth are turned away.

Similar delays in implementation might be avoided by agricultural extension centers, which should already have the power (together with their regional supervisors) to decide for themselves whether or not to build a fruit tree nursery to serve neighboring communities. In the north and south of Morocco, protectors of the forest and natural life may determine the most appropriate form of community engagement and implement it with immediate effect, without having to sit on their hands waiting for an answer from Rabat.

Decentralization, then, is as much a state of mind as an official directive. Even when laws and policies confer decision-making ability on regions, provinces and municipalities, it is still down to subnational officials to exercise their newly acquired ability. Otherwise, with Rabat still effectively holding sway in the official consciousness, precious time passes and opportunities for vital progress remain forlorn hopes.

Communities and their leaders

Secondly, and in common with other advocates of decentralization, I have maintained that power
ought to be transferred as close to the people as possible, which in Morocco means to the municipal level. The creation by municipalities of community development plans based on people’s participation is the law of the land and can serve as a vital cornerstone to a viable decentralized system. The Kingdom’s most recent municipal elections, in September 2015, were framed so as to remind voters of the importance of choosing their local leaders in the context of decentralization and of the greater grassroots decision-making authority thus implied. As a result, in many municipalities, new and young leadership stepped forward; however in others, entrenched powers remained.

In amongst all of this lies a serious dual concern: to whom – and at what speed - is authority being transferred? First-hand experience in working closely with local leaders in different parts of the country has made me highly sympathetic towards a gradual approach to decentralization.

Hastily-implemented decentralization may and in places will further entrench disappointing local leaders who follow narrow self-interest, and display intransigence in their positions while forsaking the long term benefit of the many, for the immediate, much smaller benefit of the few.

Decentralizing power in this context will most likely result in further social and economic stratification at the community level and greater levels of social control. The cruel truth remains that today, in a large number of rural municipalities, not a single girl attends secondary or high school. Right now, even with provision free of charge of dormitories and public education, a mere ten percent of children in many rural villages and municipalities attend secondary school.

In part this is a travesty of parents’ own decision-making. Adding the factor of decentralization, with participatory decision-making practices, into a social context whereby those making the choices routinely engage in entrenched thinking does too little to produce the result intended.

**Learning by doing**

I personally have been moved many times by the deep-seated desire of local leaders to implement truly popular, communal participation. However, they simply do not know how. What can be done on this level? The answer is to ensure the opportunity of learning by doing. Members of municipal councils, associations, and cooperatives need to experience community-based applications of participatory planning methodology and assessments of local needs. There are fine examples of such experiential learning taking place in the Kingdom, including in the municipalities of Ait Taleb, Boujdour, Ourika, Mohammedia, Tnine Ourika and Toubkal.

**Finance matters**

That decentralization and participatory methodology are embedded at many levels in key policy documents is in itself immensely commendable. Building a decentralized system, then, requires actualizing progressive policies and employing experiential learning techniques in order to build capacity.

Critically, all of this has to be supported by increased funding, with increased ease of access to the financial support available. Currently the National Initiative for Human Development, which should be the natural vehicle for project finance, remains largely inaccessible to the vast majority of people and their local associations owing to its challenging proposal format, inconsistent timing of calls for proposals and a requirement for local partial funding which is simply impossible for the majority of rural groups.

True decentralization is a Moroccan national priority for which there is a keen sense of urgency, given the accompanying empowerment and human development advancement at stake. However, the funding for projects and training here described must be increased in order for the local partnerships, procedures, and
system of decentralization to emerge.

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MEDIANOTES


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Jane Carey, Indigenous Networks: Mobility, Connections and Exchange is published by Routledge.


Von Dr. Alexandra Tomaselli, Indigenous Peoples and their Right to Political Participation International Law Standards and their Application in Latin America is 558 S., Brosch., 119,-€, from Nomos Publishing: www.nomos-shop.de/26197.

