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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Treaty Rights and the right to religious freedom of the Standing Rock Sioux tribe must be respected

During the year 2016 a conflict developed concerning the Dakota Access Pipeline (DAPL) being part of a bigger pipeline system, which is meant to transport oil from the Bakken Oil field in North Dakota to Patoka in Illinois, where the pipeline will be united with an already existing pipe-system. Even though DAPL threatens the Standing Rock Sioux and 17 million more people who depend on the Missouri River and the Lake Oahe as drinking-water supply and despite the risk of breaking pipes polluting this water this pipeline when finished will cross under those drinking water sources. Because of the risks the original route of the pipeline close to the city of Bismarck, ND was changed to its present controversial route. The Standing Rock Sioux Tribe and the other residents depending on this water source were not asked for their consent.

Moreover, the Standing Rock Sioux Tribe's right to religious freedom is severely threatened, because DAPL crosses a burial ground which is sacred to the Native Americans. They complain that some graves already have been destroyed before the Army Corps of Engineers stopped the work on the pipeline on 4 December 2016. For the Standing Rock Sioux Tribe this means a terrible loss of their cultural heritage and a desecration of a sacred site which is essential for the commemoration of their ancestors.

The Standing Rock Sioux are in opposition to this project. During 2016 they gained the support of thousands of supporters who came together in several spiritual protest camps since April 2016 and some hundred still staying until now (February 2017). This protest movement of native and non-native Water Protectors has been target of repeated human rights violations. According to a documentation of the Red Owl Legal Collective, dated November 8, 2016 they included a. o. use of chemical agents; shooting with rubber bullets; use of Long Range Acoustic Devices (LRAD); the unprovoked use of both bean bag guns and rubber bullets; unsafe and excessive deployment of pepper spray, including against pipe-carrying elders assembled in prayer; unnecessary rough apprehension of numerous prayerful and peaceful people, including several prostrate praying women; improper use of zip ties, resulting in reports of loss of feeling and motion, numbness, and hands turning blue; disruption of prayer and spiritual ceremonies by Tribal members; taking of sacred items, including pipes and staffs, from Native water protectors.

There are reports about degrading treatment of arrested Water Protectors and about the violation of the freedom of press, i.e. arrests of journalists Amy Goodman of Democracy Now and journalist Jenny Monet, who works with the Indian Country Media Network.

The Standing Rock Sioux Tribe's right to free prior informed consent, as it is agreed upon in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), has been ignored. They were not heard and have not been part of the decision making process for this project. In 2010 the Obama administration endorsed the United Nations Declaration on the Rights of Indigenous Peoples.

According to The United Nations Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli Corpuz (Geneva, 22/9/2016), "the tribe was denied access to information and excluded from consultations at the planning stage of the project and environmental assessments failed to disclose the

presence and proximity of the Standing Rock Sioux Reservation. The United States should, in accordance with its commitment to implement the Declaration on the rights on indigenous peoples, consult with the affected communities in good faith and ensure their free, and informed consent prior to the approval of any project affecting their lands, particularly in connection with extractive resource industries.” Tauli Corpuz called on the United States to halt the construction of an oil pipeline in the state of North Dakota, citing significant risks to the drinking water of the Standing Rock Sioux Tribe and the potential destruction of their burial grounds and sacred sites. DAPL travels through unceded and sacred land established and protected as sovereign Sioux territory by the 1851 Treaty of Fort Laramie. Therefore, it violates the Standing Rock Sioux Tribe’s basic human rights based on this still binding Treaty.

Society for Threatened Peoples calls on the Human Rights Council to urgently ask the United States government and all departments concerned:

- ⇒ to revoke the decision to finish work on the Dakota Access Pipeline and to carry out a full Environmental Impact Study (EIS) on the project before any measures are being taken,
- ⇒ to respect the Standing Rock Sioux Tribe’s right to self-determination not only regarding the Standing Rock Sioux reservation but as well regarding the tribe’s unceded territory agreed upon between the two nations (Sioux and United States of America) in the 1851 Fort Laramie Treaty,
- ⇒ to respect Native American’s Treaty Rights in principal,
- ⇒ to fulfil its obligations under the UN Declaration on the Rights of Indigenous Peoples which was endorsed by the USA in 2010, especially the right to free prior informed consent,
- ⇒ to see to it that the Standing Rock Sioux as well as any other Native Nation can exercise their fundamental right to clean drinking water as it was explicitly recognized by the United Nations General Assembly through Resolution 64/292 on 28 July 2010,
- ⇒ guarantee the fundamental right to the freedom of the press.
