



CoastalPlain_EIS, BLM_AK <blm_ak_coastalplain_eis@blm.gov>

[EXTERNAL] Scoping comment-Coastal plain-International Covenant of Civil and Political Rights

1 message

Julianne Warren <coyotetrail.net@gmail.com>
To: blm_ak_coastalplain_EIS@blm.gov

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"Gwich'in Niintsyaa 2012, Resolution to Protect the Birthplace and Nursery Grounds of the Porcupine Caribou Herd" brings attention to Article 1 of the International Covenant of Civil and Political Rights. The Gwich'in Resolution is a document affirming the consensus reached in their traditional way among the people of all their villages across the U.S.-Canadian landscape. These villages are located where they are in relation to the routes of the Porcupine Caribou Herd. The Gwich'in Nation has been entwined with the Porcupine Caribou Herd for millennia, nutritionally, culturally, and spiritually. The coastal plain is the Herd's traditional calving ground. It is sacred to the Gwich'in People who don't enter it themselves out of respect for this place that sustains the lives that sustain them. It is the responsibility of the Gwich'in People to respect and defend this place. It is the right of Gwich'in People to be respected, which must mean it is their right to have the sources that sustain them respected and protected from harm.

The Gwich'in Resolution states: "The Gwich'in have the inherent right to continue our own way of life; and that this right is recognized and affirmed by civilized nations in the international covenants on human rights. Article 1 of the International Covenant of Civil and Political Rights [signed by the US in 1977 and ratified in 1992]...reads in part: "...In no case may a People be deprived of their own means of subsistence." The rest of Article 1 stresses that all peoples have the "right of self-determination," which includes "economic, social, and cultural development." This Article is grounded in the premises of the Covenant, which include that individuals, as members of the whole "human family," have duties to promote the rights of each other. These responsibilities and rights, the Covenant makes clear, are the "foundation of freedom, justice, and peace in the world."

According to Gwich'in elders' deep, intimate understandings learned and passed on over millennia, and, according to US Fish and Wildlife Department and other scientists, oil and gas drilling activities in accordance with P.L. 115-97 would harm the Porcupine Caribou Herd, perhaps even leading it to extinction. The expression of P.L. 115-97 would therefore deprive the Gwich'in People of their economic, social, and cultural development, including their own means of subsistence. Oil and gas drilling in the coastal plain of the Refuge, that is, would be a violation of this Covenant (as well as a breach of other international agreements e.g., Agreement Between the Government of Canada and the Government of the United States of America on the Conservation of the Porcupine Caribou Herd; UN's Declaration on the Rights of Indigenous Peoples) that the U.S. has agreed to. Expressing P.L. 115-97 would undermine the very foundations of freedom, justice, and peace in the world as well as of the conditions of health that sustain all of us. The EIS must evaluate P.L. 115-97 in relation to international agreements with regard to human and indigenous rights. A law that is in violation of such agreements must not be allowed to stand.