The American Journal of Indigenous Studies (http://www.asraresearch.org/american-journal-of-indigenous-studies/) is a new bi-annual journal by the American Scholarly Research Association (ASRA). ASRA is an open access publisher dedicated to supporting scholarly research endeavors and public enrichment through open access academic journals. The current issue front page can be viewed at: http://www.asraresearch.org/ajis-vol-1-no-1-2016/. http://www.asraresearch.org/ajis-vol-1-no-1-2016/.

The Native Health Database (NHD) - Health information for and about Native peoples - is a web-based resource concerning Native health in North America. It was developed and is managed by the University of New Mexico Health Science Library and Information Center (HSLIC), and can be accessed at: https://hscssl.unm.edu/nhd/.

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Ph.D. Dissertations from Universities Around the World on Topics Relating to Indians in the Americas, Compiled from Dissertation Abstracts

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IPJ hosts a regularly updated data base of American Indian related Ph.D. from 2006 – the present. The dissertation coverage includes all languages and is international in scope as far as Dissertation Abstracts
covers. This includes most European universities, South African universities, and a few in the Far East. They do not cover all the universities in the world, but do a pretty good job covering first world universities. There is no coverage of Latin American universities' dissertations. The data base is updated in each Winter and Summer issue of IPJ, and sometimes between issues. Since ProQuest, the proviser of the lists of dissertations from which Jonathan and Jay find Indigenous dissertations, no longer goes by months/years there will be titles from various years added in the updates.


Useful Web Sites

Environmental Web Sites


UN NGO Climate Change Caucus, with numerous task forces, is at: http://climatecaucus.net.


Greenpeace engages on many environmental concerns, at: greenpeace.org/usa/ and greenpeace.org/.

Friends of the Earth is involved world wide in environmental advocacy, at: foei.org.

The Union of Concerned Scientists (UCS) works on a variety of environmental, as well as other, issues, at: www.ucsus.org.

Environmental Action is active on numerous environmental issues, at: environmental-action.org.

Environment America works on environmental issues in the U.S. at: https://environmentamerica.webaction.org.

Food and Water Watch is active on a variety of issues relating to water and food, at: https://www.foodandwaterwatch.org and https://secure.foodandwaterwatch.org.

The Wilderness Society works on environmental issues, particularly concerning preserving "wild places." at: wilderness.org.

Ocean River Institute works on river and other water issues, at: oceanriver.org.

The National Wildlife Federation, at: nwf.org, and The National Wildlife Federation Action Fund, at: https://online.nwf.org/site/SPageNavigator/ActionCenter, are concerned with environmental issues involving wildlife in the U.S.
The Nuclear Information and Resource Service includes in its work nuclear environmental issues, at: nirs.org.

The National Parks Conservation Association (NPCA) includes in its concerns environmental issues relating to U.S. national parks, at: npca.org and https://secure.npca.org/

Earth Policy Institute, dedicated to building a sustainable future as well as providing a plan of how to get from here to there: www.earthpolicy.org.

Wiser Earth lists more than 10,700 environmental and environmental justice organizations at: http://www.wiserearth.org/organization/

Earthwatch, the world’s largest environmental volunteer organization, founded in 1971, works globally to help the people of the planet volunteer realize a sustainable environment: http://www.earthwatch.org/.


The Environmental Defense Fund works on a variety of environmental issues and policy, including global warming induced climate change, primarily in the U.S.: http://edf.org.


SaveOurEnvironment.org, a coalition of environmental organizations acting politically in the U.S.: http://ga3.org/campaign/0908_endangered_species/xuninw84p7m8mxxm.

The National Resources Defense Council works on a variety of environmental issues in the U.S.: NRhttp://www.nrdconline.org/

Care 2 is concerned about a variety of issues, including the environment: http://www.care2.com/.

Rainmakers Oceania studies possibilities for restoring the natural environment and humanity's rightful place in it, at: http://rainmakers-oceania.com/0annexanchorc/about-rainmakers.html.

