



CoastalPlain_EIS, BLM_AK <blm_ak_coastalplain_eis@blm.gov>

[EXTERNAL] Re: Scoping comment-Coastal plain: International Indigenous Rights (corrected version)

1 message

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

Mon, Jun 4, 2018 at 11:16 AM

On Jun 4, 2018, at 9:33 AM, Julianne Warren <coyotetrail.net@gmail.com> wrote:

Attention to the U.N. Declaration on the Rights of Indigenous Peoples (2007) was given by several people at the May 29 Fairbanks scoping meeting. These included comments of Gwich'in people adamantly opposing leasing and drilling who live on either side of the U.S.-Canada border. Both Dana Tizya-Tramm, a Vutnut Gwich'in Councillor from Old Crow in the Northern Yukon and Ed Alexander, Gwich'yaa Gwich'in from Fort Yukon and co-chair of Gwich'in Council International noted that the genesis and expression of P.L. 115-97 was in violation of international agreements, including this Declaration.

It is important to recognize that, in 1867, the U.S. government paid Russia a few cents per acre for lands *never ceded* by Alaska Natives to either country. It is important to recognize that Alaska Native tribes retain their own sovereignty. It is important to recognize that the 1971 Alaska Native Claims Settlement Act did not recognize distinct tribes or respect their sovereignty when it set up 12 for-profit regional and 226 village corporations. It is also important to recognize that these corporations represent the interests of shareholder profits and do not speak for tribes themselves.

The UN Declaration on the Rights of Indigenous Peoples speaks to this concern when it notes:
...that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests...

This lead to Article 3's intention to quit repetitions of such injustices and violations of human rights, stating:

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The Porcupine Caribou Herd has been entwined for millennia with the subsistence needs, culture, and spirituality of the Gwich'in People. The coastal plain is the Herd's birthing ground. According to Gwich'in elders and also to scientists of the US Fish and Wildlife Service and other scientists, seismic testing and drilling activities would harm the Herd's birthing habitat and disrupt their safety to bear and rear calves. P.L. 115-97 violates the UN Declaration from its very genesis in not having involved consultations with Gwich'in People and other Alaska Natives whose life ways and lifescapes are directly affected. Proceeding with leasing, seismic testing, and oil and gas drilling would violate this Declaration in multiple ways.

Following is a mere sampling of sections of the UN Declaration on the Rights of Indigenous Peoples that the forthcoming coastal plain drilling EIS must ensure would not be violated:

Article 7 section 2 says:

Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

At the Fairbanks scoping meeting of May 29 Misty Nickoli, Denaa of the Gaath Doh (Kaltag) and Tsimshian of Metlakatla, called oil and gas activities on the coastal plain "an act of genocide" for the violence it would do to what the coastal plain depended upon by the Gwich'in Nation as "the sacred place where life begins" and thus to the Nation itself.

Article 8 section 1 says:

Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

Destroying the health of the Porcupine Caribou Herd would be destroying that of Gwich'in culture.

Article 8 section 2 says:

States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources...

Oil and gas activities would dispossess the Gwich'in Nation of lands so sacred they don't set foot in it themselves, out of respect for its primacy for caribou birthing upon which the People depend.

Article 11 section 1 says:

Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

The costal plain is a sacred land to Gwich'in People.

Article 12 section 1 says:

Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

How can Gwich'in People pass on their lifeways to future generations without the continued flourishing of the Caribou Herd they depend upon?

Article 18 says:

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

The Gwich'in Nation have not been consulted. Their voices have not been heard in meaningful ways by those quietly and hastily pushing through P.L. 115-97.

Article 19 says:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

The Gwich'in Nation have not been consulted. Their voices have not been heard in meaningful ways by those quietly and hastily pushing through P.L. 115-97.

Article 20 section 1 says:

Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

Leasing and drilling activities in the coastal plain would deprive Gwich'in and other Alaska Natives of their fans to subsistence and freedom in their activities entwined with the Porcupine Caribou Herd.

Article 24 section 1 says:

Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

Leasing and drilling activities in the coastal plain would deprive Gwich'in and other Alaska Natives of their vital animals and other vital aspects of this lifescape, diminishing food security and human health.

Article 24 section 2 says:

Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Peoples deprived of their cultural necessities—for Gwich'in this is the Porcupine Caribou and the sacredness of the coastal plain-- suffer ill mental health.

Article 25 says:

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

The coastal plain is so sacred to Gwich'in People they do not even set foot in it during calving and other times, not even in famine. Leasing and drilling activities would be a desecration.

Article 27 says:

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

None of this has yet taken place. The Gwich'in Nation and other Alaska Native tribes as such have neither been included nor respected in decision-making.

Article 29 section 1 says:

Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

Coastal plain leasing and drilling activities would be a gross violation of the Agreement Between the Government of Canada and the Government of the United States of America on the Conservation of the Porcupine Caribou Herd.

Article 29 section 2 says:

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.

Oil and gas drilling would reportedly involved injecting waste toxic drilling fluids under the (melting due to climate change due to bring oil and gas) permafrost. No matter how much care might be promised or even actually taken, toxic oil spills will happen.

Article 31 section 1 says:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

This must include the Porcupine Caribou Herd and other aspects of the coastal plain lifescape supporting them and Gwich'in and other Alaska Native lifeways. The coastal plain is a source of Alaska Native nutrition, culture, and spirit and health.

Article 32 sections 1-3 says

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

Gwich'in and tribes of other Nations as such have not been heeded.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

Gwich'in and tribes of other Nations as such have not given consent.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

This must be done.

Article 37 section 1 says:

Indigenous peoples have the right to the recognition, observ- ance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other con- structive arrangements.

The UN adopted the Declaration of the Rights of Indigenous Peoples in 2007, and the US supported it nine years later. P.L. 115-97 is in violation of this Declaration with regard to Alaska Native Nations, particularly the Gwich'in People. Those violations must not continue.