



December 2, 2016

President Barack Obama
The White House
1600 Pennsylvania Ave, N.W.
Washington, D.C. 20500

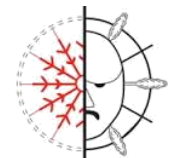
Re: Action Needed to Prevent Violence and Halt Human and Civil Rights Violations at Standing Rock

Dear President Obama,

The hundreds of Tribal Nations from across Indian Country, who are represented through the collective membership and voices of the undersigned organizations, reach out to you today to express our serious concerns regarding the recent activities occurring at the water protector campsites. We believe strongly that the recent tactics and excessive force employed by the police against the water protectors is an outright violation of their human and civil rights.

We are extremely concerned that violence will soon escalate and lives will be unnecessarily lost. Although Tribal and cultural leaders are strongly urging peaceful non-violence, the social movement to oppose the pipeline is not solely under their control. We are aware of increasingly catastrophic predictions both inside the Native community and outside. Given the uncertainties created by the election, it is imperative that you take immediate and direct action to address these tactics by the state and local law enforcement and uphold the trust responsibility of the United States.

As recently reported by the Washington Post and the New York Times, the conflict at the campsites is escalating, with the Morton County Sheriff's office shamelessly using water cannons, rubber bullets, and concussion grenades against unarmed water protectors in below freezing temperatures. Hundreds of peaceful water protectors, who are exercising their rights to peacefully assemble and lawfully express their concerns about the environmental and cultural impacts of the pipeline, as afforded to them by the U.S. Constitution, have been arrested and detained in local jails. Many more are suffering serious injuries from the inhuman and unprovoked use of military-style tactics which would be swiftly decried if used on any other demographic or in any other situation with greater visibility, voice, power, and influence. Bottom line, these actions are both deplorable and unacceptable.



First Peoples Fund



NICWA



INDIAN LAW
RESOURCE CENTER

National Indian
Health Board



ITAA
INTER TRIBAL ASSOCIATION OF ARIZONA



WISHTOYO
CHUMASH FOUNDATION
FIRST NATIONS ECOLOGICAL CONSERVATION ALLIANCE



AMERICAN INDIAN
HIGHER EDUCATION CONSORTIUM



NATIONAL
INDIAN
EDUCATION
ASSOCIATION

NAFOA

The irony is that we have just concluded National Native American Heritage Month which is intended to be a time to celebrate our rich and diverse cultures, traditions, and histories and to acknowledge the important contributions of Native people to the establishment and growth of the United States. As you stated in your accompanying Presidential Proclamation, “Over our long shared history, there have been too many unfortunate chapters of pain and tragedy, discrimination and injustice. We must acknowledge that history while recognizing that the future is still ours to write. That is why my Administration remains dedicated to strengthening our government-to-government relationships with tribal nations and working to improve the lives of all our people. . . . We have worked to better protect sacred lands and restored many acres of tribal homelands, as well as supported greater representation of indigenous peoples before the United Nations and called for further implementation of the Declaration of the Rights of Indigenous Peoples.”

As you are well aware, the United Nations Declaration on the Rights of Indigenous Peoples was first adopted in 2007 by the UN and later endorsed by the United States in 2010. It is a universal statement of the rights of Indian and Alaska Native Tribes, including their rights of self-determination, self-government and autonomy, rights to lands and resources, sacred sites and cultural practices, the right to be free of violence and discrimination, and many other rights. The Declaration provides strong support for the Standing Rock Sioux Tribe’s efforts to protect their water, to safeguard their cultural sites and burial sites, and to assert their right to participate in decision-making in matters affecting them¹.

The United States has declared its support for the rights and principles expressed in the UN Declaration and must now take steps to match its words with action. To do otherwise risks violating the international human rights standards the United States has agreed to. Remaining silent is not an option. Several independent experts of the United Nations have already issued a series of calls to the United States to halt construction and to consult in good faith with the affected Tribes, and have denounced the excessive use of violence by law enforcement against nonviolent protestors, citing the inhuman and degrading conditions experienced by those arrested and detained. These calls have gone unanswered.


Mr. President, the human and civil rights violations taking place at the Dakota Access Pipeline protest campsites only serve to continue the story of pain and tragedy that you spoke of in your National Native American Heritage Month Presidential Proclamation. Now is that moment for you to write new chapters

¹ Article 11 provides that indigenous peoples have “the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites.” Article 18 provides that “Indigenous peoples have the right to participate in decision-making in matters which would affect their rights. . . .” Article 19 states that “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.” Article 25 provides that “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.” And Article 32 ¶ 2 clearly provides that “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. . . .”

The American Declaration on the Rights of Indigenous Peoples, adopted by the Organization of American States in June 2016, further recognizes that indigenous peoples’ rights include the “right to preserve, protect, and access their sacred sites, including their burial grounds” (Article 16 ¶ 3), the right “to a healthy, safe, and sustainable environment,” and that “indigenous peoples are entitled to be protected against the introduction of, abandonment, dispersion, transit, indiscriminate use or deposit of any harmful substance that could negatively affect indigenous communities, lands, territories and resources.” (Article 19 ¶¶ 1, 3). The United States, as a member of the Organization, has an obligation to uphold the rights and principles articulated in the American Declaration.

rooted in respect and justice. Now is the opportunity to reinforce the thoughts you expressed in your proclamation and your steadfast commitment and dedication to Indian Country. Now is the time to uphold rights of Tribal Nations stated and endorsed by the United States in the UN Declaration. During your time in office, you have gained the respect and admiration of Indian Country, as your words have proven themselves to be meaningful and genuine. We now look to you in this critical moment to take the necessary steps to fulfill your sacred trust obligations to Indian Country and to protect all citizens of the United States who are standing in solidarity with us to protect all that is sacred and meaningful to us all as human beings. We call upon you for immediate and decisive action to deescalate the conflict to provide for the overall safety and well-being of all those involved in the protest. In a matter of what is perhaps life and death, it is within your power, and only your power, to ensure that no further abuses are committed and no lives are lost.

Sincerely,

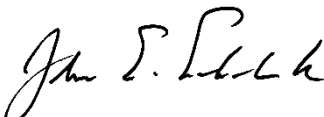


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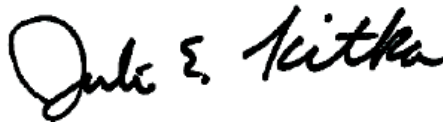


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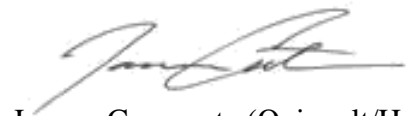
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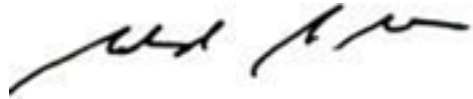
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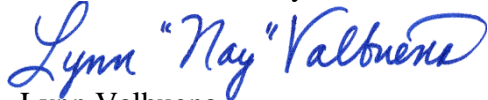
Ernie Stephens, Jr.
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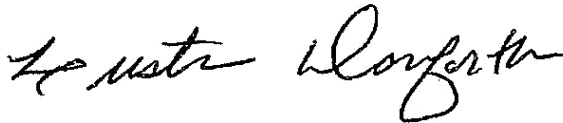
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