Green Ships, in fall 2008, was is asking Congress to act to speed the development of new energy efficient ships that can take thousands of trucks off Atlantic and Pacific Coast highways, moving freight up and down the costs with far less carbon emissions and more cheaply:  http://www.greenships.org.


Planting Peace is, "A Resource Center for news and activities that seek to build a powerful coalition to bring about cooperation and synergy between the peace movement, the climate crisis movement, and
the organic community." Their web site includes extensive links to organizations, articles, videos and books that make the connections, at: http://organicconsumers.org/plantingpeace/index.cfm, Planting Peace is sponsored by the Organic Consumers Association: http://organicconsumers.org/.

The Global Climate Change Campaign: http://www.globalclimatecampaign.org/.

The Audubon Society reports on and works on issues focused on birds, at: audubon.org.


American Indian and International Indigenous Web Sites

**Celanen: A Journal of Indigenous Governance** is produced by the Indigenous Governance Program at the University of Victoria, at: http://web.uvic.ca/igov/research/journal/index.htm. CELANEN (pronounced CHELAN-GEN) is a Saanich word for "our birthright, our ancestry, sovereignty" and sets the tone for this annual publication containing articles, poetry, and commentary.

Native Research Network is now at: www.nativeresearchnetwork.org. Its vision statement is: "A leadership community of American Indian, Alaska Native, Kanaka Maoli, and Canadian Aboriginal persons promoting integrity and excellence in research". Its mission is "To provide a pro-active network of American Indian, Alaska Native, Kanaka Maoli, and Canadian Aboriginal persons to promote and advocate for high quality research that is collaborative, supportive and builds capacity, and to promote an environment for research that operates on the principles of integrity, respect, trust, ethics, cooperation and open communication in multidisciplinary fields". The Native Research Network (NRN) provides networking and mentoring opportunities, a forum to share research expertise, sponsorship of research events, assistance to communities and tribes, and enhanced research communication. The NRN places a special emphasis on ensuring that research with Indigenous people is conducted in a culturally sensitive and respectful manner. Its Member List serve: NRN@lists.apa.org.

The American Journal of Indigenous Studies is a quarterly journal by the American Scholarly Research Association (ASRA), at: www.ASRAresearch.or.

The Enduring Legacies Native Cases Initiative began in 2006 as a partnership between The Evergreen State College, Northwest Indian College, Salish Kootenai College, and Grays Harbor College. Our goal is to develop and widely disseminate culturally relevant curriculum and teaching resources in the form of case studies on key issues in Indian Country: http://nativecases.evergreen.edu/about.html.

The National Indian Housing Council offers a number of reports at: http://www.naihc.indian.com/.


Some news sources that have been useful in putting the issues of Indigenous Policy together are:
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/.

Andre Cramblit (andrekar@ncidc.org) has begun a new Native news blog continuing his former Native list serve to provide information pertinent to the American Indian community. The blog contains news of interest to Native Americans, Hawaiian Natives and Alaskan Natives. It is a briefing of items that he comes across that are of broad interest to American Indians. News and action requests are posted as are the occasional humorous entry. The newsletter is designed to inform you, make you think and keep a pipeline of information that is outside the mainstream media. “I try and post to it as often as my schedule permits I scan a wide range of sources on the net to get a different perspective on Native issues and try not to post stuff that is already posted on multiple sources such as websites or other lists”. To subscribe to go to: http://andrekaruk.posterous.com/.

The American Association of Indian Affairs (AAIA) works on American Indian and Alaska Native issues: https://www.indian-affairs.org.

The Native Health Database (NHD) - Health information for and about Native peoples - is a web-based resource concerning Native health in North America. It was developed and is managed by the University of New Mexico Health Science Library and Information Center (HSLIC), and can be accessed at: https://hscssl.unm.edu/nhd/.

Sacred Places Convention For Indigenous Peoples provides resources for protecting sacred places worldwide. 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 600 MB 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 Oceania studies possibilities for restoring the natural environment and humanity's rightful place in it, at: http://rainmakers-oceania.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.win-hec.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:

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